

## LGBTS AND GENDER BANNED? GENEALOGICAL NOTES ABOUT LAW PROJECTS IN BRAZIL

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**ABSTRACT.** This research propose analyze, with a genealogic perspective, the effects of a cis-heteronormativity dispositive of sexuality that in their attempts to control bodies and molds lives - through nationalist programmatic technologies, moralizing, familists - articulates pathologizing, criminalization and extermination. This dispositive, in the 2015/2016 coup, propagated hated against people fleeing the conservative standards. For this, we started methodologically from a genealogy about the discourses produced by legal standards in process and/or established in Brazil who claim the ontology of a true sex and silence divergent positions. It is a psychology as subjectivities production technology that silences, but also resists normalizing demands and refusing to produce a moral grammar and weaken participatory democracy. Even with these considerations, his agenda today lies in defense of secular work on behalf of differences in gender and sexuality that produce new differences, rather than regular identity and submissions that undermine the place of politics.

**Keywords:** Gender; psychology; human rights.

## LGBTS E GÊNERO BANIDOS? NOTAS GENEALÓGICAS SOBRE PROJETOS DE LEI NO BRASIL

**RESUMO.** O objetivo desta investigação foi analisar os efeitos de um dispositivo da sexualidade heterocisnormativo que, nas tentativas de controlar corpos e modular vidas - por meio de tecnologias programáticas nacionalistas, moralizadoras, familistas - articula patologização, criminalização e extermínio. Esse dispositivo, no Golpe de Estado de 2015/2016, propagou o ódio contra as populações que fogem à normatividade de sexo e gênero. Para isso, partimos metodologicamente de uma genealogia dos discursos produzidos por normas legais em processo e/ou instituídas no Brasil que afirmam a ontologia de um verdadeiro sexo e silenciam posicionamentos divergentes. A partir do caminho escolhido, foi possível situar a psicologia como tecnologia de produção de subjetividades que emudece, mas também resiste às demandas normalizadoras recusando identitarismos e assujeitamentos que produzem uma gramática moral e fragilizam a democracia participativa. Um desafio para a psicologia reside na defesa da atuação laica em prol das diferenças de gênero e sexualidades que produzem novas diferenças, ao invés de identitarismos e assujeitamentos que minam o lugar da política.

**Palavras-chave:** Gênero; psicologia; direitos humanos.

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## ¿LGBTS Y GÉNERO PROHIBIDO? NOTAS GENEALÓGICAS DE PROYECTOS DE LEY EN BRASIL

**RESUMEN.** Esta investigación analiza, desde notas genealógicas, los efectos de un dispositivo heterocis normativo de la sexualidad que en sus intentos de controlar los cuerpos y las vidas – por intermedio de tecnologías programáticas nacionalistas, moralizantes, familistas - articula la patologización, la penalización y el exterminio. Este dispositivo, en el golpe de estado de 2015/2016, condujo el odio contra las personas que huyen de las normas conservadoras. Para esto partimos metodológicamente de una genealogía de los discursos producidos por las normas legales en proceso y/o establecidas en Brasil que reclaman la ontología de un verdadero sexo y ponen las posiciones divergentes en el silencio. Así, se pone la psicología como tecnología de producción de subjetividades que silencia, pero también se resiste a las demandas de la normalización y se niegan a los identitarismos y assujeitamentos que producen una gramática moral y debilitan la democracia participativa. Su agenda de hoy radica en defensa del trabajo secular en nombre de las diferencias de género y la sexualidad que producen nuevas diferencias, en lugar de identitarismos y assujeitamentos que socavan el lugar de la política.

**Palabras-clave:** Género, psicología; derechos humanos.

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### Introduction

In the present paper we discuss the effects of a dispositive of cis-heteronormative sexuality that, attempting to control and mold lives by means of nationalist, family-based and moralizing programmatic technologies, articulates pathologization, criminalization and extermination based on the production of discourses and legal norms that, under the judicial form of Law Projects, asserts the ontology of a true sex and falls into severe violations of LGBT community.

The dispositive of cis-heteronormative sexuality is characterized by excluding practices based on a heteronormativity regarded as mandatory (Rich, 1980) and in the presupposition that the bodies that would present a pretense alignment between sex/gender/pleasures are the norm. The prefix cis- is associated to the notion of heteronormativity – which takes the form of cis-heteronormativity – to express the prejudice against people who break the barriers of binomial sex/gender. The inclusion of the prefix cis- also questions the presupposition that there are bodies, genders, sexes, desires that are aligned in an alleged naturalization of ways of existence which lose their status of naturalized bodies in being labeled cisgender are also situated as effect of intelligibility games based on cis-normativity (Bauer et al, 2009). In spite of the power of the cisgender notion, when it is strategically employed, it must be said that it could fall into a new binary distinction that divides people in cisgender and transgender categories.

