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Galego, Diego

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Article

The Anti-Homophobia Bill (PLC 122) in Brazil: Conspiracies and Conflicts Between the Constitution and the Bible

Diego Galego

Public Governance Institute, KU Leuven, Belgium; diego.galego@kuleuven.be

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Abstract

Despite the growing violence against LGBTQ people nationwide, the National Congress of Brazil has failed to pass any legislation protecting LGBTQ rights. The executive and judiciary have compensated for this legislative gap by protecting LGBTQ rights through palliative LGBTQ policies. By historically analyzing the anti-homophobia bill PLC 122 and presenting a discourse analysis of ten anti-LGBTQ rights bills, as well as the results of semi-structured interviews with key actors involved in the billing process (2001–2021), this article seeks to unpack why and how the anti-homophobia bill was never approved in Congress. In part, Congress' delay in approving the anti-homophobia bill is due to conservative opposition, a weak coalition between the executive and legislative branches of government, and the fact that more religious parliamentarians are represented in politics. As a result, LGBTQ bills introduced to Congress have become political weapons used by conservative and fundamentalist religious politicians as part of electoral campaign strategies. The anti-homophobia bill has opened a political window where anti-LGBTQ discourses sustain conservative politics and enforce the alliance between religion and politics. Moreover, the bill has strengthened the religious and conservative discourse, policy manipulation and the emergence of conspiracy theories—framing the bill as “opposing God’s people” and as constraining the freedom of religion and spreading fear of pastors and priests being jailed. The main conclusion is that policy and political discourses oscillate between making decisions according to the Constitution or the Bible, creating constraints and opportunities for the approval of the LGBTQ bill in the Brazilian Congress.

Keywords

conspiracy theories; discourses; evangelicals; LGBTQ; policy; radicalization; religion

Issue

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1. Introduction

On 13 June 2019, the LGBTQ community in Brazil celebrated a legal victory assuring LGBTQ rights in the country: The Supreme Federal Court decided on the criminalization of LGBTphobia. The Court’s decision came as a consequence of Congress’ almost two-decade delay in deliberating on the anti-homophobia bill, which remains to this day without legislative approval. This lagging in legal protection for LGBTQ people is a paradox, given the fact that Brazil is reported to be one of the most violent countries in the world for LGBTQ people (de Oliveira & Mott, 2020; Gastaldi et al., 2021; Mendos, 2019). Introduced to Congress in 2001, bill PL 5.003 protecting

LGBTQ rights passed in a plenary vote in the House in 2006; it became bill PLC 122 when entering the Senate, where it was blocked for nine years before being shelved in 2015.

PLC 122 is not the only bill that has been blocked in Congress. After more than three decades of democratization in Brazil, since 1985, the federal Legislature has failed to pass legislation on several LGBTQ issues introduced to Congress (e.g., same-sex marriage [PL 1151/1995], anti-homophobia [PL 5003/2001], and the recognition and possibility for transgender people to use a social name in official documents [PL 6655/2006, PL 2976/2008]). Consequently, as presented by Arguelhes and Ribeiro (2017), the Supreme

Federal Court was the first and only legislative chamber protecting LGBTQ rights in Brazil. The Brazilian paradox leads us to ask why and how the anti-homophobia bill PLC 122 has never (since its presentation two decades ago) been approved in the Brazilian Congress.

Despite growing interest and research analyzing the opposition to LGBTQ bills introduced to Congress in Brazil during the democratic period (1985–present; see Santiago Gomes da Silva, 2020; Santos & de Melo, 2018), a deep historical analysis, particularly focusing on enablers and obstructers of anti-homophobia bill PLC 122, is lacking in the literature. Such analysis is ever more relevant since the 2019 Supreme Court decision criminalizing LGBTQphobia. Additionally, after the 2018 general elections, the Brazilian political landscape became ever more polarized, leading to radicalization and manipulation of policy discourses mainly affecting social policies and human rights (Iamamoto et al., 2021; Rocha et al., 2021). Opposition to LGBTQ rights in the Brazilian Congress is not a project initiated by the far-right government; it dates back to the Constituent time (1988) and similar discourses, concerns, and strategies persisted throughout its legislative history. For example, discourses on morality became even more widespread through the wave of “gender ideology” and anti-gender, anti-LGBTQ movements (Corrêa et al., 2021). In addition, concerns regarding the traditional family configuration and preservation of its values were diffused, leading to spreading social fear about the destruction of the cornerstone values of society. Finally, the repertoire of anti-LGBTQ rights strategies is increasing with the internet. While the legislative procedure may be the immediate strategy to block a bill’s approval, conspiracy theories and fake news rapidly spread through social media, influencing public opinion to oppose LGBTQ rights (Feliciani et al., 2017).

This article provides a historical narrative analysis (Gotham & Staples, 1996) of the PLC 122 bill process from 2001 to 2021. By combining this narrative analysis with a discourse analysis of ten anti-LGBTQ rights bills, the article reveals patterns of enablers and obstructers in the bill’s approval process, such as actors involved, political discourses, and frames and strategies deployed by activists and politicians to either support or oppose LGBTQ rights in Brazil. The analysis contributes to understanding how and why the PLC 122 bill was unsuccessful in the Brazilian Congress by revealing a number of factors influencing political decisions on the bill and the conditions that led to the judicialization of LGBTQ rights in Brazil.

