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# Rights and Feelings: Marriage Equality and the Language of Citizenship in Argentina and the United States

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RIGHTS AND FEELINGS: MARRIAGE EQUALITY AND THE LANGUAGE OF CITIZENSHIP  
IN ARGENTINA AND THE UNITED STATES

by

JULIE HOLLAR

A dissertation submitted to the Graduate Faculty in Political Science in partial fulfillment of the  
requirements for the degree of Doctor of Philosophy, The City University of New York

2017

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Julie Hollar

This manuscript has been read and accepted for the Graduate Faculty in Political Science in satisfaction of the dissertation requirement for the degree of Doctor of Philosophy.

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## ABSTRACT

Rights and Feelings: Marriage Equality and the Language of Citizenship in Argentina and the United States

by

Julie Hollar

Advisor: John Krinsky

Social movements seek to change more than policy; they aim to change beliefs, ideas, and discourse concerning major political issues. But conceptualizing and evaluating movement impact on political culture has proven difficult. We know that how actors frame issues matters, but we also know that actors cannot always control their frames; their impact depends on the busy interactive field of meanings and actors in which they are deployed.

By comparing the struggles for marriage equality in Argentina and the United States, I elucidate the ways discursive change happens around high-profile policy issues, as well as how that process shapes the playing field for future movements. This work builds on scholarship concerning the construction of target populations, arguing that in contests over meaning, the social construction of the central actors shapes both dynamics and outcomes. It uses content analysis and discourse analysis to compare the constructions of gays and lesbians and the state across cases and to trace their impact on the discursive opportunity structure. It also takes seriously the interactive nature of discourse, using network analytic methods to track how frames or constructions change through shifting discursive alliances.

Though marriage equality has become a global catchphrase with movements around the world, this research shows that movements in Argentina and the United States took different discursive paths to citizenship: In Argentina marriage equality discourse took what I call a path of expansion, bolstering the state's responsibility for its citizens and expanding conceptions of

human rights, whereas in the United States it took a path of assimilation, tying rights to feelings in a way that placed more of the burden of change on the excluded group seeking full citizenship.

But these shifts could not have happened if activists had not been able to get others to repeat their claims. Using network methods to trace the movement of claims among actors across time, I show *how* activists shifted discourse by forging "discursive alliances," groups of actors that align with each other in their claim-making. Where Argentine activists built a tight alliance with state actors, US activists built weaker alliances, centered more in civil society. Just as the claims they make pave the way for future claims, the discursive alliances activists build shape their future possibilities.

This research offers a new way to understand and evaluate movement success, looking beyond policy victory to the ways movements reshape ideas of fundamental political concepts like citizenship and rights. It introduces a new way to define and measure discursive alliances, providing a method for tracking how frame change or discursive change happens. And it asks us to rethink the meaning of marriage equality as deeply context-dependent, able to feed neoliberal ideas of assimilation as well as post-neoliberal conceptions of a protective state.

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## **Chapter 1**

### **Marriage Equality and Making Meaning**

On July 15, 2010, after more than 14 hours of debate, the Argentine Senate passed a law that made the country only the tenth in the world—and the first in Latin America—to permit same-sex couples to marry. With crucial support from the president and the federal legislature, activists from the margins of Argentine society redefined their place in the political system in just a few short years.

Meanwhile, US activists had begun to shift the momentum on marriage equality in their own country after several years of sustained debate. In July 2015 their efforts came to fruition when the Supreme Court handed down a decision requiring states to license and recognize same-sex marriages. The timeline was longer, but US activists similarly succeeded in transforming their relationship with the state and society in the process.

The outcomes of the two stories appear to be the same: same-sex couples receiving full legal recognition of their marriages. And in both stories, that final outcome transformed from virtually unthinkable to seemingly inevitable in a relatively short time. But while the policy outcome looks the same, the discourse around marriage equality followed a different path in each country, producing different understandings of the subjects being contested. As I will show, where the Argentine debate came to focus on the state's responsibility to protect its citizens' rights, the US debate placed increasingly more emphasis on gays' and lesbians' feelings. How did activists and other actors shape those discourses? And what impact do those different paths have on the movements and on state-society relations more broadly? These are the two main questions I seek to answer in this research.

In focusing on meanings, I follow a long line of scholarship in both social movement and public policy studies that argues that change cannot be understood without attention to how

political issues and the actors involved in them are constructed in the discursive realm. The global marriage equality revolution has largely taken place not on the streets or in back-room dealings, but in public conversation. To be sure, activists—and their opponents—have marched, protested, and lobbied behind closed doors, but contention over this issue has largely occurred in public debate. This is true of many social movements in democratic states today. Movements for reproductive justice, racial justice, and immigrants' rights, among others, draw from broad strategic repertoires but engage heavily and most prominently in discursive battle, seeking to change understandings of the issues, actors, and relationships at play. By comparing the struggles for same-sex marriage rights in Argentina and the United States, I aim to elucidate both the ways discursive change happens around high-profile policy issues and how that process shapes the discursive playing field for future movements.

I argue that the construction of key actors in the marriage equality debate—in simplified terms, the way speakers in the public arena talk about gays and lesbians, the state, and society—can change understandings of not just those actors, but state-citizen relationships more broadly. Movements and other speakers shape this discourse within institutional contexts that constrain and enable certain claim-making strategies. They work to forge what I call discursive alliances in order to wield more power over the discourse, and in so doing, they bring claims together in new ways. As new chains of claims become embedded in political institutions such as laws and court opinions, they shape the possibilities for future discourse.

Argentina and the United States pair well here in that both are presidential republics with similar constitutional and legal systems, presenting roughly similar political arenas and institutions in which policies are debated and discourses embedded. Yet their political cultures—prevalent beliefs, ideas, and discourse—are very different, which helps set their marriage

equality discourses on divergent paths. These two cases, then, provide an opportunity to examine how the same policy outcome can mean different things in two places because of the different discursive paths taken, and how those paths can produce different impacts on the broader discursive playing field. In making this comparison, I address gaps in our understanding of both marriage equality and meaning-making.

### **The struggle for marriage equality**

Movements for marriage equality have flourished in different parts of the world in recent years; since the first same-sex marriage law passed in the Netherlands in 2001, more than 15 countries have recognized same-sex marriages, and the number continues to grow. Along with the rise of marriage equality movements has come a wave of scholarship focused on explaining policy outcome (e.g. Kollman 2007, Pettinicchio 2012, Díez 2015). In part due to the newness of marriage equality policies, however, very few studies have looked at the consequences of movement victories. In their study of the Vermont marriage equality movement's impact on the opening of public discourse to critical queer views of marriage, Bernstein and Burke (2013) find that the opposition's prominence in Vermont's mainstream newspaper led marriage activists to initially pursue a normalizing discourse there, as opposed to the more critical discourse they opened up in the local lesbian and gay newspaper. In this case, they argue that it was the partial victory of Vermont court's ruling, which required the legislature to decide between marriage or civil unions for same-sex couples, that opened mainstream discourse to at least a small percentage of queer perspectives that questioned the strategy of assimilation. However, they question whether unambiguous victories would have a similar effect, as they note that once the legislature voted in favor of civil unions, queer perspectives entirely disappeared from the

mainstream paper. This research points to the impact victory might have on the claims that can be made, and by whom.

In another recent study, Tarrow (2013) suggests that a strategic shift on the part of the US marriage equality movement from a civil rights frame to a frame centered on love and commitment was the key to activists' success. He suggests that the language of rights and discrimination failed because people do not think about marriage that way, and that activists found success when they moved away from such language and began linking their marriage struggle with love. This fits into a larger argument he makes that symbolic resonance and strategic modularity are decisive for language: does a term resonate with other concepts familiar to people in a particular cultural context, and can activists apply it to a new context without losing its power? Marriage, he argues, has symbolic resonance and strategic modularity. This would imply that in different cultural contexts, discursive struggles would follow different paths, making a comparison between countries instructive. It also raises questions about how strategic modularity and symbolic resonance might be tapped. When trying to transfer a term or idea from one context to another, what sorts of constraints do activists face? How much can a concept change before losing its original power or resonance? What happens when actors with different goals attempt to take control over the same term? I seek to answer some of these questions about meaning-making, which I elaborate more in the next section.

In Argentina and the United States, marriage equality activists' language looked similar on the surface, with the Argentine "*matrimonio igualitario*" (or "equal marriage") and the US "marriage equality" slogans close approximations of each other. The US movement for same-sex marriage began much earlier, and Argentine activists were very aware of the US movement as well as the movement in Spain (see, e.g., Bimbi 2010). At least one scholar has suggested that

norm diffusion was crucial to the Argentine success (Friedman 2012). However, while all same-sex marriage movements may be influenced by the transnational sharing of ideas and resources, a focus on norm diffusion or similarities between movements misses the innovative work of each movement, which is in part shaped by local contexts. Levitt and Merry (2009) call this local adaptation of globally circulating ideas and strategies vernacularization. Their research on local human rights work urges us to recognize that concepts that seem global, such as human rights (or, in this case, marriage equality), are actually fluid and can be transformed by local activism, which in turn is impacted by local culture. How exactly actors transform such concepts is what this dissertation seeks to address.

### **Framing and meaning-making**

Research on both social movements and public policy has largely addressed questions of discourse and meaning through the concept of framing. Framing theory draws from Goffman's (1974) idea that people make sense of their world through frames, which focus attention on certain elements while excluding others. According to framing theory's early proponents, movements use frames to mobilize supporters by diagnosing a problem, proposing a solution, and motivating participants to act (Benford and Snow 2000). For a frame to be effective, Snow et al. (1986) argued, it needs to align with the target audience's cultural framework and values, which movements achieve through various frame alignment strategies.

While framing theory has brought much-needed attention to the role of ideas and meaning in social movements and policy change, frames have most often been conceived of as coherent, deliberate, and rational; their success based on this understanding depends on characteristics like their resonance or credibility. But, as Steinberg (1999) and others contend,

this static image of frames ignores the context in which they are deployed and its effects on them. Actors and movements—certainly including the lesbian, gay, bisexual, and transgender (LGBT) movement—often have carefully-designed communications strategies and very intentional frames. Yet they do not control those messages once they release them, because discourse is interactive and relational, making meanings unstable rather than fixed. Frames are put forth into a busy field of meanings, where they circulate among other actors who interpret—and sometimes redeploy or contest—them in different ways.

If we understand meaning as being constantly negotiated among all the actors in a discursive field, we ought to study its production rather than try to pin down its essential qualities. Steinberg (1999), Krinsky (2010), and others who take a Bakhtinian approach to discourse see actors as existing within contexts that constrain and enable claims differently depending on who is saying what. In discourse circulating in mass media, journalists decide which actors and which statements to include in a report; other actors repeat some messages but not others; and some repetitions link an idea from the original frame to new ideas that produce different shades of meaning. This messy, interactive process of public debate produces packages of claims that might be several steps removed from the original package put forth by the movement, and much less coherent. I am interested in *which* frames or messages come to dominate, which helps us better understand the impact of a movement. But I am equally interested in *how* they come to dominate—not in terms of whether they have particular characteristics, such as resonance or narrative fidelity, often cited in the framing literature, but in terms of how different groups of actors interact to produce meanings that dominate at a given time. These represent the three main strands of my inquiry: in what ways claims and ultimately meanings differ across the two marriage equality cases, how they come to take the shape they do,



and what impact those negotiated meanings have on political culture. I examine the theoretical underpinnings of each in more detail below.