The democracy have not been fully effective regarding LGBT people in Brazil due to historic processes and logics of unlawfulness that permeate judiciary technologies and biomedical knowledge that resound in a strong social hatred. The Coup d'état 2015/2016 in Brazil found its strength in "the propagation of hatred, of a media play of incarnation of the evil in left-wing militants, mainly petistas, of violence against feminists, against the LGBT people and against the activists of social movements and of Human Rights" (Dutra & Moreno, 2016, s.p.).

The analysis of recent law projects (LP), that gained strength in the pseudo-legalist Coup d'état of 2015/2016, which is in course in Brazil and all Latin America, shows the logic permanence of violence and of strong domination of military dictatorship against LGBT during the decades of 1960 and 1970, supported currently by the judiciary system, paradoxically, by Brazilian democracy towards reformation and supported by the constant necessity of legitimization in parliamentary parties, in this case,

especially in the evangelical reactionary parliamentary group known as the Bible party (Bancada da Bíblia).

At first, based on the contributions made by Michel Foucault (1982), we present the problem of the true ontological sex and of family-wise practices connected to it. In turn, we approach some aspects of psi practice in Brazil focusing on gender and military dictatorship via a genealogical analysis that describes the strategies to maintain legitimations and desarticulations that strengthen it in silencing contrary opinions. Last we put forth some reflections regarding Psychology as a technology of production of subjectivities that both silences and resists normative-based demands. We employ the term of technologies of psi in the sense of Nikolas Rose (2001, p. 45), as “hybrid knowledge, instruments, people, systems of beliefs, constructions and spaces upheld in the programmatic level by certain presuppositions and goals regarding human beings”.

According to Nardi (2015), the scientific, legal and religious technologies allow for the moral, scientific and legal negligence of LGBT in state's policies, which are left at the mercy of federal policies. In the State's sanitation policies diagrams, LGBT is placed alongside the category of Others for which people have, at best, small tolerance that can potentially be endangered at the small sign of social and security threat, e.g. the simple questioning of the cis-heteronormative family-related matters. It is important to emphasize that the addition of the prefix cis- to the notion of heteronormativity does not entail the binary distinction between cis/trans, but precisely to question the cisgenderism that is expressed in different manners and that distinguishes people in the categories of cisgender and transgender; it excludes people who experience intersex; it expands the ethnocentric and Eurocentric view of sexes and genders (Ansara & Berger, 2016).

The genealogical analysis of documents presented here is based on the work of Michel Foucault. Such an analysis penetrates these documents that bring clues to the study of the emergency conditions of sexual and gender-wise politics in Brazil. They trace the lines of strength that construe the diagram of power-knowledge and its present effects, which allows for the constitution of historic knowledge of fights and the use of such knowledge in current tactics (Foucault, 1979, p. 171). When brought to Psychology, the genealogy enables questions to be made about the demands addressed to it as disciplinary technology, biopolitical and of security.

In the genealogical analysis were considered law projects that deal directly with gender and sexuality issues, and that, at the same time, traces measures of strength aiming at thinking about the effects of these practices in the present. The documents were selected given their direct articulation to the programmatic purpose of achieving a real sex and one way of experiencing gender and sexuality, with the consequent annulment of anything deviant from the heteronorm. An analytical proposal was that of questionnaires, veridiction regimen, and association of technologies that attest and prolong a specific political production of subjectivities. The Law Projects that were analyzed for this paper, alongside constitutional amendments, perform a curious judicial formula, one which consists of turning into norm changes that have not matured enough from the point of view of democracy, leaving it to representative instances – deputy chambers and senators – to make decisions about the paths of constitutional matters about the defense of Human Rights of Federal Constitutional text of 1988, which are thoroughly neglected.

### **Cisnormativity, pathologization, and the true sex**

In the current states of affairs in Brazil, subjectivities subscribe to the effects of a cis-heteronormative culture. This cultural configuration marginalizes LGBT people, mainly transvestites, transsexuals, and transgenders, subjectivating solitary individualities, as pointed out by João W. Nery (2011). The author exposes the affective isolation of sexual minorities in contemporary society. These are practices of segregation that, as pointed out by Foucault (1988), assert sexuality as a dispositive, defining it as a heterogeneous set of strengths in articulation with specific purposes, embracing discursive and non discursive practices.