2. Institutional Factors Determining the Legislative Impasse

In many countries, the LGBTQ movement has developed strategic actions to overcome backlashes and to push its agenda forward into legislation to protect LGBTQ rights (Holzhacker, 2012; Swiebel, 2009). A strategy often used

by social movements to pursue their goals is venue shopping. Activists seek the appropriate institution to support and help them achieve the movement’s goals (Pralle, 2003). In the case of Brazil, the federal system contributes to venue shopping by enabling or obstructing the conditions for LGBTQ policymaking. In terms of the institutional setting, the legislative power is composed of a bicameral structure, the House and Senate. By shifting from one institution to another—federal executive, legislative, and judiciary—activists and politicians push the policy and political agendas toward social policies and rights (Friedman, 2009). However, conservative ideology has been a driver for several setbacks experienced by the LGBTQ movement in Congress (Santos & de Melo, 2018).

Furthermore, Brazil has 32 registered political parties (Tribunal Superior Eleitoral, 2022) and 23 of these (according to the last election of 2018) are represented in a House composed of 513 parliamentarians; because 15% of the seats go to the most voted party, coalition building is inevitable to govern in Brazil (Hiroi, 2008). Such a political context leads to checks and balances and constraints in policy and political agenda-setting at the federal level. For example, the federal executive depends on Congress’ approval of budgetary allowance to develop governmental programs and policies, while members of parliament rely on presidential budget allowance to accomplish their campaign promises and respond to the needs of their electorate (Fenwick et al., 2017; Macaulay, 2017).

Brazil’s LGBTQ policies and politics have received growing attention from scholars focusing on parties as tools to enable and advance LGBTQ rights via legislative procedures in the national Congress (Marsiaj, 2006; Santos, 2016; Schulenberg, 2009). However, as noted by scholars, conservative religious parliamentarians in the national Congress have been the primary opponents blocking LGBTQ bills during the democratic period (Santos & de Melo, 2018). After democratization in 1985, Brazil’s liberal policy agenda widened with the Workers’ Party government taking over the federal executive in 2003 (Avritzer, 2017; Levy, 2012; Loureiro & Saad-Filho, 2018). Nevertheless, given the highly fragmented Congress, little progress has been made regarding LGBTQ rights in a (inevitable) coalition government. Conservative opposition to LGBTQ rights dates back to the dictatorship period but persists into the democratic period. Since the National Constituent Assembly of 1988, conservative religious parliamentarians have opposed the inclusion of the term “sexual orientation” in the Constitutional text (Lelis & de Oliveira, 2021). Such opposition escalated throughout the years in Congress, mainly when religious groups capitalized on their votes to elect evangelical pastors (e.g., Parliamentarian Marco Feliciano, Senators Magno Malta and Marcelo Crivella; for a specific review see Lacerda, 2017). Corrales (2019, p. 1), analyzing the expansion and backlash against LGBTQ rights in Latin America, states that “evangelicals have become the most powerful actors blocking

progress” on LGBTQ rights. According to the Brazilian Institute of Geography and Statistics, in the last census of 2010, Christianity is still the most prominent religion in Brazil—with 64.6% Catholics and 22.2% Evangelicals and Protestants (Instituto Brasileiro de Geografia e Estatística, 2010).

Although we find religious representation in Congress since the 1988 Constituent Assembly (Trevisan, 2013), the Evangelical Parliamentary Front was only created in 2015. The Evangelical Front aims to defend and advocate for “family values, human life, and the protection of the excluded” and to follow “the execution of policies, as well as participate in the improvement of the Brazilian legislation in the interest of society and in key debates on national issues” (Campos, 2015, p. 1). The Evangelical Front highlights the influence of religious organizations within Congress, which counter-balances power in a coalition government like that found in Brazil (Chaisty et al., 2014). One example is President Dilma Rousseff’s veto of the educational material “School Without Homophobia” in 2011. At the time, the Evangelical caucus was part of the coalition government and pressured Rousseff by spreading fake news on the school material, saying it would “sexualize kids” (Irineu, 2016). Therefore, a controversial declaration came from the president that “she would not accept sexual options propaganda” (“Não aceito propaganda,” 2011). The material from the Ministry of Education was never promoted. In 2019, the Evangelical Front was the third biggest thematic grouping in Congress, with 202 affiliated members, including 194 parliamentarians and eight senators (House of Representatives, n.d.). The Evangelical Front, with increasing influence in Congress’ decision-making, also facilitates a stronger tied coalition between a more conservative federal executive and the legislative branches (Cascione & de Araújo, 2019). Complementary to conservative politics, scholars analyzing fundamentalist agendas in Brazil find a high level of distortion of reality and the reductionist view of Brazilian society as being polarized (Corrêa et al., 2021; Maranhão Fo & De Franco, 2019; Rocha et al., 2021). Religious fundamentalist and conservative politics became more explicit with the 2018 election, whereby a far-right government with extremist discourse opposing LGBTQ rights (Presidência da República, 2019) was elected. Brazil follows right-wave tendencies seen across the world, with political polarization being increasingly used as a weapon to spread conspiracy theories (Recuero et al., 2020), especially during election campaigns as seen in countries like the USA (Albertson & Guiler, 2020) and Hungary (Plenta, 2020). Similar to anti-gender campaigns in Europe (Paternotte & Kuhar, 2018), the instrumentalization of religious discourses is also present during election campaigns in Brazil, reflected in more conservative politicians being elected to Congress.