### *Claims, identity, and citizenship*

For some time now, scholars of social movements have taken seriously the construction of identities. This work is primarily concerned with self-identification and mobilization, asking questions such as how movements forge identities that can spur new members to join and take action, and how participation in movements shapes member identity (Melucci 1989, Tarrow 1994, Polletta and Jasper 2001, Hunt and Benford 2004). My investigation is more interested in the broader construction of identities, not just of and within movements, but across the discursive field. For this, the policy literature provides more theoretical purchase.

Many policy scholars point to the construction of target populations as a critical factor impacting both public opinion and policy. For example, many have argued that portrayals of US welfare recipients as undeserving and disproportionately black and female led to decreased benefits and more punitive welfare policies (Katz 1989, Gilens 1999, Hancock 2004). Schneider and Ingram (1993) offered an early explanation for how the interaction of power and social construction of a group could influence policy. When formulating policy for target populations—those whose behavior is the subject of policy—elected officials must anticipate how the general public will react to the policy, which depends on how they perceive that population. Constructing target populations to be seen positively or negatively, then, becomes an important part of the policy process. Given electoral considerations, policy makers will generally impose policy benefits on strong and positively constructed groups and policy burdens on weak and negatively constructed (or "deviant") populations. Weak but positively constructed ("deserving")

populations are more likely to receive policy benefits, even if largely symbolic and non-costly ones. In other words, how a group is constructed plays an important role in how the state crafts policies for that group. In the case of marriage equality, how gays and lesbians are socially constructed surely shapes policy around access to marriage.

But just as meaning-making itself depends on context, the social constructions of populations cannot be understood in isolation. What the state ought to do about gays and lesbians depends not just on who gays and lesbians are understood to be; it also depends on how their relationship to society and to the state are understood. In truth, the identities of multiple actors or populations are at play in a political issue like same-sex marriage: lesbians and gays, the state, the children who are or might be parented by same-sex couples, the opposition, and society at large. Who are these groups, how do they relate to each other, and what are the state's responsibilities towards them? These are fundamental questions of citizenship. When a marginalized group seeks full inclusion in the polity, they are seeking a reconfiguration of the polity, which could involve shifts in the construction of the group itself, society, or the state—if not all three. In the two cases I examine, it is constructions of two of these—the state and lesbians and gays—that dominate the debate. But in Argentina, supporters place much greater emphasis on claims about the state, particularly its responsibility for extending rights and equality to citizens, whereas US supporters highlight lesbians and gays to a much greater extent, with a focus on their feelings. These strategies locate the responsibility for changing state-society relationships in different places, which, as I explain in the next section, renders not just the meaning but also the implications of marriage equality different in each place.

### *Impact: the discursive opportunity structure*

Like Schneider and Ingram, other public policy and social movement scholars have recently turned more attention to the causality of framing, including investigating what factors shape the frames movements choose and what impact frames have on policy or mobilization (Baumgartner, De Boef, and Boydstun 2008, Rose and Baumgartner 2013, Snow et al. 2014). But less is known about the impact of claims on political culture more broadly, or how claim-making works recursively as both effect and cause. Political culture, which is typically conceived of as the prevalent beliefs, ideas, and discourse in a polity, has long been understood to influence movements and claim-making. But how movements and claim-making in turn influence beliefs, ideas, and discourse has been the subject of less investigation (Meyer 1999, Snow et al. 2014).

Schneider and Ingram provide an early lead once again, arguing that the social constructions of target populations “become embedded in policy”: “Policy sends messages about what government is supposed to do, which citizens are deserving (and which not), and what kinds of attitudes and participatory patterns are appropriate in a democratic society” (1993, 334). I turn to Koopmans and Statham's concept of the discursive opportunity structure to further develop this idea. In response to the criticisms described above about framing theory's lack of attention to the constraints of context, Koopmans and Statham suggested that we think of the discursive opportunity structure of a given place as an important factor that determines “which ideas are considered 'sensible,' which constructions of reality are seen as 'realistic,' and which claims are held as 'legitimate' within a certain polity at a specific time” (1999, 228). Frames' success or failure will thus depend in part on the discursive opportunity structure. But how do we identify that structure without pulling in every aspect of political culture? Koopmans and Statham's concept suffers from the same weakness as Snow and Benford's (1988) “narrative

fidelity" (also sometimes referred to as "cultural resonance"), which suggests that a frame's ability to mesh with existing cultural narratives is crucial for frame success. Ferree (2003) proposes a promising way to more narrowly define discursive opportunity structures in a way that brings us back to Schneider and Ingram's idea of embeddedness: she specifies that they must be anchored in the legal institutions of a country, such as constitutions and legislation. Ferree uses this definition of the discursive opportunity structure to show how institutionalized forms of discourse provide opportunities for different kinds of claims about abortion in Germany versus in the United States.

If we extend this idea, then as policies change, we should expect that the discursive opportunity structure will also change. In other words, I suggest that we expand the use of the concept to capture a recursive process: if the discursive opportunity structure shapes movement claims, then when movements are successful at achieving policy change, they will be changing the discursive opportunity as well, impacting future movements. While I will describe the contexts that constrained and enabled the marriage equality movements in Argentina and the United States in Chapter Two, I then deepen the idea of the discursive opportunity structure by taking it as an object of contention, not just a constraining factor. I show in Chapter Three how this impacts future contests over state-citizen relationships. In Argentina, I argue, marriage equality marked a shift in the discursive opportunity structure toward increased state responsibility and citizen rights based on equality, while the US struggle produced an institutionally embedded link between legal equality and the ability of a group to demonstrate social respectability and generate empathy.

### *The process of discursive change*

I have argued thus far that differences in the ways actors were constructed in marriage equality discourse in Argentina and the United States led to divergent impacts on the discursive opportunity structure in each place. But returning to the idea that meaning-making is interactive and contingent, can we drill down further and tease out *how* movements helped shift discourse in their efforts to achieve marriage equality?

Meyer and Whittier (1994) describe movement spillover as a key form of movement influence, in which ideas and tactics travel from one movement to another through member or organizational overlap or coalitions. The concept of the master frame epitomizes this sort of influence, in which an early movement's frame becomes dominant and sets the terms for future movements; Snow and Benford (1992) use the civil rights frame as an example. The mechanisms by which this happens, though, remain unspecified; why did the civil rights frame work for others, and what are its limits?

How frames or discourses change remains largely unexplored in the policy literature, which typically takes frames as independent variables with no connection to the actors who struggle over them (Steensland 2008). Hajer's concept of discourse coalitions is a notable exception. For Hajer (1993, 1995), a discourse coalition is a group of actors who share a social construct in the context of a policy battle. Importantly, actors in a discourse coalition need not coordinate their actions or even agree with each other on everything; they are created simply by sharing what he calls story lines, which simplify complex policy problems. For example, he describes a story line about rainforests in which all members agree that rainforests are shrinking and that this constitutes a problem, but all have different interests: a scientist might emphasize rainforests as a crucial element in the biosphere, a wildlife organization might focus on the harm

to animals, and another group might be concerned with the threats to indigenous people living in rainforests (1995,13). These groups then try to use their power to make their shared story line dominant. From this standpoint, Hajer seeks to understand why certain policy-related discourses succeed and others fail, based on how story lines are deployed and adapted by various actors within particular institutional settings. In his qualitative analysis of the acid rain debate in Britain, he argues that looking at who shares story lines provides a better account of the power struggles over policy than the more traditional advocacy coalition framework approach, which takes coalitions as actors who share core beliefs and coordinate their actions (Sabatier and Jenkins-Smith 1993). The discourse coalition approach allows that people's beliefs are not always stable and that their beliefs and claims do not always align. People often make contradictory statements—which means that the same actor could sometimes help sustain two different discourse coalitions. For instance, he observes that members of the eco-modernist coalition sometimes spoke in terms used by their opponents, the traditional pragmatists, because the traditional pragmatist discourse was institutionally dominant—one might think of it in Ferree's terms as part of the discursive opportunity structure—and therefore offered better access to decision makers (1995, 167). Conceiving of coalitions as linked by claims rather than coordinated action gives us a way of using the data to uncover alignments rather than assuming or imposing them externally, as well as the possibility of tracing how they change over time.

There is a general consensus in the existing literature that, in order to be successful, a discursive coalition has to dominate the debate in some way (Hajer 1995, Krinsky 2010, Leifeld and Haunss 2012). What exactly this means, however, is contested. For Hajer (1995), discursive domination is achieved when actors in a given domain must use that particular discourse to be credible—a very high bar. Leifeld and Haunss (2012) build on Hajer as well as various other

theories in the policy literature to argue that that a successful coalition will have more members, be more prominent in the media, create a more coherent story line, and control the core frames of a debate; they show this to be the case for the anti-software patent coalition in Europe whose position prevailed over a powerful industry-led coalition.

Krinsky (2007), whose idea of choruses and choral support is somewhat similar to Hajer's discourse coalitions, complicates this picture a bit. He proposes that if one assumes that actors cannot control the meanings of their claims because of the interactive nature of meaning making, then identifying how "choral support" is organized becomes a central task of the researcher. Krinsky borrows the term from Bakhtin and Vološinov, taking it to signify "relatively stable sets of associations among a range of speakers" (2007, 32). Another way of thinking about this is in terms of certification (McAdam et al. 2001, 145): "the validation of actors, their performances, and their claims by external authorities." Particularly for marginalized actors like lesbians and gays, gaining certification or choral support for claims is crucial if they hope to make those claims dominant. In his study of the battle over workfare policy in New York City (2010), Krinsky traces how shifting discursive associations cause shifts in the power of actors and the meanings of the claims they make. Krinsky sees discursive hegemony as being achieved when an actor is central to the debate not just in one setting but engaged across several. (Settings in his case included labor politics, homeless policy, food stamps, and other policy domains or institutional contexts.) However, hegemony is a rare and unstable phenomenon, and in his workfare case the mayoral administration managed to maintain a position of power less by making focused claims and dominating debate within settings as by making so many claims in so many settings that its opponents could not keep up and counter them.

Like Krinsky, I seek to complicate notions of dominance. In the case of marriage equality—which did not bleed across the wide variety of policy contexts that workfare did, though it did engage different levels of government—I focus on two key contextual factors: the relationships among what are sometimes multiple and shifting discursive alliances, and the ways the difference in political systems influence how actors build discursive coalitions in the pursuit of dominance over the meanings at issue. By looking at the ways actors linked and de-linked discursively over time in comparative cases, I paint a picture of dominance in which centrality (which could also be conceived of as prominence) and coherence can sometimes impede each other, and in which building a strong coalition might matter less than isolating the opposition. I show that in Argentina, where the president wields a great deal of power over his or her party and over legislation, advocates pursued a unifying strategy that resulted in a large, coherent alliance with predominantly state actors. US advocates faced a fragmented political landscape in which the marriage battle was fought across myriad levels of government and through channels from courts to popular referenda; in this context, they achieved success through a distributed strategy that brought together a looser alliance of primarily civil society actors but also shared particular links around rights claims with a separate discursive alliance of state actors.