In the genealogical analysis of the dispositive of sexuality, Foucault (1988) shows that, in the horizon of the Victorian regimen, sexuality is produced and locked up inside the walls of families,

exerting a strong implementation of stiff moral values, ascribing to sexuality only the reproductive function. What is more, it is given power to the legitimate and reproductive couple. As Foucault points out (1988), this establishes rules for living. Those who resist have to take the road of exclusion and silencing, so they can avoid being labeled as *abnormalities* and avoid suffering the consequences of their *sinful rebellion*.

The dispositive of sexuality produces the normal and pathological standard of compulsory heterosexuality, which is a vector of adjustment, according to Rich (1980). As such, it has the purpose of promoting the classification, pathologization, and violence against other expressions of sexuality, gender, and subjectivities of people who defy the imposed cisgender heterosexuality (Pocahy, 2007). Cis-normativity presupposes situations in which sexual practices, gender expressions and the experience of pleasure deviant from heterosexuality are marginalized, ignored and/or violated by politics and ordinary practices that fulfill the frame of relational normativity according to which all people should be framed and which is determined by the naturalization of heterosexuality and cisgender-wise.

As Rago (2008) points out, the dispositive of sexuality is manifested in discourses about identities and sexual practices capturing in classification and individualizations in which the privileges of the power-knowledge relation do not extend to sexuality. These relations stretch to reproductive heterosexual goals, regulated by the technology of biopower as strategic foundation to the regulation of life in different social and cultural spheres. Thus, the investment of biopower consists in the crossing of body-species, aiming at the configuration of a politics of curtailing and annulling pleasures, in order to classify them and pathologize them as sexual perversions and abnormal desires, as in the case of Herculine Barbin.

Herculine Barbin (1838-1868), narrated by herself as Alexia, or narrated as Her/Him by Foucault (1982), was forced to dress up like a man and deny the indeterminate zone of pleasures she experienced. The author compiled Herculine's journals, medical and legal reports that imposed on her the obligation to assume what was called her true sex, leading her/him to death. In her/his journals, Foucault goes through the crossing over legal and medical discourses, and the reports of pleasures bringing into existence a potential life of documents that disqualified her as deviant for skewing from a proper behavior which aligned body, pleasures, gender, and genital organs. Herculine, Alexia, him/her, to use the Perrot's (2007, p.62) expression, profiled an insurgent body in a plot of control and domination in which "indifferentiation is drama". A hermeneutic moral order is inscribed in the bodies and in a game of double legitimization. These bodies fall ill what is reasserted in a biologizing, pathologizing, and doctrinizing science, whose purpose is to hinder any deviant practice, or even those "ghost-like [practices] from nature can serve as abuses of reckless freedom. Thus the moral interest in medical diagnostic of the true sex" (Foucault, 1982, p. 3).

It falls on the shoulders of legal and judiciary knowledge the attribution and competence to understand the *distress of the true sex*, and it falls on the shoulders of a professional to *undo* misunderstandings in order to architect "the blends of sexes as nature's disguises" (Foucault, 1982, p. 2) and to use legal means as strategies to redistribute the strategic games of legislation and education as moralizing strategies. In the Coup d'état in course in Brazil, Medicine aligned to the Law is grounded in the defense of a familism from which springs rights to diversity that had been granted in reformist allegiances, despite being a left-wing government (Lowy, 2016). Familists since it is our understanding, in line with Coimbra (1995), that this knowledge operates based on a logic that emphasizes only one model of family to be protected and defended – the heterosexual and monogamist model –, whose effects of annulment of rights are visible in cultural, social and political spheres in Brazil.

Psychology is summoned to pathologize gender and sexuality in a moralist and family-wise doctrinating crusade using reports that validate claims about patients with respect to a pretentious coherence between corporal anatomy and political anatomy. In this sense, psi technologies integrate the legal, medical and political frames, and it is important to invest in a plea against deliberate actions of omission. We believe, then, that genealogy and the study of power relations to be a powerful tool in this task.

The ontology of the true sex makes cis-heteronormativity a moralizing and pathologizing component of a dispositive, one that exterminates gender experiences, because medical and legal discourses, based on arguments put forth by Psychology, legitimize family-wise organizations and bodily

experiences considered to be desirable, based on a moralizing institutionalization upheld by religious values and beliefs.