In sum, institutional factors determine options for advancing human rights agendas, especially that of the LGBTQ movement and its ability to shift the focus of

its advocacy efforts from the legislative to the judiciary branches of government. Considering this, and the knowledge gap related to this impasse, this article analyses factors that influenced the non-approval of the PLC 122 bill, using the conceptual dimensions presented in the next section to guide the narrative and discourse analysis surrounding the billing process in Brazil.

3. Political/Policy Discourse and Discourse Manipulation: Conspiracy Theories

The concept of radicalization has become a signifier of “radical” facts from which rhetoric can directly influence public opinion through the manipulation of discourse (Githens-Mazer, 2012). Therefore, the concept is pervaded by much confusion in its applicability to reality, leading to conspiracy theories playing a role in current policy and political frames in many countries (Sedgwick, 2010). Conspiracy theories are often conceptualized as patterns of misinformation, manipulation, and collusion of unknown “truth” about the world, leading to societies’ conditional behavior (Byford, 2011). Such conspiracies also lead to a negative connotation of the word “conspiracy,” which in academia found an open field of research focusing on political discourse conditioning people’s thinking by lies (Baden & Sharon, 2021). In this vein, scholars of philosophy, political science, psychology, and sociology became interested in learning the causes and effects of conspiracy theories, especially those that are widespread in many cultures and societies, even more in the twenty-first century with the ventures of media communication sharing faster information (Butter & Knight, 2018; Clarke, 2002). Information has sometimes been manipulated and shaped towards what is convenient to those who control them to influence public opinion. This dynamic can reach a radicalization stage with unwanted or intentionally created consequences by a person or collective spreading the information (Baden & Sharon, 2021). When conspiracy theories are associated with policy agendas or political decisions, misinformation is the first to appear in radicalized political environments such as polarized politics, left and right, good and bad, trustful and distrustful (Butter & Knight, 2018; Recuero et al., 2020).

Moreover, conspiracy theories are ideas and stories originating from events threatening social order. They are conceived as a “resource for delegitimizing not only at an individual level, as a means of undermining the credibility of an individual author, academic, politician or activist but also on a collective level” (Byford, 2011, p. 23). A survey conducted by Rezende et al. (2019) with higher education students in Brazil highlighted five categories of conspiracy theories in the country according to students’ perceptions: (a) theories without a scientific basis, (b) manipulation by secret societies, (c) explanation of social reality, (d) contestation of social facts, and (e) the control of information. These categories resonate with a collective imaginary that plays a role

in spreading conspiracy theories in Brazil, potentially influencing decision-making and shaping policymaking in a country where public opinion is often used as a powerful weapon during election campaigns (Prado & Correa, 2018). To analyze conspiracy theories specifically related to the anti-homophobia bill in Brazil, this article defines conspiracy theories as the combination of political/policy discourse and discourse manipulation. The definitions of these dimensions are shown in Table 1.

By focusing on these features of radicalization, the case of Brazil's anti-homophobia bill PLC 122 illustrates how political discourse is distorting policy frames by creating conspiracy theories leading to the electoral defeat of LGBTQ rights supporters, the delay of the approval of the LGBTQ rights bill in Congress and sometimes the very denial of the existence of LGBTQ problems in Brazilian society. The anti-homophobia bill (PLC 122) generated many anti-LGBTQ rights bills after its first approval in the House in 2006. Moreover, the PLC 122 bill triggered many conspiracy theories and consequently increased legislative bureaucracies inherent to the legislative procedure to block and delay any other LGBTQ bill approval in Congress. Navigating the conspicuous environment of Brazilian politics, this article identifies conspiracy theories from ten anti-LGBTQ rights bills introduced to Congress. It also analyses other indicators including institutional constraints and opportunities, actors involved and decisions taken about bill PLC 122 by supporters and opponents throughout the billing process.

4. Methods and Data Collection

This article presents a historical narrative analysis (Gotham & Staples, 1996) by investigating the case of the PLC 122/2006 bill and by providing a discourse analysis (Fairclough & Fairclough, 2012) of ten anti-LGBTQ rights bills introduced to Congress. Historical analysis is a helpful tool to provide a comprehensive understanding of a case by investigating actors, discourse, and events

around a historical fact. This article's historical analysis is based on three questions:

1. Who are the key actors?
2. What are the frames and discourses used in the anti-LGBTQ rights bills?
3. What strategies are enabling or obstructing the approval of the PLC 122 bill?