## **Methods**

Many scholars have studied political discourse by coding and analyzing claims, but in this research I build on two earlier strands of work that depart somewhat from the mainstream: Ferree et al.'s (2002) content analysis of abortion discourse in Germany and the United States, and network analytic approaches by Mohr (1994), Mische (2003), and Krinsky (2010).



Ferree et al. (2002) compare abortion discourse in Germany and the United States, using newspaper articles in both countries as their primary data source, and coding both claims and speakers. Where many content analyses study a single case, and take claims as floating concepts without connection to their speakers, the approach Ferree et al. take allows them to compare contests over meaning in the two countries. They cluster claims to analyze their prominence and to see which actors adopt which clusters. They find that the dominant frames differ between the two countries, and they touch on variations in ways that certain actors and claims become dominant. For example, they find that the courts in each country adopted particular sets of claims that shaped discourse on the issue, but that in Germany the court-expressed set of claims became hegemonic, while in the United States it remained contested. Comparative content analysis of this kind can show the different discourses that develop in two countries around the same issue, and their impacts—in their case, Ferree et al. are interested in the quality of democratic discourse. It is therefore an ideal way of getting at the broader differences between Argentine and US marriage equality discourses and their impacts on political culture. Chapter Three will use a combination of content analysis and thick description from the data to do this.

To break inside the usually black-boxed process of discursive change and the power dynamics involved, however, a relational approach offers more leverage. Network analytic methods are not new to social movement scholars (Diani and McAdam 2003, Krinsky and Crossley 2014), who have widely recognized the usefulness of applying relational methods to webs of movement or organizational actors. The use of such methods to analyze networks of actors *along with* their claims remains an exciting and expansive frontier of research that a few scholars have begun to explore (Mohr and Lee 2000, Mische and Pattison 2000, Krinsky 2010, Leifeld and Haunss 2012). This means moving from networks of actors *or* claims to networks of

actors *and* claims. In such networks, actors do not connect directly to each other, nor claims to claims; instead, actors are joined only indirectly by shared claims, and claims are joined together by actors. This allows us to see both how claims come together to take on new shades of meaning and how actors align with others in their claim-making patterns, forming discursive alliances.

In their content analysis, Ferree et al. (2002) cluster claims based on broad themes (e.g., social injustice, rebuttal, autonomy) to analyze theme prominence. While this can be a useful way to parse data, network analytic methods offer a more endogenous approach: clustering claims based on whether they actually are spoken by the same actors. This can be done using measures of structural equivalence, which determine actor similarity based on the similarity of the actors' tie profiles—which, in the case of two-mode actor/claim data, would mean the similarity of the actors' ties to claims. Mohr and Lee (2000), for example, used structural equivalence to analyze overlapping discourses about student populations and university policies targeting those populations. By analyzing similarities within a matrix of identities and policies, Mohr and Lee were able to map which discourses about student identities (such as race, poverty, and urbanism) were seen as similar in the sense of receiving similar patterns of outreach policies. This method has the advantage of identifying claim (or, in this case, policy) affinities based on the data themselves rather than on the scholar's own ideas about which should be related to each other. Of course, external classification has to be made at some level in the process of coding in order to reduce thousands of unique claims to more general groups that can be quantitatively analyzed, but this clustering method helps avoid further exogenous reduction of the data in the analysis.

Actors can likewise be clustered endogenously via network analytic methods. As Leifeld and Haunss (2012) point out, work on discourse coalitions typically identifies the coalitions through interviews after the fact, which tends to produce non-overlapping and stable coalitions. Cluster analysis can instead reveal the messiness of alliance formation and dissolution over time. In addition to clustering actors and claims separately, I go further by using newly developed techniques (Everett and Borgatti 2013) to examine how the two sets are interconnected—in other words, how clusters of actors connect to clusters of claims. This produces more detailed information about struggles for control over claim packages and how fragmented or unified the discursive field is.

Finally, where content analysis typically measures actor prominence by how many claims the actor makes, network analysis offers ways of measuring actor centrality that consider how many *connections* the actor makes with his or her claims. Krinsky (2010) used network methods to analyze actors' control over debate by adapting a network centrality measure called "biclique overlap centrality." By conceiving of an actor-claim network as an overall debate and complete subgraphs within the network as conversations, he was able to measure how many conversations an actor (or claim) took part in. This provides a more relational measure of power than content analysis can offer, as an actor's volume of speech is not necessarily related to his or her ability to orient the debate (Krinsky 2010). I will trace changes in biclique overlap centrality as another way to analyze when and how shifts in discursive power arise in the marriage equality debates.

## **Research design**

As Gamson (2004) and Ferree et al. (2002) have argued, the mass media can be regarded as a master arena for contests over meaning, since actors in all other forums attend to the media,

and because they assume its influence, measuring their own discursive success in part by appearance in and impact on the media arena. In order to identify and analyze the major claims circulating in the public discourse, therefore, I chose to focus on large newspapers in each country: *La Nación* in Argentina and *The New York Times* in the United States. Both target a national audience and national policy makers, and as such help set the news agenda in other media, such as smaller papers, journals, and television.<sup>1</sup> Because of this, they should capture all the dominant claims that shaped the public debate over same-sex marriage; if claims did not appear in these newspapers, it is doubtful that they could have had a major impact on widespread understandings of the issue (see Earl et al. 2004). Both papers are also archived in the LexisNexis database, providing a way to perform parallel searches across the two countries.

The claims that media pick up are not a perfectly representative sample of actor claims; we should expect that journalists' editorial choices shape the discourse as well. However, I am interested in discourse as it actually appears, not strictly as actors hope for it to appear. The impact a movement or other actors have on public discourse will necessarily be mediated by

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1. Some might think the *New York Times* an unusual choice to pair with *La Nación*, given the US paper's popular reputation for being left-leaning and the Argentine paper's reputation for being right-leaning. I did this for two main reasons. First, the papers are analogous in that, over the time periods covered in the study, they provide the most coverage of LexisNexis-indexed newspapers in terms of both number and length of articles. This means that each is likely to provide a comprehensive look at the public marriage equality debate in each country, despite any purported biases. Second, I believe that any bias at each paper would have little impact on my analysis. This is because both papers subscribe to the journalistic principles of objectivity and balance, such that articles typically quote from parties on both sides of the debate and attempt to present news in a way that will be perceived as neutral. Where this does not hold is in the opinion section; however, op-ed columns and letters to the editor present diverse perspectives that often oppose and offer balance to the paper's own editorial stance. Moreover, in my quantitative analyses, any bias toward particular groups of actors should have little impact because I am measuring relationships rather than frequencies of claims across the entire discursive field. In spite of these mitigating factors, I conduct both my quantitative and qualitative analyses with an eye to the potential biases of each paper.

journalists and the ways they report those actors' claims; sometimes that impact could even be unintentional. Therefore, when I talk about the effects movement claims have on public discourse or the discursive opportunity structure, it should be understood that these are effects co-produced by media. However, I also supplement my newspaper data with interviews, internal movement organization memos, and movement organization press materials, which show that media representation of activist discourse appears to generally reflect the primary messages the movements attempt to broadcast.

I used LexisNexis to search for all articles about same-sex marriage in each paper. (See Appendix 1 for further details on data gathering and coding, including search terms used.) I charted the coverage by month, looking for spikes during which same-sex marriage garnered more attention. Comparing these charts with the historical record, I chose time periods in each country that encompassed all the major events that prompted increased coverage (four in Argentina, seven in the United States; see tables 1.1 and 1.2). After eliminating false positives, the Argentine periods covered 28 months and 189 articles, and the US periods covered 56 months and 897 articles. I adopted a variable sampling strategy in order to bring the US coverage down to a level comparable with Argentina without missing important claims, and in order to not skew my data toward time periods with exceptionally heavy coverage.<sup>2</sup> This produced 112 articles across all time periods in Argentina and 224 in the United States.

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2. To ensure a representative sample, I first coded every article by its primary institutional setting—e.g., federal legislature, culture, religious organization—and sampled within each setting. Since we might expect actors to make different kinds of claims in different settings (Mische 2003, Krinsky 2010), sampling in this way should help prevent a sample from skewing disproportionately towards a particular kind of claim.

**Table 1.1. Argentina time periods**

1	April 2005–September 2005	Spain passes marriage equality law; Argentine activists introduce civil union bill
2	May 2007–May 2008	Three marriage equality bills introduced
3	October 2009–January 2010	Chamber of Deputies debates and passes marriage equality; first marriage takes place after court ruling
4	March 2010–July 2010	Senate committee hearings across the country on marriage equality; Senate debate and passage

**Table 1.2. United States time periods**

1	March 1996–September 1996	Hawaii court rules in favor of same-sex marriage; Congress passes Defense of Marriage Act
2	December 1999–April 2000	Vermont passes civil union law; Hawaii decision reversed; California bans same-sex marriage by proposition
3	November 2003–July 2004	Massachusetts Supreme Court rules same-sex couples have partnership rights; Mass. legislature passes marriage equality law; federal amendment banning same-sex marriage debated
4	April 2006–November 2006	Congressional election season; federal amendment debated
5	May 2008–June 2009	Presidential election season; California court strikes down proposition; various state legislatures debate same-sex marriage laws
6	February 2012–July 2012	Higher courts begin ruling against marriage laws; Vice President Joe Biden and then President Barack Obama come out in favor of marriage equality
7	February 2013–August 2013	Supreme Court rules against CA proposition and strikes down part of Defense of Marriage Act

I then engaged in a form of open coding (Corbin and Strauss 2008, Charmaz 2006), coding each instance of actor construction<sup>3</sup> by article, date, setting, speaker, and claim. In the first pass, I coded claims using language similar to the original, identifying the actor and the construction; e.g., "State: changing course of history" or "Gays: long-term relationships."<sup>4</sup> In the next pass, I grouped similar claims into code categories and grouped speakers into two types of categories: stance and actor group. Stance indicated whether a speaker voiced support, opposition, or no clear position on same-sex marriage, and actor groups included such codes as Advocate, State Legislator, Federal Court, and Lawyer. For the examples given above, the claims were recoded as "State: Progress" and "Gays: Loving/Committed." As the sole coder, I read every article in my database, and as such I was able to identify trends and note passages that did not code particularly neatly but still contributed to the debate over meanings. In my qualitative analysis, I highlight and delve deeper into claims that stood out for their paradigmatic nature or for capturing shifts in constructions or tactics.

## **Chapter layout**

Chapter Two outlines the key contextual differences that have shaped discourse around same-sex marriage in the US and Argentina. If the discursive opportunity structure impacts

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3. I included constructions of all actors mentioned in the debate, which included society, the opposition, and children. I include all of these in my network analysis in Chapter Four; however, because the state and gays and lesbians were taken as subjects far more often than the others, I focus on these two in my qualitative analysis in Chapter Three.

4. Because I am interested in how speakers themselves construct the state, I attempted to remain as close to the original claims as possible when coding. I therefore took claims with the following subjects as claims about the state: state bodies such as legislatures or courts, state actors working in their official capacities, broad references to things like "the government," and laws or court rulings. This means that in different places and times, constructions of the state might focus more on certain aspects of the state than others, which should account for some of the variation in constructions.

movement claims, knowing the general contours of the structure confronting activists from the beginning will help us understand the strategies they pursued. This chapter will also give brief histories of the LGBT movements in Argentina and the United States, focusing particularly on the relationships among LGBT people, the state, and social institutions.