### The hunt of LGBT! One model of family in Brazil

Psi knowledge is aligned to the military dictatorship in Brazil in 1964. Its action was constrained to the intimacy of an office and it offers families a way to prevent the discomforts from repression of deviant subjectivities. The only model of family in Brazil, crusade started in the 19th century about women governing the family, now takes scope over bodies and sexualities considered to be deviant and ill that must assume a pretentious pathology. According to Coimbra (1995), in order to avoid retaliation from vigilance agencies and punishments, psychoanalysts dealt with maladjustments aiming at readjusting young people to their nuclear family.

The different models of family classified by psi technologies as unstructured families, carriers of disturbs, could receive help from psychologists, who would impose on them the recommendations for the isolation of subjects considered to be subversive. These professionals would blame families for the disorder; the military figure would appear as a paternal figure concerned with saving the youth or protecting security technology. The regulation of the psi profession happens during the dictatorship, which promoted the expansion of vacancies to private universities (through an agreement between MEC-USAID) and engendered the repression of student bodies' movements against the dictatorship (Antunes, 2012).

With the Institutional Act I-5, political participation was considered a felony; this practice was exclusive to militaries, and teaching would be censored and supervised. Thus, the formation of groups was restricted, criminalized and fought, with the exception of a few places that allowed for it, as the practice of charity by the first ladies of the society.

In 1964 the emblematic movements of marches for Family with God and for Prosperity, whose goal was to strengthen familism and, thus, created conditions to legitimize State violence reverberating fear of what was seen as the implementation of communism in Brazil (Coimbra, 1995).

These marches enabled the Coup in 1964 bringing to the streets of Brazil familism as demanded, a necessity for national unity as a showcase for a project of a country looking at the future.

Coimbra (1995), in her study about the production of subjectivities in Brazil during the military period, observes that the decade of 1970 is the most representative of the hardship experienced during the military dictatorship. The decade of 1970 coincided with the production of the Brazilian economic miracle. This economic miracle is not analyzed as a phenomenon to be explained by mechanic laws, but it is the result of relations of knowledge and power, since it produces subjects actively engaged not in a deterministic process, but in a process of subjectification – a moralizing process of the political and social life. Coimbra (1995) points to this as the root of Brazilian familism: the 90 thousand missing people in Latin America; the criminalization of people (by the State and their allies); the pathologization of subversions (based on psi knowledge); the incorporation of civil action to civil obedience; and the propagation of the idea according to which Brazil was going through a period of *economic miracle*.

Given that the number of missing people was alarming and that LGBT young people were considered to be a threat to themselves by their own families, the promise of social ascension of middle classes through work and study and obedience became incentives for families to press towards this adaptation aiming at reaching the true family status. Resistance to the imperative of compulsory heterosexuality was experienced in alternative circles of publication and socialization. The publication of the newspaper *O Lamião da Esquina* is an example of such resistance through humor, putting into question the restrictions imposed by the military system at that moment.

Then it started a hunt against LGBT, people considered to be flipped over by DOI-CODI, with the goal of taking them from the streets of strictly residential neighborhood, as it appears in the literature that the term pederasty was used in the reports (Quinalha & Green, 2014). The expression of gender was judged to be an aggression against family and a threat to the project protected by the nation, which lead to the silent disappearance of many gay people, lesbians, and transvestites. Silently and silenced

because in this period the LGBT movement faced serious difficulties of consolidation and expression of their agenda in media and other means to socialize information.

Targeting specifically the LGBT population, according to Quinalha and Green (2014), the law against vagrancy, since 1924, was used as a reckless way to dominate, explore and subdue. It gained strength in São Paulo in 1976 with the deputy Guido Fonseca as head of the movement; this led to the incarceration of transvestites, judged by their more or less dangerous clothes, in order to check vagrancy. Between December 14th of 1976 and July 21st of 1977, 460 transvestites were detained. In an interview, Weluma Brown, transvestite at the time, says that it was forbidden to pronounce the word transvestite and that, during the decades of 1970 and 1980, many of them would cut themselves in order not to be arrested by the police, since cops were afraid of the blood of stigmatized and marginalized people given the possibility of HIV/Aids (Vieira, 2015). Since at least 1977, news of an alleged cancer that targeted mainly LGBT people circulated in the USA; this made Aids to be considered the gay cancer, reinforcing the stigma of promiscuous and contaminating blood.