Several sources inform the answers to these questions. Data collection was based on the following protocol:

- First, LGBTQ rights bills were retrieved from the online archive of the House of Representatives by searching for bills, including the keyword "homophobia" during the democratic period between 1985 and 2021. This search generated a database of 68 bills introduced to Congress between January 2001 and December 2021 (Figure 1).
- Second, by reading each bill to identify its main purpose, bills were coded into two main categories, for and against. Among the 68 bills, 58 (85,2%) are pro-LGBTQ rights and 10 (14,7%) are against LGBTQ rights. Other indicators were also categorized, such as the authors of the bill, political parties' affiliation, and the bill's main topic and aims (Table 2).
- Third, additional sources were collected and analyzed, such as Court case dossiers on the criminalization of the LGBTphobia process. For example, the analysis of the Court cases MI 4733 and ADO 26 contributed to building the historical narrative based on different institutional settings where LGBTQ activists deployed the venue shopping strategy to approve the anti-homophobia bill.
- Fourth, 15 semi-structured interviews were conducted with seven politicians (Poli) and eight activists (Act) involved with the anti-homophobia bill case. Using snowball sampling (Gray, 2004),

Table 1. Operationalization of three dimensions of radicalization.

Dimension	Definition	Examples
Political discourse	The politician's discourse about a policy problem to increase voter support for an election or a policy agenda.	Politicians' public speeches in any situation transmit information to public or private audiences, which can deliberately use socio-political issues to sustain conservative discourses.
Discourse manipulation	The use of specific concepts, words, and frames to distort the reality of socially and politically excluded communities.	Policy actors frame discourses to distort information, hide, or deny the existence of a social or political problem, covering up the realities of LGBTQ people.
Conspiracy theories	Misinformation, manipulation, and collusion of unknown truths about the world.	The creation of a parallel reality to influence public opinion on socio-political problems is often framed as a threat to traditional social values.

interviews were conducted between June and August 2021. Interviews were coded and anonymized to comply with institutional ethical committee approval and to preserve the interviewee’s identity.

- Fifth, the public discourse of politicians opposing LGBTQ rights in Congress was analyzed by collecting secondary material such as social media posts, newspaper articles, and public speeches available online.

5. Findings

Figure 1 shows the number of bill entries (for and against) found in the archive of the House of Representatives mentioning the keyword “homophobia” (N = 68). Since this article focuses on understanding how and why LGBTQ bills did not succeed in getting approval in Congress, strategies used to influence the bill’s process are also explored. Complementarily, ten anti-LGBTQ bills were scrutinized to examine how the opposition discourse has counterargued the PLC 122 bill proposal by introducing anti-LGBTQ rights bills to Congress (Table 2).

The year 2019 marks the year that the most LGBTQ bills (with the word homophobia) were introduced to Congress, totaling 19 bills (13 for and six against). This does not come as a surprise, given the fact that opposition to LGBTQ rights intensified in the Brazilian Congress after the 2018 election, and even more after the Supreme Court criminalized LGBTQphobia in June 2019.

Table 2 presents ten anti-LGBTQ rights bills identified in the House archive mentioning the keyword “homophobia.” Records found were introduced to Congress between 2010 and 2020. The narratives against LGBTQ rights, people, and policies are often reverberated by religious fundamentalist representatives (Feliciani et al., 2017), which generate conspiracy theories useful for electoral campaigns.

The anti-LGBTQ rights bills present some common ground: apart from being introduced by religious and right-wing politicians, they counterargue the need for LGBTQ rights bills by framing the discourse as if heterosexual people were suffering similar prejudices in society. Some examples are the bills proposing a penalty against “heterophobia,” establishing a day of “heterosexual pride,” and protecting religious freedom exempt from an accusation of “crime of homophobia.” Such narratives have been used to influence public opinion over LGBTQ rights and bills, increasing voters’ support during electoral years by spreading moral panic and receiving support from Christian voters for defending traditional family values and religious freedom. Comparatively speaking, as shared by an interviewee, the dialogue between progressists and conservatives before 2013 was less strategically political and more upfront: “We did not have any conflict in terms of policy agenda. They did not support our initiatives—but neither did they intervene in them” (Poli.6). Such a shift in dialogue demonstrates an increase of strategies used by opponents to reinforce a conservative ideology in Congress, block LGBTQ bills and introduce anti-LGBTQ bills.

Regarding the authors of anti-LGBTQ bills and their political parties’ ideology, if placing them in the political spectrum of left-center-right ideologies, most of them are located in center-right, right, or far-right parties (Figure 2). Such phenomena bring to light how Brazilian politics polarizes disputes in electoral results, more evident in the general elections of 2018, with several rallies emphasizing the left-right battle for the presidency (Iamamoto et al., 2021; Rocha et al., 2021).