Chapter Three compares the constructions of both gays and lesbians and the state in Argentina and the United States and traces their impact on the countries' discursive opportunity structures. Using a comparative content and discourse analysis of newspaper data, I show how a language of feelings centered on gays and lesbians worked its way into US jurisprudence, while claims promoting the state as protector of rights left more of an imprint in Argentina.

Chapter Four looks at how claim-making actually shifts over time and the impact of differing alliance strategies. Employing a network analytic approach, I uncover two distinct paths marriage equality advocates take in the United States and Argentina to gain discursive allies: a unifying approach in Argentina that strongly aligns advocates with state actors, and a distributed approach in the United States that leaves a more fragmented field with different pro-marriage equality claims parceled out between civil society and state actors.

Chapter Five summarizes the conclusions drawn from this research and explores its broader implications and extensions. What might it tell us about other countries and other kinds of social movements, and where does it lead us in terms of future scholarship?



## Chapter 2

### Global Claims, Local Context: Constraints on Discursive Claim-Making

The battles for marriage equality in the United States and Argentina took place on terrain already deeply marked by local histories and institutions, which influenced the kinds of claims actors could make. Before seeking to understand how marriage equality debates shaped that terrain, we must first step back and examine the existing landscape. Each country has its own unique discursive opportunity structure—a set of concepts, embedded in local institutions, that anchor discourse and constrain and enable who actors can claim to be and what sorts of claims they can make on each other. In addition, marriage equality struggles build on specific histories of activism and state regulation of lesbian, gay, bisexual and transgender (LGBT) people. These histories likewise inform discursive strategies around marriage equality, as does the political framework, which differs from country to country. This chapter describes these local contexts and histories that help shape the ways the marriage equality debates play out.

I begin by laying out brief histories of the LGBT movement in each country, including their interaction with the state and society, which would shape which kinds of claims actors could make. Then I outline how specific legal, institutional, and discursive differences between countries impacted *which* claims could most readily be made and *where* they could most readily be made. These histories and institutional constraints will necessarily be inseparable to some extent; if institutions shape discursive claims-making, they will have done so throughout the histories of interaction that I will be exploring. While I will therefore reference some legal or political framework factors in the section on histories, I will save more in-depth discussion of those factors for the section on institutions.

## **LGBT histories**

In order to understand how conceptions of lesbians and gays changed within this framework, it is helpful to look at their specific histories; LGBT activism in each country shaped who gays and lesbians were understood to be and their relationship to the state and society before the marriage struggle began. Those histories therefore impact the kinds of claims and alliances actors could make in the marriage debate.

In both countries, activism began in a context of state repression. LGBT people were cast as deviant and immoral in both places; through laws and regulations, the state targeted rather than protected them. Police raids of LGBT gathering places were common, and citizens were not protected from discrimination based on their sexual orientation or gender identity, which meant that few were able to live openly.<sup>5</sup> Early activism in each context, then, focused on the elimination of active oppression and protection from discrimination in such areas as housing, employment, and health services; activists also worked on cultural change to promote greater visibility for and acceptance of sexual difference.

But the two movements took different paths because of their different contexts. The Argentine movement was disrupted by the military coup of 1976 and deeply marked by the subsequent human rights movement, which resulted in the end of military rule in 1983 and continues to play a central role in Argentine politics. The LGBT movement was also shaped by the country's turn to neoliberalism and subsequent economic crisis. Internally, leadership of the movement has worked sporadically to be more inclusive rather than strictly gay; though gay interests still are often seen to dominate, lesbian and trans involvement has been greater than in

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5. For excellent early histories of sexual minority communities and movements in each country, see Bazán 2010, Bellucci 2010, Katz 1976, and D'Emilio 1983.

the United States. Externally, the movement's strongest opponent has been the Catholic Church, which would force activists to speak to religious and moral claims, but which also wielded somewhat less political influence than did religious opponents in the United States. Finally, the movement's relationship with the state ranged from antagonistic to minimal for years, but in the wake of the 2001 economic crisis, the rise to power of a new president with a human rights agenda facilitated new ways of conceiving the relationship between LGBT people and the state.

The US movement faced a state with no similar disruptions, and most of the dominant organizations have existed since the 1970s or early 1980s. However, the movement was strongly shaped by the tandem rise of the AIDS epidemic and the religious right, which brought gay issues more into the mainstream but also cast gays as deviant threats to society; activism and effective HIV treatments brought the epidemic under control in the mid-90s and shifted relations among LGBT people, society, and the state, but the religious right and the conservative Republican Party continued to command political power and largely set the terms of debate on LGBT issues. Internally, the US movement has been less united along both gender identity and race lines; while both would have implications for the kinds of claims it would make, the latter in particular would cause tensions for drawing on the country's racial civil rights history. In the following subsections, I will describe these histories in greater detail for each country.

### *United States*

The first significant gay political organization in the United States was the Mattachine Society, founded in Los Angeles in 1951 by a small group of white gay men, mostly current or former members of the Communist Party. It was grounded in Marxist theory, developed an

understanding of the homosexual as an oppressed minority, and focused on consciousness-raising (D'Emilio 1983, 58-67). It soon shifted to a more assimilationist approach, however, de-emphasizing gay difference. The first lesbian group, Daughters of Bilitis—which started as a social group—worked to "Promot[e] the Integration of the Homosexual into Society" (Katz 1976, 426). Activism grew in the midst of the broader US social movements of the '60s and '70s. Many date the beginning of a true LGBT movement in the US to the late 1960s, when the first major LGBT riots to protest police harassment took place. In 1966 mostly transgender patrons of Compton's Cafeteria in San Francisco rioted and picketed to protest police raids at the establishment, and the LGBT patrons of the Stonewall Inn in New York City did likewise three years later. Many new groups formed around this time and split into two branches distinguished by their approaches, liberationist versus assimilationist. Liberationists like the Gay Liberation Front sought large-scale societal and political change and viewed their struggle as deeply connected to the struggles of other marginalized groups, while assimilationists like the Gay Activists Alliance pursued state recognition and legal protection for gays and lesbians (Bernstein 2011, 199). Two of today's most dominant groups were assimilationist groups founded in 1973: the National Gay Task Force (now NGLTF) and Lambda Legal Defense and Education Fund. A third dominant group, the Human Rights Campaign (HRC), long the largest and most powerful gay organization in the country, was founded in 1980 as the Human Rights Campaign Fund, which also pursued an assimilationist agenda.<sup>6</sup> While many groups still exist that pursue a more liberationist agenda, they have far fewer resources and smaller memberships.

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6. While the HRC uses "Human Rights" in its name, the concept has long been strikingly absent from its claim-making, as it has been from most marriage equality claim-making in the United States, where human rights discourse is less often applied to domestic issues.

LGBT activism was seriously disrupted by the AIDS crisis, which emerged in the early 1980s and lasted over a decade. Because HIV/AIDS affected gay men at much higher rates, it came to be seen as a gay disease, with conservatives framing AIDS as resulting from deviant, immoral behavior, and casting gay people as therefore responsible. At first, activists focused on service provision and lobbying, but as the epidemic worsened, new groups began engaging in more confrontational direct action, aiming for visibility and targeting the state and public health institutions. In so doing, they largely succeeded in shifting understandings of responsibility for the AIDS crisis from gays themselves to the state; their activism combined with increased understandings of HIV transmission and the discovery and spread of treatments drastically reduced the perception of gays as a threat to society. By the early 1990s, gays and lesbians were gaining some state recognition and respect, pushing the movement once again toward more assimilationist tactics (Gould 2009).

At roughly the same time as the AIDS crisis, the LGBT movement faced another tremendous influence on the discursive playing field with the rise of the religious right. Drawing on church networks across the country and using antigay and anti-choice activism as its central organizing issues, the religious right movement began in the late 1970s and was able to mobilize voters and activists in large numbers, quickly becoming the LGBT movement's biggest opponent. The religious political movement gained significant influence in the Republican party, making that party particularly hostile to LGBT alliances. Their tremendous resources and political power gave the religious right a great advantage in setting the terms of debate on LGBT issues, making morality a central issue and putting LGBT activists largely on the defensive, thus impacting activists' goals and rhetoric (Fetner 2008).

With the help of the religious right, the GOP dominated Congress at the federal level for most of the period under study. The party swept to power in 1995 after several years of Democratic control and held both houses for 10 of the next 12 years. Democrats regained control of both houses in 2007, but by 2011 control was split, with Democrats holding the Senate and Republicans the House. This GOP dominance made Congress inhospitable for marriage equality activists, but it also meant that gaining Republican support was important if they hoped to make any advances. At the state level, control has been roughly split between parties over the last 20 years, with a slight advantage to Republicans. Again, this meant that in many states, activists needed to appeal to Republicans in order to win legislative battles. While Democrats were far from automatic allies and likewise needed to be convinced, the earliest state victories occurred in states dominated politically by Democrats.

At the same time, the religious right helped drive together civil rights groups that found themselves targeted by a common opponent. LGBT groups have from very early on sought to gain the support of civil rights groups of all stripes (Endean 2006). As conservatives pushed the 1981 Family Protection Act, which threatened a wide variety of programs that supported not just gays and lesbians but also women, people of color, and others, groups including the American Civil Liberties Union, the NAACP, the Ms. Foundation, the Children's Defense Fund, and the National Education Association joined with NGTF and Lambda to successfully defeat the bill (Bernstein 2002, 556). Such civil rights groups would be important allies and sources of authority for LGBT activists throughout their history.

However, the relationship between major lesbian and gay organizations and communities of color has been fraught, as there has also been a historical exclusion of people of color and their concerns from some of these groups, particularly HRC. Despite securing political support

from major civil rights groups and African American politicians, HRC has been rebuked for its lack of outreach to people of color (Endean 2006). After criticism for the whiteness of its leadership and public image in the midst of the same-sex marriage struggle, HRC began an internal diversity initiative, but the January 8, 2003 report by Brandon Braud summarizing its impact was pessimistic: "While there has been some success and certain moments that marked major breakthroughs, the fact remains that this work has languished and suffered from lacking constant focus and attention. HRC has all but lost the spirit of the initiative through inattention [sic]" (Human Rights Campaign Records, Box 60). Braud highlights "an insufficient amount of diversity in the boards of directors and governors, a persistent public perception that HRC is a non-inclusive, white organization, and an unfocused approach to diversity issues in the organization."