During 1960 and 1970, the monitoring of violence against LGBT was incipient, but it has increased since 1980. However a more pressing monitoring of LGBT still exerted enough pressure to make numbers of violence against LGBT decrease in Brazil (Bucchioni, 2012). Maybe for this reason, unfortunately, in the text of Federal Constituent (1987-1988), the LGBT movement was not mentioned in the text of gender discrimination. Here in this paper we adopt the acronym LGBT but during that period, until the 1990s, evidence was put on the homosexual movement, which faced new confrontations in the years 2000s, as pointed out by Facchini (2009) with respect to the homosexual and LGBT movement in Brazil.

The National Commission of Truth (NCT), promulgated by the law n. # 12.528/11, aimed at examining and clarifying serious violations of human rights during the period mentioned in the article n. # 8 of the Transitory Act of the Constitutional Dispositions in order to make effective the right to the memory and to the historic truth and to promote national reconciliation (Projeto de Lei n. 1672/2011, 2011). The report, in its seventh volume, mentions the repressions during the time of military dictatorship in Brazil that targeted homosexual. However, the disclosure of the NCT report during the 2015/2016 Coup, which heated up the coercive dispositives and moralist discourses, decreased the public reverberation of the violation against Human Rights of gays, lesbians, transvestites related in the text of that document.

According to Foucault (1990), the genealogy would be the movement of describing the struggles that resulted in the silencing of knowledge providing instruments against a unitary discourse, sometimes framed as scientific. This perspective points to an agnostic continuity between Brazilian civil military dictatorship and the current LPs promoted by conservative parties.

Civil military dictatorship chased after the LGBT population based on moral standards, as well as censorship on various spheres of life and the arbitrariness of state's repression installing an assured impunity of more serious violations of human rights of LGBT people. The considerations made from genealogy point to an agnostic continuity between Brazilian civil military dictatorship and the current LPs promoted by conservative parties.

It would be reckless to make a chronologic cut between the happenings and the effects of the dictatorship against LGBT in Brazil. It would be more appropriate to follow the games in which it is transformed and remains to act in what could be named as the cis-heteronormative dictatorship in the form of law projects. The dynamics of power is productive and should not be interpreted as being repressive. Based on Foucault's idea of (1979) power as repression and not production of desire, Butler (2003) warns that there is an ontological distinction assumed by the judiciary regimen regarding the relationship between power and sexuality. The ontology of sexuality is the network that articulates and spreads over games of power, knowledge and subjectification.

### **Gender banned! Annulment of LGBT rights after the Coup d'état 2015/2016**

Familists and the hunt of LGBTs, as started during the military dictatorship, still exist in Brazil. These were attenuated by the short and discontinuous democratic experience, but are regaining

strength, among other aspects, due to a long past of slavery that energizes racism at the legal level. Sadly Brazil has not managed to repair the oppressions of gender and sexuality so that violence against LGBT people is growing and becoming institutionalized in programmatic action of the federal government and of conservative political parties, which put into practice pseudo-legal tactics to ban gender discussions in education. These parties aim at disqualifying the LGBT fight and minimize the effects of the eradication of a culture of hate against LGBTs in Brazil.

In the strategic games of power-knowledge of the Brazilian legislative medical and legal discourses are coopted, as well as fundamentalist and moralist religious discourses that end up influencing Brazilian politics, disqualifying several social fields based on an ontology of the true sex and true family. The cleft point in this plot is the tripod disease-sin-social threat, as mentioned in the law project that criminalizes heterophobia (Project n. 7382/2010, 2010) and in another project that established the day of heterosexual pride (Project n. 1672/2011, 2011) with the purpose of maintaining the social position of heterosexual dominance as a response to feminist and LGBT movements. In the same line is the Family Statute (Project n. 6582/2013, 2013) that reasserts the nuclear model of heterosexuality as the compulsory norm; in turn, any attempt to question or problematize gender ideology is to be banned. Just as the Statute of Family (project n. 6582/2013, 2013) that asserts the heterosexual format as the nuclear family and any discussion that problematizes it such as gender ideology should be banned, including from classrooms was consolidated with the exclusion of any content related to gender or sexuality in the National Plan of Education in 2014, whose counter-offensive is in local city law bills of different states under the form of a defense of party-free school that are unified in the form of a movement that gathers allies of the Bible party in the Brazilian parliament, which is objectified in the law bill 193 of 2016. Before discussing this particular bill, let's turn to the plot in which these bills are inserted.