6. Discourses and Strategies Behind Bill PLC 122/2006

Bill PLC 122 was never approved in the Brazilian Congress because of the articulated strategies deployed by conservative parliamentarians—increasing the constraints

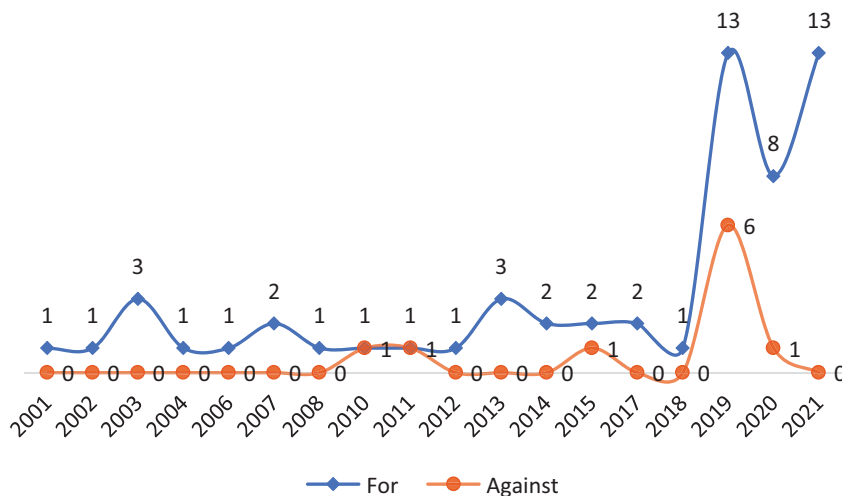


Figure 1. The number of bills (for and against) introduced to the Brazilian House of Representatives including the keyword “homophobia” between 2001 and 2021 (N = 68).

Table 2. Ten anti-LGBTQ rights bills mentioning “homophobia” were introduced to Congress between 2010 and 2020.

Code	Year	Bill number	Author(s)	Aims
1	2010	PL 7382/2010	Eduardo Cunha (PMDB)	To create a penalty against “heterophobia”—discrimination against heterosexual people.
2	2011	PL 734/2011	Marcelo Aguiar (PSC); Acelino Popó (PRB); Lauriete (PSC)	To create the national program “Viver de Bem”—Sem Estigma e Preconceito no Brasil (“To Live Well”—Without Stigma and Prejudices in Brazil).
3	2015	PL 1411/2015	Rogério Marinho (PSDB)	To typify “ideological harassment,” especially in school education.
4	2019	PL 4949/2019	Otoni de Paula (PSC)	To amend Law 7.716/1989 on anti-racism and discrimination, to include gender identity and sexual orientation as crimes, but with freedom of speech for religious purposes.
5	2019	PL 4075/2019	Bia Kicis (PSL)	To change article 25 of Law 9.868/1999 balancing the authority between the three branches of government (executive, judiciary, and legislative).
6	2019	PL 4370/2019	Dr. Jaziel (PL)	To establish the accomplishment of the “principles of legal reserve” in the penal code.
7	2019	PL 925/2019	Pastor Sargento Isidório (AVANTE)	To create a National Day of Heterosexual Pride.
8	2019	PL 4946/2019	Eli Borges (SOLIDARIEDADE)	To preserve religious freedom according to the federal Constitution of 1988.
9	2019	PL 3266/2019	Márcio Labre (PSL)	To add to Law 7.716/1989, article 1, stating that “homophobia or any other form of sexual orientation cannot be considered by analogy as a crime of anti-racism by race or color.”
10	2020	PL 4892/2020	Léo Motta (PSL)	To justify that the refusal to allow openly homosexual people to perform religious ceremonies does not characterize a crime of homophobia.

for the legislative procedure, influencing public opinion, and spreading conspiracy theories. After the 2007 general elections, the Senate had a new composition when the PLC 122 entered the Upper House for the legislative procedure. As a result, opposition to the PLC 122 intensified after approval by the House in 2006. However, by the time the Workers’ Party was governing the federal executive and with a coalition government, it reached a majority in Congress and the chairmanship of the Congressional Human Rights

Committee, which was a bottleneck for the criminalization of LGBTphobia. These conditions seemed appropriate to approve the PLC 122 bill in the Senate that year. However, opponents to LGBTQ bills used legislative procedures of submitting bill PLC 122 for evaluation to the Social Affairs Committee before sending it to the Human Rights Committee and the Committee of the Constitution, Justice and Citizenship (interviewee Poli.2 and Poli.5). This implied appointing a different rapporteur for the bill, most likely someone from the opposition.

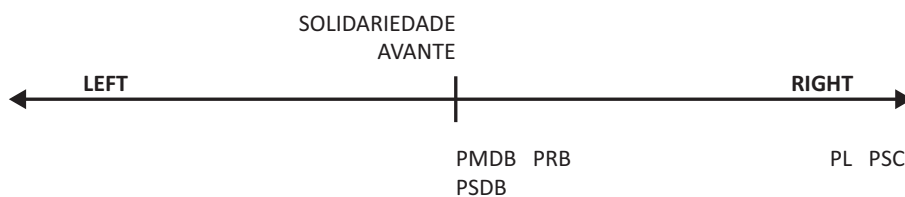


Figure 2. Authors of anti-LGBTQ rights bill political parties’ ideologies in the political spectrum left-center-right.

However, as an interviewee explained: “LGBTQ policy advisors working within Congress discovered this strategy and were able to intercept the appointment of a rapporteur from the opposition. As a result, Senator Fatima Cleide was re-appointed” (Poli.5). Such action from policy advisors set the beginning of a long battle in the Senate, with strong opposition by the religious fundamentalist senator Magno Malta (Poli.2).