The exclusionary and fragmented nature of LGBT groups is not limited to issues of race; tensions between lesbian, gay, and trans activists date to the emergence of LGBT activism, and an LGBT movement, while still today arguably more of an aspiration than a reality, was little in evidence in the early years of activism. Many lesbians split off from gay liberation groups in the '70s, citing sex discrimination, and formed their own groups or joined feminist groups (Del Martin, 1970). By the time the marriage equality debate was in full swing in the '90s, however, the dominant national groups had integrated lesbians into their leadership and membership; the executive director of HRC from 1995-2004 was Elizabeth Birch. Trans exclusion has been much deeper and longer-lasting than that against lesbians; many gay and lesbian groups going back to the '50s excluded or stigmatized gender variant people, reluctant to risk damaging their image of respectability; this stance shifted by the '80s, but trans people's demands were still generally neglected by such organizations (Murib 2015). In his memoir, written just before his death in

1993, Steve Endean, one of the founding leaders of the HRC, still only refers to the movement as "lesbian and gay"; he repeatedly portrays trans people as threats rather than allies, and he recounts openly using transphobia to raise funds (Endean 2006, 31). This attitude at HRC was not unique to Endean; in a May 4, 1997 internal memo by HRC lobbyist Kris Pratt to other HRC leadership explaining why the group shouldn't support transgender protections in the Employment Non-Discrimination Act legislation (ENDA), she emphasized:

It is important to note that looking historically at cumulative resources and time investment, our movements are not on equal ground.... Gays and lesbians have worked for 28 years educating [Congress and the public], and transgender people have only in the past 2 years begun to organize and educate.... As a *political* organization, it would be irresponsible to delay the fight for lesbian, gay and bisexual equality. (Human Rights Campaign Records, Box 54)

Pratt's memo demonstrates both the persistence of Endean's view of trans people as not belonging in the LGB movement as well as the way in which lesbian and gay activists often have erased the long history of trans activism in order to justify exclusion. HRC supported non-transgender-inclusive ENDA legislation until 2009, and the focus of many movement organizations on marriage equality relegated issues of crucial importance to trans people to the margins.

Meanwhile, hundreds if not thousands of other groups have proliferated over the years and make up the overall landscape of the US LGBT movement. One more recently-formed national group, Freedom to Marry, was created with the sole purpose of advancing the issue of marriage equality, and became a major player alongside HRC, NGLTF, and Lambda Legal. Many other local LGBT groups exist, as well as regional and national organizations. Their identities and ideas circulate and inform the work and discourse of the dominant groups to varying extents. NGLTF, whose mission is to build grassroots power, works with many of these groups and provides a forum for them to interact and exchange ideas at its annual conference. This more



bottom-up model means the NGLTF is much more influenced by such groups than are the top-down HRC and Lambda Legal. Still, the diversity of political ideas and identities that make up the entirety of the LGBT movement has been greatly reduced through its representation at the national level.

I have dwelled for so long on the movement's internal divisions and exclusions for two reasons. First, it shows that during the struggle for same-sex marriage, the dominant organizations were working under a great deal of criticism from other parts of the LGBT movement, particularly trans activists and activists of color. Because of the gatekeeping role of the media, however, little of this criticism entered the public debate. Second, the whiteness and exclusionary history of the dominant LGBT groups pushing same-sex marriage must be considered when analyzing who they could claim to be, what sorts of claims they could make, and from where and whom they could borrow authority regarding their place in the country's civil rights lineage, as I will show in the next chapter.

### *Argentina*

Argentina's LGBT activism dates back to the late 1960s, with the formation of Grupo Nuestro Mundo and, later, the Frente de Liberación Homosexual (FLH). The FLH took inspiration from the US group Gay Liberation Front, and took a similar pluralistic stance, linking gays and lesbians to the rest of society: "The struggle against the oppression that we suffer is inseparable from the struggle against all other forms of social, politics, cultural and economic oppression.... All those who are exploited or oppressed by the system that marginalizes homosexuals can be our allies in the struggle for liberation" (Bazán 2010, 342). Very few allies

actually responded to the FLH's call, and they received no public support from political parties (Bazán 2010, 361).

As an "anti-subversive" campaign mounted leading up to the military coup of 1976, gays were increasingly targeted, and the FLH's numbers dwindled rapidly. Police raids became a regular occurrence, and some prominent activists disappeared, while others went into exile or hiding; the FLH dissolved a few months after the coup (Bazán 2010, 366-74; Brown 2002, 121). In 1982 and 1983, in the waning months of the dictatorship, a paramilitary group, Comando Cóndor, announced its mission to "finish off the homosexuals," brutally murdering at least 19 gay men. The majority of the cases have never been investigated (Bazán 2010, 389).

A movement began to emerge again upon the end of military rule in 1983, which was brought about with the strong involvement of human rights groups that formed during the dictatorship. Democratization raised expectations among the lesbian and gay community, but police edicts allowing for raids of underground gay clubs and arrests of LGBT people remained on the books—and were regularly enforced (Bellucci 2010, 34-40). The new president, Raul Alfonsín, did nothing to slow the raids; his interior minister announced that homosexuality was an illness, and "we intend to treat it as such" (Bazán 2010, 395-96). In the three months from the end of 1983 to early 1984, police detained more than 21,000 people in these raids (Bazán 2010, 403). Detainees were typically held for 24 hours and threatened with phone calls to family or employers unless they pled guilty to such things as public intoxication or scandal. After one such raid in March 1984, a group led by Carlos Jáuregui met and formed the first post-dictatorship political organization in response, the Comunidad Homosexual Argentina, with the slogan, "With discrimination and repression, there is no democracy" (Bellucci 2010, 25); their founding motto was, "Freedom to express one's sexuality is a human right" (Brown 1999, 116). Where the FLH's

discourse was anticapitalist, the CHA's discourse was focused on human rights and individual liberties (Bellucci 2010, 51). Rather than positioning themselves in opposition to the state, they positioned themselves as requiring inclusion into it in order to make the state the democracy it aspired to be.

But if their claims were somewhat different, their perspective on alliances was similar. Jáuregui, the CHA's first president, continued the FLH's push for lesbians and gays to forge links with non-gay organizations, especially feminists and human rights groups. The CHA began by joining other groups for the release of the official report on the disappearances during the dictatorship in September 1984; this led the Permanent Assembly for Human Rights to invite them to participate in another event, and from there a leader of CELS, a prominent human rights group, offered legal services and public support (Bellucci 2010, 56). The CHA sent information to almost every existing human rights group and met with many state offices to try to advance its causes; the group declared in a 1985 press release that "our sole commitment is the struggle for the full force of human rights in Argentina, of which homosexual dignity is just one theme" (Bellucci 2010, 58). Though the CHA participated in many human rights protests, forging this alliance was not simple; the idea of human rights at the time was very strongly connected to the demand for justice for the disappeared, and despite LGBT persecution at the hands of the dictatorship, they remained invisible in the official report on the disappearances (Brown 2002).

In this respect, the support of the Madres de Plaza de Mayo was crucial for the CHA. The Madres, an activist group of mothers whose children were tortured and killed by the military dictatorship, had become paragons of human rights activism in Argentina. Laura Bonaparte, leader of one of the two Madres organizations, was a key early supporter, who always linked both abortion and homosexuality to human rights. On the other hand, Hebe de Bonafini, leader of

the other Madres group, was uncomfortable with the issue, like many activists at the time. In 1988, when a gay group signed on in support of the Madres' resistance march, she refused to read their name off the list publicly (Bazán 2010, 405-06). It took many years of persistent participation in broader human rights activism to fully win over both Madres groups and to solidify this link between gay rights and human rights (Bellucci 2010, 61-62).

Meanwhile, lesbian and trans activists had begun their own political struggles, and soon became allied with gay activism—though this connection was far from inevitable. The CHA had only a very small group of female members, and one activist noted that despite its vision, the CHA was still misogynist and lacked a full understanding of feminism (Bellucci 2010, 118, 136). Gays and lesbians alike frequently discriminated against trans people; many gays didn't want them at the Pride Marches because of the sexualized image some projected, and many lesbians believed they were men invading women's spaces (Bellucci 2010, 179).

LGBT groups first really came together in what might be considered a movement in 1995. In that year, Jáuregui brought together all the existing LGBT groups in Buenos Aires for a series of meetings intended to solidify the groups into a movement, ensuring that lesbians and trans people were each given a full meeting to talk about their struggles with all the activists (Bellucci 2010, 176-77). From this series of meetings, the groups launched an annual LGBT conference and the successful campaign for including sexual orientation in the Buenos Aires constitution's anti-discrimination clause (Brown 2002, 123).

Still, the CHA, which remained largely gay rather than truly LGBT, dominated Argentine organizing through the '90s and into the 2000s, and the proliferating LGBT groups collaborated only sporadically (Brown 2002). Campaigns focused largely on recognition, visibility, and HIV, and few major advances were made, as many social movements found themselves struggling

under the new neoliberal order and economic precarity that Argentina experienced during those years (Brown 2002, 135). While some national and international resources flowed to gay groups for work on HIV/AIDS, the movement never gained strong financial backing; by 2000, the CHA did have several paid staff members, but no group had anything like the resources of their US counterparts (Díez 2013). A notable exception to the dearth of major victories came in 2002, when activists passed a civil union bill in Buenos Aires, building off of the city's anti-discrimination clause. Against opposition attempts (primarily led by the Catholic Church) to frame the state as not having the right to intervene in private matters that are, moreover, issues of nature rather than politics, activists appealed to equality, democracy, and rights, and argued that it was legislators' responsibility to grant these rights (Hiller 2010, Díez 2013). The success of these kinds of arguments formed the foundation for the marriage equality battle eight years later; however, activists would not have the advantage of a federal anti-discrimination law to support their case.

The CHA's dominance of LGBT activism persisted until the formation in 2005 of the Federación Argentina de Lesbianas, Gays, Bisexuales y Trans (FALGBT). The FALGBT united five groups representing gays, lesbians and trans people (VOX, ATTTA, La Fulana, Nexa, and Fundación Buenos Aires Sida) with the goal of advancing marriage equality and other political issues like gender identity rights (Bimbi 2010, 30). The FALGBT, which not only pooled local resources but also received financial and strategic assistance from Spanish LGBT organizations (Friedman 2012), quickly came to match the CHA in influence, and became the leading voice on the same-sex marriage campaign.

The vast majority of LGBT activism has centered in Buenos Aires, the national capital and, if surrounding areas are included, home to more than a quarter of the country's population.

However, groups exist in every province, though many are quite recent. For example, in the province of Salta, a conservative region in northwest Argentina, the first political LGBT organizations only emerged in 2007-8.<sup>7</sup> Rosario serves as the exception; the third largest city in Argentina, governed by the Socialist Party since 1989, Rosario has been at the forefront of LGBT activism and LGBT-friendly local laws and policies.

Still, because marriage is regulated at the federal level in Argentina, which I will discuss at greater length below, the national political scene would be most important to the same-sex marriage campaign. Throughout the '90s, under the presidency of Carlos Menem, the left in Argentina was relatively weak, and LGBT activists made little progress in attempts to gain support from the dominant Peronist party (Brown 2002). Néstor Kirchner took office in 2003, in the context of total economic collapse and the default of Argentina's international loans, with a record low percentage of the popular vote. For Kirchner and his wife and successor Cristina Fernández de Kirchner, both center-left politicians, securing the support of human rights groups played an important role in shoring up their legitimacy and inoculating what had become a growing sector of opposition to the state: the number of human rights groups in the country grew from 24 in 1989 to 796 in 2005 (Jacobs and Maldonado 2005, 161-62). Kirchner successfully forged a strong new party alliance, Frente Para la Victoria (FPV), out of the large center-left Peronist party and other smaller parties; FPV has mostly dominated Congress since 2005. When Fernández de Kirchner succeeded him in office in 2007, she continued the FPV agenda. Kirchner reopened prosecutions for human rights violations committed during the dictatorship, winning the support of the Madres de Plaza de Mayo and other prominent human rights groups. Getting

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7. Mary Robles, interview with author, April 24, 2014; Ro Liendro, interview with author, April 25, 2014.

the Kirchners' support would be important for activists, and their emphasis on human rights meant that, while human rights had lost some of their rhetorical leverage under Menem, they once again offered a promising avenue for state support.