The law bill n. 1672/2011 (2011), proposed by the council Eduardo Cunha, aims at establishing the Day of the Heterosexual Pride, to be celebrated at the third Sunday in December, under the pretense of safeguarding the rights of straight people to manifest and the prerogative of being proud of doing so, even if they suffer discrimination after the fact. Although being implicated as a victim, it is clear the protection of the traditional Christian family, since the term sexual choice is a choice of the person, which updates the ontology of the true sex and the true family, on which is based as discussed previously. In this law project, the term pride is coopted from LGBT militancy, in the form of Gay Pride, and lies at the heart of gay parades and gathers a great number of people defending the rights and freedom of expression gender. The cooption of the term pride captures the underlying cis-heteronormativity; the term is, thus, discredited and neutralized in its political strength in the form of heterosexual pride, as we can see in the following excerpt from the project:

*The goal is free manifestation of families, those who respect sexual choices of anyone, but want to make it clear their option and won't be embarrassed of it. Soon heterosexuals will be turned by media into reactionaries and we want to have our option for family filled with pride (Projeto de Lei n. 1672/2011, 2011, p. 1).*

What is the point of a date to celebrate heterosexual pride in a context in which homosexuals, lesbians, bisexuals, transvestites, transsexuals, transgenders are marginalized, assaulted and murder just for being who they are? Brazilian society, bearing its colonial discriminatory, misogynist and racist viewpoint open up wounds of a history of authoritative relations in which sexual and gender diversity has no rights (Nardi, 2015).

The law bill n. 7382/2010 (2010), also proposed by the council Eduardo Cunha, aims at penalizing discrimination against heterosexuals, arguing that anti-discriminatory measure and public policy should pay attention to this matter. The bill inverts discriminatory practices systematically reported by the LGBT movement, mainly with respect to the bills that intend to make gender an ideology, claiming LGBT acts are discriminatory. Observe the following excerpt from this bill:

*If one does not count the possible ways of discrimination against heterosexuals in proposing anti-discriminatory public policies regarding sexual orientation, one could give the impression that affection between homosexuals, bisexuals, transgenders is a more elevated form of human relationship than the heterosexual affection. We plea to the current norms or proposals certified*

*destined to fight homophobia in order to bring into discussion in the reversed sense. Maybe we could, then, give this theme, going through Congress, a more balanced discussion. (Projeto de lei n. 7382/2010, 2010, p.3)*

The most direct target of the bill 7382/2010 (2010) is the complementary bill 122/2006 (2006) whose goal is to criminalize LGBTphobia. This project faced hardship and resistance in its approval when it was proposed by the Commission of Human Rights and Minorities (CHRM). In its core, the law bill 7382/2010 (2010) shakes the structures of public policies that take into consideration LGBT population and that have been built with the participation of minority groups. Standing in opposition to the complementary bill 122/2006 (2006), the law bill 7382/2010 (2010) proposes penalizing discriminatory actions against heterosexuals and fomenting anti-discriminatory public policies. This bill produces a heterosexual social subject in the position of discrimination; it also produces criminal reification of heterophobia. As is shown in the following excerpt of the bill 7382/2010 (2010):

One should not disregard, however, that majorities can also be victims of discrimination – and that anti-discriminatory public policies cannot just ignore them. Anyone who follows the broadcast of these propositions will easily notice that the concern for minorities is shading the fact that heterosexual condition can also be object of discrimination to a point in which we have the notion of heterophobia (PL 7382/2010, 2010, p. 1)

In this scenario, cisgender heterosexuality gains strength as a compulsory norm. Legal documents should be regarded in their contexts: thus, it is of paramount importance to consider that the bill 1672/2011 (2011) supports the bill 7382/2010 (2010), both were proposed by the council Eduardo Cunha, who integrates the reactionary *Bible group of the Brazilian parliament*.

We now turn to the third proposal, the Family Statute (law bill 6582/2013, 2013) authored by council Anderson Ferreira. This bill deal with family rights and proposes guidelines regarding public policies in order to preserve nuclear family, formed by cisgender man and cisgender woman married or in stable union, as the center of society. The bill was approved into a law in September 24th, 2015.

Aside from being unconstitutional, this project excludes familiar arrangements of families formed not only by LGBT couples but also by grandparents who raise their grandkids, among others. This law project values the true family with the goal of reinforcing the naturalized character of compulsory heterosexuality imposed by religious conservatism. As consequence, some rights that had been conquered over time, such as stable union among people of the same sexual orientation, are lost. This law project is based on cisgender notion excluding and pathologizing, thus, transgender people, turning back to discourses of sexual perversion.

The Statute of Family in Brazil, which defines family as being formed of a cisgender man and a cisgender woman, impact city and state plans for education, reiterating gender discussion in its programmatic lines.