Conservative and religious opposition set up camps in committees and the public hearings and asked for revisions to the bill every time it was included in a committee’s agenda for a vote. As explained by one interviewee:

The opposition used to be in a large group for the Committee’s debate. So, we started doing the same. Arriving before them, taking the space, everyone with a [a copy of the] Constitution. When they raised the Bible, we raised the Constitution. It was a strategy of marketing. (Poli.5)

Despite only a few religious fundamentalists having seats in the Senate from 2006 to 2010, they were “very noisy.” As a result, they provoked moral panic among other senators, as described by interviewees (Poli.2, Poli.5, and Poli.7). Also, according to an interviewee, the opponents of the LGBTQ bills sometimes resorted to intimidation and blackmail:

We did not expect the cruelty from the opposition, blackmailing parliamentarians to boycott the LGBTQ bills. We were not unethical in putting the bill to the vote in the House (2006) when the opposition was not there; we were strategic. We did not blackmail a congressperson because their kids were gay or lesbian, unlike the fundamentalists who did so. (Poli.5)

Furthermore, fundamentalist ideas were reinforced by anti-gender, anti-LGBTQ, and gender ideology discourses, opening a crusade against everything that could infringe upon “traditional family values” (Corrêa et al., 2021; Prado & Correa, 2018). An interviewee emphasized that “in 2013, former parliamentarian Eduardo Cunha unified the fundamentalists in Congress. Since then, it became impossible to dialogue with religious fundamentalist agendas” (Poli.4). Bill PLC 122 was the scapegoat first to unify the opposition, second to be an example against traditional values and third to enhance moral panic in the church’s followers. The discourses against LGBTQ rights rapidly spread with the internet, where web pages disseminated evangelical discourses, misinformation and religious fundamentalist ideas to sustain opposition to the bill in the Senate (Natividade & de Oliveira, 2009).

According to Hiroi (2008), delaying the approval of a bill in a bicameral legislative system like Brazil is often a strategy emerging from legislative election years, political bargains, and controversial issues. The opposition used this strategy to influence the policymaking process against bill PLC 122, deliberately preventing possible

committee approval and submission to a Senate plenary session. Even though the opposition constantly used such a strategy to delay or gridlock the anti-homophobia bill, the PLC 122 was approved by the Committee of Social Affairs. As explained by an interviewee: “We managed to approve the bill in the Committee of Social Affairs when Magno Malta was not there; then, it went to the Committee on Human Rights” (Poli.5). However, the delay in the legislative procedure reached the end of the 52nd Legislature; legislative elections happened in 2010 and Senator Fatima Cleide lost the re-election. Therefore, in 2011 the bill was shelved. In that election, Marta Suplicy, the first parliamentarian to introduce an LGBTQ bill to Congress, became a senator representing the state of São Paulo. Suplicy asked to re-open the bill’s approval process in 2011 and became the rapporteur until 2013 when she was appointed minister of culture for the federal government (Mendes, 2012). Moreover, in 2011 public demonstrations and protests took place in major cities in Brazil for and against (Torres & Pozzebom, 2011) bill PLC 122 (“Lei que criminaliza homofobia,” 2011).

As part of the legislative procedure blocking the approval of PLC 122, the “traditional family values” discourse was used as a powerful weapon to elect evangelicals to oppose the “bill contrary to God’s people.” Therefore, the discourse on bill PLC 122 propagated conspiracy theories using religious terms and a language of fear, as shared by an interviewee:

I understood that this bill had something useful for unifying churches. It was the bill against God’s people. This idea unified the conservatives. The PLC 122 would destroy the churches, jail pastors, and prohibit bringing homophobic topics to church services. In his radio program, a famous evangelical pastor, Silas Malafaia, said that evil was blond and lived in Sorocaba [referring to Lara Bernardi, the author of the bill]. In the 2006 elections, bill PLC 122 helped to elect more conservative and evangelicals to Congress. (Poli.6)

Conspiracy theories emerging from bill PLC 122 were the most effective in influencing public opinion and resulted in an electoral defeat of politicians supporting the bill and the election of conservative religious candidates (Poli.2). Additionally, the manipulation of the discourse creating conspiracies over the PLC 122 bill sentenced the bill to a constant delay, which triggered two litigation cases to the Supreme Court, criminalizing LGBTphobia under the anti-racism Law 7.716/1989. However, even after the Court’s decision, PLC 122 is still used in political discourses to oppose traditional family values. For example, in his speech at the Symposium of Christian Citizenship held in Brasilia in October 2021, President Jair Bolsonaro said:

Who remembers bill PLC 122, which destroyed the book of Romans and punished those who did not

accept such behavior inside churches with at least three years in prison? Who remembers the PNDH-3 [National Plan on Human Rights established in 2009], which had 128 items against the family, with a specific chapter calling for “deconstructing heteronormativity”? Unfortunately, we cannot forget these because some people returning to the government will restore them. (TV Brasil, 2021)

In summary, the passage of the PLC 122 bill in the Lower House in 2006 unified religious opposition to LGBTQ rights in Congress; it was clear that the bill could be capitalized upon during the election campaigns of conservative parliamentarians. Among the discourses propagated by opponents of the bill are moral panic, fear, and conspiracy theories creating a social imaginary that the approval of an LGBTQ bill would destroy traditional family values, jail pastors, and forbid freedom of speech by religious representatives. These discourses are coupled with legislative strategies to block pro-LGBTQ bills in Congress and, beyond that, to introduce anti-LGBTQ rights bills to Congress. While Congress refused to approve the LGBTQ bills assuring LGBTQ people’s rights, the Supreme Court of Brazil is the ultimate authority in deciding upon LGBTQ rights in the country today.