Under Kirchner's presidency, LGBT activists also gained an important entry point into the state through INADI, the National Institute Against Discrimination, Xenophobia and Racism. Established in 1995, INADI dramatically gained influence during the Kirchners' terms. Since 2005, INADI has been a part of the Ministry of Justice and Human Rights, and its work is deeply informed by international human rights conventions and norms. Its purpose, in its own words, is to protect those discriminated against because of their "ethnic origin or nationality, political opinions or religious beliefs, gender or sexual identity, handicap or illness, age or physical appearance" and to "guarantee for such people the same rights and guarantees enjoyed by the rest of society, which is to say, equal treatment" (INADI 2016). In 2006 Kirchner appointed María José Lubertino, a feminist leader and former congresswoman, to head INADI. Lubertino became a key ally of LGBT activists, using INADI and her position to promote same-sex marriage and LGBT rights in general. INADI provided the FALGBT with financial resources, a channel to the president, and prominent public support, among other things; soon FALGBT president María Rachid became an advisor to INADI, creating an even tighter link (Bimbi 2010). This avenue of support encouraged channeling activist claims in terms of discrimination and human rights.

The main opposition to LGBT rights has always come from the Catholic Church, which is very strong in Argentina; this opposition has helped to shape the movement itself. The Church's condemnation of homosexuality has cast gays and lesbians as immoral and destructive to society, which required state protection from gay influences. In the early years of the movement, the cardinal of Argentina was given a weekly spot on state TV, where he regularly

spoke out against the LGBT community (Bellucci 2010, 169). One priest called for the death penalty for gays in 1992, prompting a variety of LGBT groups to join together for the first time outside of the Pride March, to protest (Bellucci 2010, 172). Notably, LGBT activists' first same-sex union success—the Buenos Aires civil union law of 2002—was passed during a time of weakness for the Catholic Church. Under intense scrutiny for two separate sexual abuse scandals, the Church mustered virtually no opposition to the bill, which passed by a margin of 29 to 11 (Diez 2013). Despite the Church's waning influence over the years, due first to its close ties to the discredited dictatorship and later to its feuds with the Kirchners, its opposition to LGBT groups and to same-sex marriage would mean that same-sex marriage activists would be forced to confront religious and moral claims in their campaign.

### **Local institutions and embedded discourses**

The brief histories I have described do not exist in a vacuum; they have been shaped by the laws and political institutions that help direct debate to particular settings in which activists can make their claims, as well as helping to shape the kinds of claims they could make. While the United States and Argentina are politically similar in important ways—both are presidential democracies with a federalist structure—their differences helped set the discourse around marriage equality in each place down separate paths.

Activists in both countries initially faced laws criminalizing same-sex behavior, which positioned lesbians and gays in opposition to society and the state; over time, these were slowly eliminated, and activists succeeded in gaining legal recognition, often in the form of anti-discrimination legislation, at local levels, which marked a significant shift toward lesbian and gay inclusion in the state. Still, in neither country did legal protections rise to the national level.



Perhaps the two greatest differences between the countries lie in the legal framework for marriage regulation. In Argentina, national law regulates marriage, but international human rights law takes precedence, whereas in the United States, each state has the power to determine its own marriage laws—which was famously limited by the Supreme Court in its 1967 ruling that states cannot prohibit interracial marriage. In terms of discursive opportunities, this difference helped lead the Argentine same-sex marriage debate into the realm of human rights concepts and the US debate into that of civil rights concepts. This difference is important because of the narrower and more inward-looking nature of civil rights, which also carry a strong link to African-American rights and struggles in the United States. Combined with the ability in many US states to put laws and state constitutional amendments to a public vote, this difference also meant that Argentine activists would largely be targeting national legislators, while US activists would need to win over the public, state by state, as well as the Supreme Court. Finally, as part of the broader ongoing struggle over the proper relationship between a state and its citizens, the marriage equality battles were situated in specific local histories and understandings of citizenship and democracy. In broad strokes, Argentina can be characterized as currently negotiating the role of the state after a period of authoritarianism, and doing so largely within a discourse of human rights, whereas US conceptions of citizenship and democracy have experienced few recent major disruptions but still encompass competing civil rights discourses.

### *United States*

One of the most significant differences between the United States and Argentina in terms of the legal landscape is that in the United States, the power to regulate both same-sex behavior and marriage sits primarily at the state rather than national level. Historically, sodomy laws

existed in every state, criminalizing same-sex (and often some opposite-sex) sexual relations. Many of these state laws were repealed as part of broader criminal code reforms over the years, and those that remained were rarely enforced, but the existence of such laws made it difficult for activists to argue that the state should recognize same-sex relationships. State power is, however, constrained by the guarantees set forth in the US Constitution; under the US common law tradition, the courts may strike down state and federal laws as unconstitutional, a power the Argentine courts do not have. LGBT activists used that opportunity to challenge state sodomy laws in court, but at first they were unsuccessful. In 1986, the US Supreme Court ruled 5-4 in *Bowers v. Hardwick* that Georgia's sodomy law was not unconstitutional, because it did not violate the right to privacy that the court had previously ruled was implicit in the Fourteenth Amendment. In other words, the Court declared that same-sex sexual acts were not protected by the right to privacy. The close split in the ruling and the sharp dissent, however, indicated that the issue was not entirely settled, which meant activists would continue to focus on issues of privacy; indeed, the court eventually overturned its own ruling in 2003 with *Lawrence v. Texas*, which struck down Texas' sodomy law precisely on privacy grounds. The majority opinion in *Lawrence* found constitutional protection for "personal decisions relating to marriage, procreation, contraception, family relationships, [and] child rearing," for people in homosexual relationships as well as heterosexual ones.<sup>8</sup> This ruling paved the way for activists to use the right to privacy in their claims about marriage, backed by the authority of the Supreme Court.

The *Lawrence* ruling was influenced by another critical ruling in 1996, *Romer v. Evans*, in which the Supreme Court struck down a Colorado constitutional amendment passed by referendum that prohibited state recognition of LGB people as a protected class. The amendment

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8. *Lawrence v. Texas*, 539 U.S. 558 (2003) at 574.

would have prevented local enactment of quotas favoring LGB people as well as any anti-discrimination laws to protect LGB people; the Court ruled that the amendment was based on animosity toward gay people and "lacks a rational relationship to legitimate state interests."<sup>9</sup> This marked a shift away from *Bowers'* assertion of state interest in regulating same-sex behavior and identity, even if it said nothing about the morality of the issue.

The US Constitution makes no mention of marriage. When same-sex marriage first emerged as a national political issue in the mid-1990s, the US Code did not itself regulate marriage, since marriage is governed at the state level. It did, however, contain 1049 provisions in which marital status is a factor in determining federal rights and benefits (Bedrick 1997). Once Hawaii's Supreme Court ruled in 1993 that the state's same-sex marriage ban could be unconstitutional and sent the case back to a trial court, opponents sought to preempt any possibility of federal recognition of any future same-sex marriages. After a flurry of activism by the religious right, in 1996 the federal code was modified by the passage and signing into law of the Defense of Marriage Act (DOMA), which determined that, in interpreting federal law, "the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife."<sup>10</sup> DOMA further provided that "No State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession, or tribe, or a right or claim arising from such relationship."<sup>11</sup> The enactment of DOMA meant that, while a

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9. *Romer v. Evans*, 517 U.S. 620 (1996) at 632.

10. Defense of Marriage Act of 1996, 1 U.S.C. § 7 (1996).

11. Defense of Marriage Act of 1996, 28 U.S.C. § 1738C (1996).

state could permit same-sex marriage, that marriage would not be recognized by the federal government, nor would other states be required to recognize it. In order to win same-sex marriage nationwide, then, activists would have to overturn federal law.

The federative nature of the US government, which gives control over the regulation of marriage to the states, was a crucial factor in slowing the movement's progress because of the tremendous resources needed to fight 50 battles instead of one (Smith 2008). At the state level, few states explicitly defined marriage as only between a man and a woman before the 1990s. Once same-sex marriage became a national issue, however, the states became the primary political battleground, as anti-gay groups led efforts to pass state-level legislation and constitutional amendments to prohibit same-sex marriage. But the impact of US federalism was not just about resources or power imbalances; it also meant activists would need to develop different ways of talking about the issue than they would if they could simply debate it before Congress. This was because many states allowed for laws and constitutional amendments to be put to a popular vote during regular elections, so that, unlike in Argentina, the primary audience for activists' claims in many cases would be the public, rather than public officials.

However, the United States' common law judicial tradition meant that those state level struggles, popular and otherwise, would ultimately be raised to the federal level in the courts, once again changing the audience for activists' claims. As I show in Chapter Four, this fragmentation of settings resulted in a fragmentation of discourse as well. State law prohibiting culturally taboo marriages had been overturned by the US Supreme Court in the 1967 case of *Loving v. Virginia*, in which the court held that Virginia's law banning and punishing interracial marriage violated the Fourteenth Amendment of the US Constitution. The first section of that amendment states: "No State shall make or enforce any law which shall abridge the privileges or

immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." The majority opinion held that Virginia's law violated both the equal protection clause and the due process clause—that latter in the sense that "the freedom to marry has long been recognized as one of the vital personal rights essential to the orderly pursuit of happiness by free men."<sup>12</sup> Thus the Court essentially found a right to marriage implicit in the US Constitution. The *Loving* ruling meant two things for the same-sex marriage struggle: that the latter would be legally linked to the history of racial politics and the civil rights movement in the US, providing an opening for claims drawing on that link, and that the principles of equality and freedom would be the two main legal concepts available for activists to advance their cause.

Stepping back to the broader discourse around state-citizen relations, the concepts of rights and equality have long dominated in the United States, drawing from the centrality of individual rights in the federal constitution's bill of rights. But ideas of citizenship also draw from exclusionary hierarchies of difference, with deep histories of explicit racial and gender exclusion in court rulings and laws (Smith 1999). This means that while there is a discursive foundation within the political culture for inclusion-seeking activists and their supporters to appeal to notions of equality and the state's responsibility to uphold it, there is also opportunity to construct their group as not properly belonging among the ranks of the excluded, without necessarily challenging the existence of those hierarchies. In recent history, the Civil Rights movement tapped into the hegemonic rights discourse in its struggle in the 1950s and '60s, arguing for the state to enforce equal rights regardless of ascriptive difference (see, e.g., Snow and Benford 1992, Tarrow 1994). This led to court decisions and legislation that entrenched a

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12. *Loving v. Virginia*, 388 U.S. 1 (1967) at 12.

rights-based, state-focused discursive opportunity structure that other inclusion-based movements have taken up in its wake.<sup>13</sup> As I will show in the next chapter, while the US marriage equality movement likewise adopted this talk, it shifted over time to focus more on the feelings of lesbians and gays in an effort to essentially render invisible any ascriptive differences.