Between 2014 and 2015, the effects of removing gender discussion became visible in programmatic lines of cities' and states' education. Supported by the reactionary neo-Pentecostal group of the Brazilian parliament, 8 (eight) states (Pernambuco, Maranhão, Pará, Mato Grosso, Rondônia, Mato Grosso do Sul, Paraná e Rio Grande do Sul) removed any reference to gender and sexual orientation from their educational plans. In some states, the decision was reversed, as in Mato Grosso do Sul where the LGBT movement was mobilized.

James Green (2014), historian founder of the group SOMOS: Group of Homosexual Affirmation, said in an interview that the frailty of the discussion about cop repression of LGBTs, arbitrary arrests and tortures that LGBTs underwent gives legitimacy to the police to act how they please. In his analysis, if there had been a profound evaluation of the dictatorship period and its present effects, impunity and invisibility of crimes and violations of human rights would be far less acceptable, since the state believes it has the power to repress. This is so because there is a legacy from the military dictatorship of 1964 that hinders any democratic articulation (IHU, 2014).

Thus, we argue that Brazilian conservative neoliberal government operates cis-heteronormative racism articulated in politics and finds in law projects its engine. The law projects, whose process have sped up in 2015/2016, reinforce persecution of LGBTs and an objectified immorality imputed to non



heterosexual experiences, which are considered to be threats to Brazilian Christian traditional family and to formal education. This opens doors to tolerance of acts of violence, because it is society's responsibility to frame it through physical aggression, symbolic, psychological and/or institutional (Larrat, 2005).

The legislative branch, in the Coup d'état 2015.2016, acts as an instrument of domination to impose silence and to select who should live and how they should live, which body is legitimate and which is not, the lives that are worthy and the lives that are worthless. During civil military dictatorship, there is a powerful moralizing discourse that justifies repressive actions by the police of deviant behavior. This is a line of continuity with the present, and there is not, however, a discontinuity that justifies the assertion that, especially with respect to LGBT people, there has been a reach of citizenship status in a democratic state of law.

The situation of the violation of LGBT rights is aggravated face the law bill 193 of 2016 (Projeto de Lei do Senado 193/2016, 2016), which is part of the party-free school movement (<http://www.escolasempartido.org/>). The movement, organized and headed by the lawyer Miguel Nagib, aims at a proposal of education that prevents the abuse of liberty in education. For this group, there exists a movement of *ideological doctrinating*, which, under the pretense of promoting critical reflection about reality, presents peculiar arguments in favor of communist and left wing discourses. The *Party-free school movement* is formed of religious conservative groups who wish for a homogenization of education; the group defends that education should conform to family and religious values of each community or social group.

The document of the law bill 193 of 2016 proposed by the party-free movement, in paragraph 2, uses psi knowledge from theories of development to found their proposal:

Public power will not be involved in the sexual choices of students nor will it allow any practice of compromising, precipitating or conducting the natural mature and development of their personality, in consonance with their respective biological age of sex; it is forbidden, then, mainly, the application of postulates of theory or gender ideology (Projeto de Lei do Senado 193/2016, 2016, p.1)

This is a movement that intends for a *neutral education*, one that limits perspectives and subjects to be taught, mainly those considered to be of left ideology. By left, the proponents consider those who criticize neoliberalism and its forms of slavery and exclusion of the work and worker, and those who criticize religious values as the basis for an ethical education. The government plan *Ponte para o Futuro* (Bridge to the future), proposed by PMDB in 2015, brought a project of national unity that annuls any difference, and emphasizes private initiative and participative political practices. The plan was proposed by PMDB while Dilma Rousseff was still president, and it was a strategy for the cup.

The aforementioned law bill finds support in the discourse of impersonality and in the defense of reassured rights. However, it is attributed to sexual and gender differences presents in current society a position of invisibility and negativity. The pathologization of sexualities and genders is spread by the defenders of the bill on the Internet, who employ de arguments built in the document of not approaching themes such as these and others that harm family and social norm, is one of the main action lines of the project. Here it is relevant to recover Foucault's (1988) consideration about the power not as an institution or a structure, nor as uniquely repressive, nor something a group possesses, but as a plot in an agonist profiling resistance, which also do not have a center.