7. Judicialization of LGBTQ Policies: What Triggered the Litigation Cases?

To compensate for the legislative gap in LGBTQ issues in the country, since 2011, the Supreme Court has assured LGBTQ rights (Table 3). Some contextual conditions for this dynamic are the solid opposition to LGBTQ rights in Congress, a weak coalition government, and a lack of LGBTQ representatives at the national level. To answer the question of what triggered the litigation cases, an empirical analysis of bill PLC 122 highlights two events that led the organized Brazilian LGBTQ movement to change tactics from targeting the legislative branch to focusing on the judiciary in its advocacy efforts.

The first event concerns bill PLC 122, processed on 10 May 2012. The Senate Committee on Human Rights held a meeting where Request number 62/2012 eliminated Request number 27 from the process. Request number 27 had been presented by senator Magno Malta, suggesting the inclusion of two evangelical pastors as official members in the bill’s public hearings and debates: pastor Silas Malafia and Joide Miranda (Bernardi, 2001), vocal opponents of the bill. Senator Marta Suplicy, in turn, tried to make agreements with the religious opposition but failed to secure any commitment to approve the bill in a committee while she was rapporteur. The constraints indicated how challenging it would be to approve the bill in the Senate. On that same day (10 May 2012), the Brazilian Lesbians, Gays, Travestis, Transsexuals, and Intersex Association (ABGLT) opened a lawsuit against the federal Congress with the Mandatory Injunction (MI 4733) at the Supreme Federal Court (Supremo Tribunal Federal, 2019b). Since senator Suplicy became the Minister of Culture in September 2012, bill PLC 122 became more vulnerable to the next opposition maneuver in 2013.

The second event happened on 4 December 2013 when senator Eduardo Lopes (from the Brazilian Republican Party) presented a request to the Senate Committee on Human Rights to merge the PLC 122 bill with the PLS 236/2012 bill (proposing a penal code reform); this request followed the Committee’s approval of allowing the merging of this bill’s approval process on 17 December (Bernardi, 2001). Such a strategy represented the best opportunity for the opposition to block the anti-homophobia bill, justified by a legislative procedure. As a result, the PLC 122 bill would remain under review in the penal code reform bill. Before 2013, Paulo Iotti, a lawyer proponent of the litigation actions representing ABGLT, had attempted, without success, to get left-wing parties to support and sue the federal Congress with the legal action Direct Action of Unconstitutionality by Omission (ADO 26; Poli.3). After these maneuvers in the Senate against

Table 3. Supreme Federal Court cases on LGBTQ rights between 2011 and 2020.

Year	Actors	Policy output
2011	Supreme Federal Court	Recognition of same-sex couples as a family under the Constitution (ADI 4.277/2011).
2011	Supreme Federal Court	Civil Union extended to same-sex couples (ADPF 132/2011).
2013	National Council of Justice	Civil Unions for same-sex couples’ conversion into marriage (Resolution 175/2013).
2018	Supreme Federal Court	Transgender people being allowed to change their name and gender (assigned by birth) in official documents without sex redesignation surgery.
2019	Supreme Federal Court	The criminalization of LGBTphobia (ADO 26/2019 and MI 4.733/2019).
2020	Supreme Federal Court	LGBTQ people being eligible to give blood donations.

the anti-homophobia bill, a representative of the center-left Popular Socialist Party (PPS, renamed Cidadania in 2019) contacted Iotti and began negotiations to open the ADO 26. On 19 December 2013, the party president, Roberto Freire, signed the legal action accusing the federal Congress of deliberate legislative omission of the anti-homophobia bill (Poli.3).

The conservative political ideology that blocked many LGBTQ bills in Congress is also detectable in the Supreme Federal Court cases. It is explicit in the diverse amici curiae opposing the criminalization, either evangelical organizations or evangelical representatives as lawyers of the opposition (MI 4733 and ADO 26; see Supremo Tribunal Federal, 2019a, 2019b). Although the argument of opposition lawyers was in line with Constitutional power restrictions allocated to each branch of government (emphasizing the role of Congress as the legislator in the country), religious arguments predominantly downplayed the violence LGBTQ people suffer in Brazil. By manipulating the reality with a defensive discourse on LGBTQ issues already under evaluation in Congress, the opposition amici curiae proffered astonishing arguments opposing the criminalization of LGBTphobia.