### *Argentina*

In Argentina sodomy was decriminalized with legal reforms in the late 1800s (Corrales and Pecheny 2010), establishing a key difference from the United States very early on. This gave opponents less legal ground from which to deny LGBT people rights. Around the same time as the legal reforms, however, police edicts were enacted around the country, giving local law enforcement the ability to detain people for up to thirty days without due process for violating a variety of regulations, such as cross-dressing, sex work, and "flirtatious remarks" (IGLHRC 1995). These regulations were not part of the penal code, so LGBT people and their behaviors were not criminalized by law, but the edicts gave police the ability to harass, extort, and assault LGBT people with near impunity (IGLHRC 1995). LGBT activists in Buenos Aires succeeded in allying with other targeted groups to ban police edicts in Buenos Aires as part of the city's constitutional reform of 1996, though such regulations persisted until 2012 in some provinces (Ungar 2001, Boy 2013). The Buenos Aires constitutional reform included gays and lesbians as a protected class, prohibiting discrimination on the basis of, among other things, sexual

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13. These were not the only frames activists used—Martin Luther King, Jr., for example, spoke forcefully about the need to look beyond rights to racism, militarism, and poverty, among other things, and some activists appealed for separation rather than integration—but they are the ones that have dominated the resulting court rulings, laws, and constitutional amendments, which have been reinforced by the broader cultural narrative around the movement (Hall 2005).

orientation. The reform shifted the relationship between gays and lesbians and the state, as they went from targets of state harassment to objects of state protection—in Buenos Aires, at least, which, as the largest city in Argentina as well as the capital, is the locus of much national activism and political change. And it embedded that new relationship in local, if not national, law, providing a foothold for later rights-based claim-making.

That reform was made possible in part by an earlier victory that began the shift in the relationship between LGBT people and the state. In the late 1980s, the Comunidad Homosexual de Argentina (CHA) sought legal recognition as a civil society organization, but the state rejected its request on the ground that the CHA's goals did not "agree with the idea of common good, as an expression of general or public interest," as required by the Civil Code (Saldivia 2010). The CHA's appeal to the Supreme Court failed in 1991, and the group only won recognition in 1992 when President Carlos Menem, under high-profile criticism from international organizations, reversed the state's original decision (Saldivia 2010). This victory created new possibilities for LGBT activists to reconstruct the relationship between themselves, society, and the state: no longer deemed in opposition to the public interest, the gays rights group was now an official part of civil society and an official interlocutor of the state.

The Argentine Constitution (1994) does not mention marriage. The national Civil Code, however, regulates marriage across scores of articles under Family Law. Two of these specify the sex of those entering marriage: Article 172 requires the "full and free expressed consent of a man and a woman before an authority competent to celebrate" a marriage, while Article 188, which describes the marriage ceremony, stipulates that those contracting declare "that they wish to take each other as husband and wife." The Civil Code takes precedence over any local or provincial laws, making marriage strictly the jurisdiction of the federal government, and amendable by any

of the three federal branches of government (Schulenberg 2012). This meant that activists would need to focus on challenging federal law—rather than state law or the national constitution—in their pursuit of same-sex marriage.

As in the United States, the Argentine Constitution does not address marriage. However, it does also include guarantees of equality before the law (Article 16) and privacy (Article 19): "The private actions of men which in no way offend public order or morality, nor injure a third party, are only reserved to God and are exempted from the authority of judges." These articles provided openings that LGBT activists could attempt to exploit (e.g., Salum 2010); the language of the articles helped channel the debate to focus on questions of whether a third party might be injured in same-sex marriage (as opponents claimed children and society were harmed), as well as on the definitions of equality and morality. The right, however, would also use Article 19 to argue that the state should not intervene by sanctioning the "private" relationships between same-sex couples.

To change the Civil Code would require new legislation; under the Argentine civil law tradition, the courts cannot change laws as US courts can. In other words, a Supreme Court ruling that an aspect of marriage law is unconstitutional would only apply to the party in the case and all lower courts; it would not change the Civil Code itself. However, such a ruling could put strong pressure on Congress and the President to bring law into accordance with the court ruling (Schulenberg 2012). This happened over marriage law in 1986, when the Supreme Court ruled that the country's prohibition of divorce was unconstitutional. Shortly thereafter, Congress passed a law legalizing divorce that had been stalled in the Senate. That court ruling and the reasoning behind it would serve as an important precedent for same-sex marriage activists. In the majority opinion, Supreme Court Justice Enrique Petracchi—who was still on the Court when marriage



equality was later brought before it—wrote that civil marriage must be legally separate from religious marriage, and that the Catholic Church's conception of marriage could not be imposed upon non-believers in a state that guarantees freedom of religion as well as the freedom to marry (Bimbi 2010, Salum 2010). This ruling laid the foundation for LGBT activists to be able to argue against the Church's ability to define marriage, and it undermined the Church's ability to make such claims.

Finally, as of 1994, all international treaties to which Argentina is a signatory have equal status to the Argentine Constitution. This means that international human rights law takes precedence over the Civil Code. Article XXIII of the International Covenant on Civil and Political Rights (ICCPR) declares that "The family is the natural and fundamental group unit of society and is entitled to protection by society and the State" and recognizes "the right of men and women of marriageable age to marry and to found a family"; Article XVI of the Convention on the Elimination of Discrimination Against Women requires that states "ensure on a basis of equality of men and women the same right to enter into marriage." Neither of these mention sexual orientation specifically as a protected class, and their ambiguity left open legal debate as to whether these treaties intended to define marriage as only between a man and a woman or the family only as the heterosexual family. In addition, because the right to adoption was a central point of contention in the same-sex marriage debate, the Convention on the Rights of the Child was also applicable, particularly Article III, which states, "In all actions concerning children...the best interests of the child shall be a primary consideration." The status of international human rights law in Argentina meant two key things for claim-making. First, rhetorical appeals to human rights were about law, not just norms, which made them crucial to

the debate. And second, the ability to claim or borrow authority on human rights issues would be extremely important for actors on both sides of the debate.

Turning to conceptions of citizenship, they have been much more volatile in modern Argentina than in the United States, accompanying the volatility of the country's political and legal institutions: the constitution has undergone multiple reforms in the last hundred years under both military and democratic rule, and court-packing has been a recurring phenomenon. For much of the twentieth century, citizenship focused less on civil rights and democracy and more on collectivism and entitlements, particularly around economic welfare (Jelin 1996, Faulk 2012). The country's return to democratic rule in 1983 after seven years of military dictatorship led to a new focus on human rights, and in particular on state violence and drawing protective boundaries between the state and its citizens. This was partly the result of a human rights movement led most visibly by the Madres de Plaza de Mayo, women whose children were "disappeared" under the dictatorship. The institutionalization of those rights efforts, however, has been uneven. For instance, under pressure from the Madres and others, military officials were prosecuted for their role in the extrajudicial killing of tens of thousands of civilians, but that power of the state to enforce human rights was soon limited with amnesty legislation that covered most officials, with an exception for those responsible for kidnapping the infants of political prisoners. Those laws helped steer the discourse of human rights through the '80s and '90s toward a focus on family and on children in particular (Bonner 2005); the idea of minority rights remained largely underdeveloped. In other words, while LGBT groups had succeeded in linking their issues with human rights groups, the state had not yet recognized those links.

The 1994 constitutional reform marked a major turning point, which can be seen as a significant and—barring a new constitutional reform—stable new discursive opportunity. Still,

while it elevated the dominance of human rights concepts, the precise meanings of those concepts would need to be negotiated, particularly in the courts and legislature—which at the time were largely under the sway of a neoliberal turn that overtook most of South America. The marriage equality movement took place in what is increasingly seen as a post-neoliberal era in much of South America, in which state-led social justice rhetoric was again resurgent, and states like Argentina—under the successive center-left presidencies of Néstor and Cristina Fernández de Kirchner—were engaging in re-nationalization and taking more responsibility for citizens' well-being (Pecheny 2012, Faulk 2012).

## **Conclusion**

LGBT people in both Argentina and the United States began coalescing into movements in the mid-1900s in the face of criminalization and repression; by the 2000s, movements in both places were campaigning for the right to marry. For marriage equality to become a reality, the relationship among LGBT people, society, and the state would have to change dramatically. In this chapter, I have described how these histories of interaction and the institutional differences in each place helped shaped how activists, their supporters and opponents could talk about marriage and thus shape those relationships.

In Argentina, the discursive opportunity structure largely consisted of the volatile but dominant discourse of human rights, whose precise meanings and applications were actively being contested, and which did not clearly encompass rights for minority groups. The US discursive opportunity structure, on the other hand, consisted primarily of the civil rights and equality concepts embedded in the federal constitution and reinforced through myriad Civil Rights-era court rulings. The devolution of power to the US states, and the ability in many of

those states to put marriage equality to a popular vote, meant US activists would have to appeal to the voting public, whereas Argentine activists were able to focus more on national politicians. These and the other differences spelled out in this chapter helped shape the ways that marriage equality activists and their interlocutors would construct lesbians and gays, society, and the state; it is these specific constructions that I will explore in the next chapter.

### **Chapter 3**

#### **Meanings of Citizenship and the Discursive Opportunity Structure**

In this chapter I look at the greater arc of change: What did the battle for marriage equality come to mean in each country, and in what ways did those different meanings impact subsequent political opportunities? I argue that differences in the discursive constructions of lesbians and gays and the state in marriage equality debates produced different legacies in the discursive opportunity structures regarding citizenship in the United States and Argentina. To show this, I trace discourse over time in each debate as filtered through mainstream newspapers and analyze the impacts of these differences on the discursive opportunity structure in each country by looking at the language that became embedded in legal institutions such as court rulings and laws. I show that in Argentina, claims by marriage equality supporters (including both activists and others) focused on the state and its responsibility for extending rights and equality to minority groups, while US supporter claims more strongly emphasized lesbians and gays and their feelings and respectability. As a result of these differences, I suggest, the marriage equality debate in Argentina left a discursive opportunity structure more favorable to increasing the rights of other marginalized groups.

#### **Discursive opportunity structures and paths to full citizenship**

Studies of framing have increasingly taken up questions of causality, asking both how factors like culture influence the frames movements use, and how framing influences a variety of outcomes. But rarely have scholars looked at how framing impacts culture, or how framing can be *both* effect and cause (Snow et al. 2014). In this chapter, I examine the impact that successful framing processes have on political culture. Like Koopmans and Statham (1999), Ferree (2003),

and McCammon et al. (2007), I take the discursive opportunity structure in a given place to influence framing processes; from there, I also argue that those framing processes in turn shape the discursive opportunity structure.

Koopmans and Statham (1999) proposed the idea of a discursive opportunity structure in response to the rise of political opportunity structure theory, which views changes in external factors—the "political opportunity structure" confronting activists—as shaping social movement emergence, maintenance, and success (e.g., Tilly 1978, McAdam 1982, Tarrow 1994). Scholars like Snow et al. (1986) tried to address the theory's inability to adequately address culture by complementing it with the concept of framing, which draws from Goffman's idea that people make sense of their world through frames that focus attention on certain elements while excluding others (1974). The theory suggests that activists and their opponents use frames to mobilize supporters by diagnosing a problem, proposing a solution, and motivating participants to act (Snow et al. 1986, Benford and Snow 2000). However, framing theory had trouble explaining why certain frames succeed or have different impacts depending on the circumstances. To begin to address this, Koopmans and Statham proposed linking political opportunity and framing theories by focusing on what they called the discursive opportunity structure: the cultural playing field that differentially constrains and enables actors attempting to dominate public discourse about policy issues by determining "which ideas are considered 'sensible,' which constructions of reality are seen as 'realistic,' and which claims are held as 'legitimate' within a certain polity at a specific time" (1999, 228).