The law bill 193 of 2016 clearly brings a cis-heteronormative defense of an expected alignment between genitalia, sexual orientation, and gender identity/expression. In the document, the fight is against gender ideology, against the promotion of the debate of sexualities and genders in their plurality and their rights. The cis-heteronormative logic prevails in the discourse of the document and reinforces discriminatory and exclusive practices. In the party-free school movement's webpage, further notes on the model can be found: a model of extrajudicial notification that prevents teachers from working subjects and themes regarded as dangerous to full development under the justification that promoting ideological doctrinating and offering students these subjects may bias their view of reality.

Pathologization and moralization, objectified in the defense of familism, act as dispositive to destroy the rights of those who do not measure up to gender, race, belief and sexual standards. The conservatism permeating political proposal turns into another way of putting a norm to differences and

diversities in their broad aspects. The political dimension of the party-free school movement is a form of enclosing, silencing pluralities and production of subjectivities towards servanthood. Hopefully, in years to come we will be able to envision parallels between the party-free school movement in the production of demands for the annulment of rights and expression of LGBT genders and the March for Families in the 1960s that requested militarism in the defense of the conservative heterosexual and cisnormative family.

Reinforcing familism, in the neoliberal reactionary government that speeds up the Coup d'état 2015/2016, coincides with the exacerbation of compulsory heterosexuality placed in the statute of law, or expresses the silencing and extermination and physical violence against LGBT modes of lives. In the genders and sexes on dispute, resistance to familism, the assertion that difference produces differences is practice of paresis, because, as Foucault (2010) explicates, it is not about the practice of aggression, of attacking or counter-attacking an opponent; rather it is an attempt to provide to the other, promoting reflection about the self and self care in a search for autonomy. Thus, the goal of telling the truth is less to save the city than the ethos of an individual (Foucault, 2010, p. 58).

On further consideration about the empirical material analyzed, it must be said that even though these law projects and bills have different goals and objects, they put on the political ground the same discourse strategy, which consists in annulling prior discourses creating the penal/pathologizing reification and social subjects who are directly against those projects these laws envision to fight. Thus, LGBT pride is in opposition to Heterosexual pride; the LGBT social subject to the heterosexual one; LGBTphobia to heterophobia. In this scenario, what belongs to the order of the agonist is turned into the order of the antagonist. This is the big picture in which the thematic discussion about gender becomes Gender Ideology, and schools assume a special place in which it is possible to articulate pathologization, moralization and criminalization. In an education with no discussion about gender matters, upcoming generations are subjectified, silencing, thus, dissidences while forming professionals that will take over the thresholds in the defense of cis-heteronormativity. Fragments of Psi technologies and knowledges are explicitly mentioned in the base of the defense of a school with no gender ideology.

### **Questioning the present, some considerations**

Judiciary and antidemocratic measures retain on legal form one sexual orientation and a binary gender expression. Conservative processes of subjectification against sexual and gender differences crafted in the history of Brazilian military dictatorship appear in institutionalized discourses materialized in law projects about gender. The political is restrained and a moralizing grammar operates based on the exclusion of gender whose meaning is also becomes slippery, putting in evidence the frailty of Democracy, as Prado (2009) well points out.

How can Psychology motivate inclusive practices and politics destined, which usually eliminate differences and diversities, when Psychology as a science constantly is used as an expert technology to issue normative reports? The use of analysis of documents by psi experts combined with a view of power as an instance of production of knowledge and action contributes to finding solution or, at least, finding new paths to follow. It is necessary to abandon simplistic viewpoints according to which power is repressive, and try to focus on the plots behind discursive and non-discursive practices, ones that make of the true sex the ontology of what we are. It is also necessary for us to be acquainted with the practice of analyzing legal documents.

Resisting a moralizing grammar is to refuse a super conservative tradition of a profession whose regulation happened during the Brazilian civil military dictatorship. Monitoring and intervening in the judiciary power and the senate still is exclusive to a few group of people, and such practice is often disqualified as non-psi practice, even though it is an object of important actions taken by the Human Rights Commission of the Psychology Federal Council (CFP, 2013).

It is also important to observe that struggles will not give in to retributive hate aiming at looking for order and low even at what seemed to be that first disruptive moment. And it is important to prevent the

loss of the ethical dimension of existence for the sake of reformist legislations, so ethical matter will not be reduced to the plan of a moralizing grammar.

By way of conclusion, we notice that the law projects analyzed are propositions put forward by religious conservative groups. In this scenario one of the matters in the agenda of Psychology is to act towards the secularism of differences of gender and sexualities that produce new differences, instead of acting in favor of identity practices that hinder politics, turning us into easy preys of a moral grammar and of the frailty of democracy that permeate the institutional history of Psychology as a professional in Brazil.

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