Representing the National Association of Evangelical Judges, lawyer Luigi Braga used the freedom of religious speech argument to say:

If the judiciary understands that it can do justice by itself by acting as the legislative power, we would like to plead for a reservation regarding article 20...and ensure the right to religious freedom to continue preaching the Biblical texts even if eventually they are contrary to intelligence and are attributed as ignorance to some Christians, religious and Jews. May this Court know how to observe this social fact called the Bible, the Koran, and the Torah. (TV Justiça, 2019)

Moreover, the Mixed Parliamentarian Front for Family minimized the violence against LGBTQ people by defending controversial arguments by comparing it with the absolute number of homicides in the country. Lawyer Cicero Gomes Lages said:

This Court cannot allow a single case of homicide, [free] aggression practiced in any corner of this country, to be considered as if it was a general rule as if we lived in chaos and under Nazi ideology. Homosexuals, gays, and LGBTs live harmoniously in society, parade in the country's capitals playing the bass drum, offending people, especially Jesus Christ. Moreover, it is not true that they are being attacked, as is often said that when murdered their hearts are ripped out. There is no such thing. They exhibit themselves the way they want to and are not harassed for this. We have over 60 thousand homicides per year. These cases amount to more than the victims of the war in Syria, for example. Now, they [the LGBTQ move-

ment] say that there is prejudice, crimes of race, and racism. Oh, stop it. Use a court to bring this argument when the National Congress is willing to resolve this issue. Why does the [PPS] not seek the votes it needs to obtain the majority and control of the national Congress in Brazilian society?...Brazilian society democratically rejects PPS....The PPS wants the votes of the gay community, the LGBT community, and nothing more. (TV Justiça, 2019)

In summary, despite religious opposition in the Court trial attempting to convince the judge's decision to turn against LGBTQ rights, the Supreme Court was more progressive than the legislative branch and decided to protect and uphold every LGBTQ right in Brazil today. While parliamentarians constantly seek voter support for elections or re-elections, Court judges do not depend on votes to keep their position. Legislators took advantage of legislative procedures to block the approval of the LGBTQ bill, leading to the litigation cases decided by the Court. However, the Court's decisions are palliative solutions until legislators legislate upon the matter. In this sense, a more conservative composition of the Court could reverse decisions, block progressist agendas and enforce conservative ideologies, especially if coalited with a conservative executive and legislative. Under such circumstances, a democratic country might risk becoming a Potemkin democracy.

8. Conclusion

This article provides a historical narrative analysis and discourse analysis to understand why and how the anti-homophobia bill PLC 122 was never approved in the Brazilian Congress. First introduced to Congress in 2001, the PLC 122 bill was approved in the House in 2006. However, when sent to the Senate, it faced a deadlock and was not approved until it was simply shelved in 2015. Consequently, the criminalization of LGBTphobia came about via a judiciary decision in June 2019. This decision intensified the anti-LGBTQ rights bill proposal process in Congress, particularly in 2019, with a far-right government and a conservative Congress endorsing the opposition to LGBTQ rights. The LGBTQ bill's defeat in Congress is the outcome of controversy in policymaking in Brazil, which often oscillates in framing its decisions according to the Constitution or the Bible. Conservative parliamentarians used several strategies ranging from legislative procedures (asking for revisions to the bill) to conspiracy theories. The former was effective in delaying the bill's approval in the Senate. The latter influenced public opinion to elect evangelical parliamentarians and publicly oppose the PLC1 22 bill. As a result, Brazil still does not have a law created by Congress to protect LGBTQ rights. However, since 2011, the Supreme Federal Court has recognized the rights of LGBTQ people before the Constitution. For example, allowing same-sex marriage, the criminalization of LGBTphobia, the eligibility of

LGBTQ people to be blood donors, and for transgender people to change their name and gender without being subjected to surgery.

This research has shown how political discourses combined with manipulation discourses lead to conspiracy theories on LGBTQ issues and related bills in Brazil. The analysis of ten anti-LGBTQ rights bills introduced to Congress between 2010 and 2020 reveals patterns regarding the authors proposing the bills (primarily right or far-right, religious and conservative politicians), the strategies used to block bill PLC 122, and the type of discourses driving the delays in the legislative procedure for approving any pro-LGBTQ rights bills during the democratic period in Brazil. Politicians frame political discourses according to their interests seeking voters' support. In particular, conservative religious parliamentarians used the PLC 122 bill to manipulate discourses, such as that of traditional family values. Among the discourses, conspiracy theories emerged and spread false ideas behind the content of bill PLC 122, framing it as the bill "against the people of God," against traditional family principles, and spreading fear that it would lead to the jailing of pastors and priests. The anti-homophobia bill PLC 122 aims to protect LGBTQ people through the law against discrimination or violence, physical or verbal.

While in many countries conspiracy theories against LGBTQ rights are isolated to political discourses, navigating the collective imaginary or spreading misinformation, in Brazil the anti-LGBTQ rights agenda has taken the form of bill proposals made to Congress. This opens a debate over LGBTQ citizenship and rights protection in a country with one of the worst global records of violence against LGBTQ people. Further research could benefit from a comparative analysis between democracies, identifying common patterns of conspiracy theories based on religious discourses behind the anti-LGBTQ rights agenda and their translation into the legislative arena (as bill proposals).

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Conflict of Interests

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About the Author



Diego Galego, originally from Brazil, holds a PhD in social science from the University of Leuven, Belgium, and public policy from the University of Aveiro, Portugal. He specializes in uncovering the impact of social movements on policymaking. In his forthcoming book, *Queering Public Policy*, Dr. Galego explores the influence of Brazil's LGBTQ+ movement on public policy.