Scholars such as Ferree (2003) and McCammon et al. (2007) have further developed the idea of discursive opportunity structures in an effort to better specify the impact they have on framing and show how they structure the possibilities for discourse. I work from Ferree's

definition of the discursive opportunity structure (2003, 309): "Institutionally anchored ways of thinking that provide a gradient of relative political acceptability to a package of ideas." By institutionally anchored, Ferree means embedded in the legal institutions of a country, such as constitutions, major court decisions, and legislation; these hegemonic discourses are reinforced through media, popular culture, and other realms outside of formal politics. Ferree argued that where the concept of a political opportunity structure addresses factors that directly influenced a group's access to the political process, the discursive opportunity structure indirectly influences access by shaping ideas. Ferree's definition avoids the pitfall that confronts political opportunity structure theory, in which it frequently became a "sponge that soaks up every aspect of the social movement environment" (Gamson and Meyer 1996: 275).

But discursive processes are always contingent; as McCammon et al. (2007) argue, frames are not simply dictated by context, they are chosen by actors with agency. I take this a step further and argue that movements and other actors are not just influenced by discursive opportunity structures; through their discursive choices, they also help to create them. Rather than focus on the *effects* of the discursive opportunity structure on marriage equality debates in Argentina and the United States, therefore, I examine its *construction*. Certainly, pre-existing differences in political cultures will help shape discourse, as I will briefly outline below. But where groups claim new rights, one would expect that the discursive playing fields themselves could become the objects of contention rather than simply fixed constraints. Understanding how these playing fields change—and therefore what direction future challenges might take—requires examining the discursive strategies taken by activists and other actors over time.

In getting underneath political or discursive structures to answer how discourse produces changes in meanings of citizenship, I attend specifically to the constructions of the actors

involved. The policy literature has shown that how particular groups are portrayed impacts public opinion and policy (Schneider and Ingram 1993); depictions of welfare recipients as black, female “welfare queens” beginning in the 1980s, for example, paved the way for benefit cuts and more punitive policies (Katz 1989, Gilens 1999, Hancock 2004). Putting this idea into the interactive, relational framework outlined in Chapter One, what the state ought to do about target populations hinges on more than just the construction of the population; it depends on the construction of the relationship between that population and the state and society—which in turn is shaped by constructions of those actors as well. In making claims about marriage, actors make claims about what the state is, who groups of marginalized citizens like gays and lesbians are, and what their relationship is to each other and to society; in so doing, they establish what actions each should take towards the others, thus making certain policies seem possible or even necessary (Doty 1993). These constructions ultimately shape how citizenship is understood, which is a key aspect of the discursive opportunity structure for inclusion-seeking groups. In the case of a marginalized population seeking protection from the state, those opposed seek to maintain the status quo: the marginalized group remains outside the protection that the state grants full members of the polity. To do so, they typically construct the group as a threat to or significantly different from society, and thus needing to remain isolated by the state. Those seeking to change the status quo can take two main paths in constructing state-citizen relationships. First, they can work to move the marginalized group to a location within the polity, receiving state protection. I call this the path of assimilation. Second, they can work to expand the state's reach to include the excluded group. I call this the path of expansion.

While these paths might sound similar, the distinction is important. In the second path, it is primarily the state that changes as a subject, growing in scope and authority, whereas the



formerly excluded might maintain their distinct identity and minority status. In the path of assimilation, it is the marginalized who are responsible to change as subjects, assimilating into the protected polity. Of course, groups can and often do follow both discursive strategies at the same time—no one actor or group controls the process, and within the broad categories of those speaking in support and those speaking in opposition, one would expect a diversity of viewpoints and strategies—but differences in the directions taken shape the state-society relationship beyond the battle for one particular group.

In Argentina and the United States, opponents similarly constructed lesbians and gays as immoral and a threat to society and the state as acting improperly in trying to admit them into the polity. However, I show that US supporters take an assimilative path, focusing more on reconstructing lesbians and gays as feeling, sympathetic members of society; Argentine supporters, on the other hand, take an expansive path, focusing more heavily on reconstructing and expanding the scope of the state and its role as protector of rights and equality in Argentina. While this is in part influenced by local histories and the existing discursive opportunity structures described in Chapter Two, I show that movement and supporter talk also causes shifts in the language and concepts embedded in national legal institutions, which anchor the discursive opportunity structure. What this means is that while both ultimately succeed in changing discourse around same-sex marriage, in the US that victory shifts the discursive opportunity structure towards emotion-based foundations for rights based on the ability of an excluded group to assimilate and generate empathy, whereas in Argentina, the movement deepens the hegemony of a human rights discourse but tilts it towards the state as protector of rights (and particularly minority rights) rather than the entity from which citizens need protecting. In other words, the

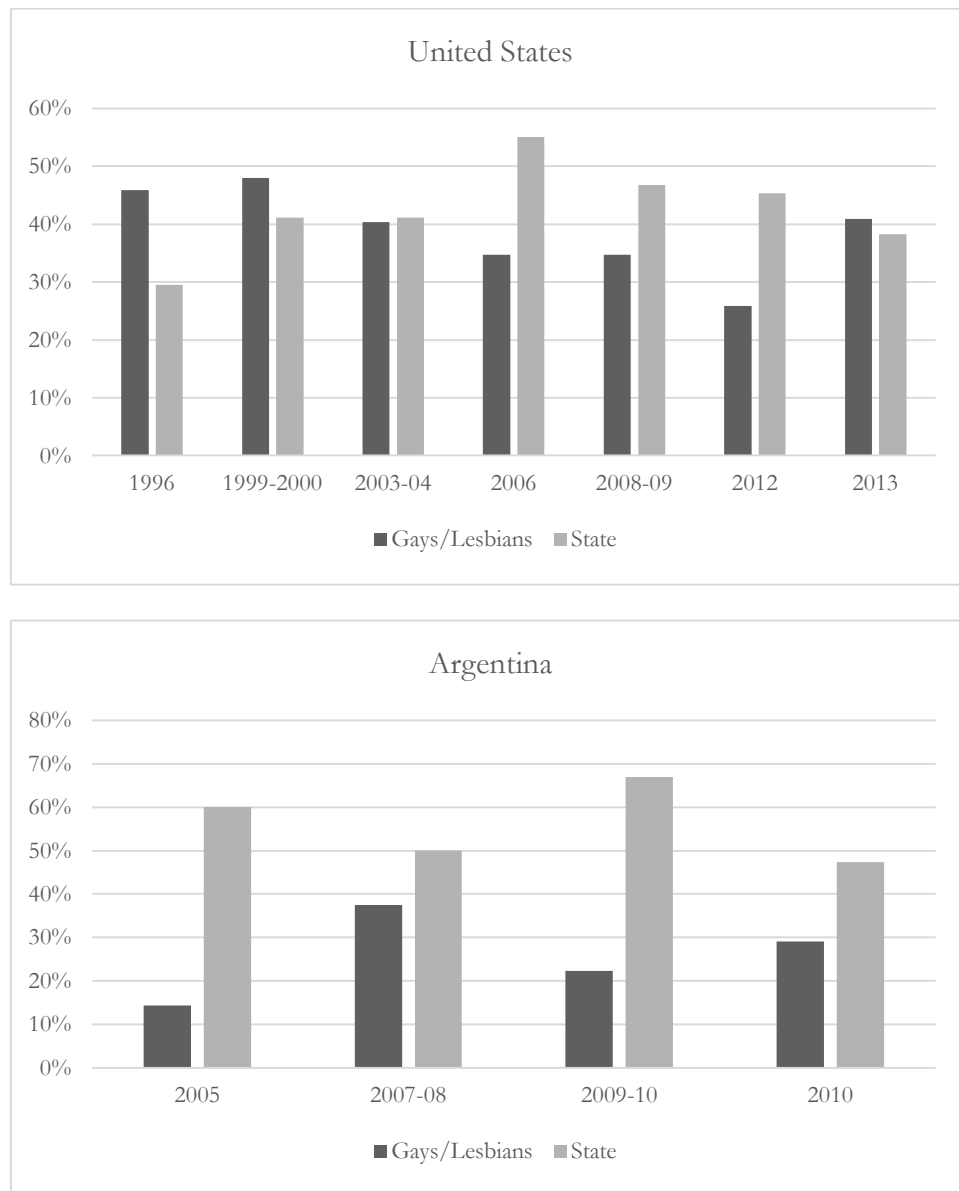
two states took separate paths to reach marriage equality, rendering its meaning and implications distinct in each state.

Finally, claims might be made repeatedly by one actor, but this does not mean that claim will be viewed as persuasive or that it will become a dominant discourse; that can only happen either when enough other actors repeat those claims, or when the actor making the claim can dominate the discourse (Krinsky 2010). In the analysis below, I will point to some reasons why certain constructions succeeded or failed, but I will leave a fuller exploration of these questions to Chapter Four.

### **Discursive paths**

My data show that while much of the marriage equality discourse in the United States and Argentina covered similar ground, the Argentine debate centered more on the construction of the state and its proper role with regard to its citizens, while in the US debate, questions of gay and lesbian identity and their relationship to society took on increased prominence. Across all time periods and actors, Argentines took the state as their subject in 60 percent of claims, compared to 44 percent in the United States. US speakers gave much more attention to gays and lesbians (33 percent of claims) than Argentine speakers did (21 percent). This reflected in part the different emphasis of marriage equality supporters in the debate; US supporters spoke of the two subjects roughly equally across time, whereas Argentine supporters centered their claims much more on the state (see figure 3.1). As I will describe below, the substantive differences in these constructions likewise reflected the two different paths taken: assimilating marginalized individuals into society, versus expanding the state's responsibility for citizens' rights.

The opposition in both countries constructed gays and lesbians as different from and a threat to society, and therefore undeserving of rights. US supporters countered these constructions with five main constructions of their own, four of which complement each other as



**Figure 3.1. Subject of claims by marriage equality supporters across time**

sympathetic framings of gays and lesbians. These first four cast gays and lesbians as having loving, committed, and stable relationships; as being mainstream and no threat to society; as suffering harm; and as experiencing emotions in reaction to marriage politics. The fifth—claims constructing gays and lesbians as citizens deserving rights, equality, or fairness—was always present but overshadowed by these other constructions. In contrast, Argentine supporters spent much less time constructing gays and lesbians, and emotion-centered claims were less prominent than in US discourse. (See tables 3.1 and 3.2.)

**Table 3.1. Marriage equality supporter constructions of gays and lesbians, United States**

Claims	1996	1999-2000	2003-2004	2006	2008-2009	2012	2013	All time periods
Mainstream	32%	<b>31%</b>	<b>31%</b>	13%	18%	<b>17%</b>	9%	22%
Equal	7%	20%	20%	<b>38%</b>	18%	10%	22%	19%
Feeling	0%	3%	19%	19%	<b>27%</b>	<b>17%</b>	<b>24%</b>	17%
Committed	<b>39%</b>	17%	12%	13%	6%	<b>17%</b>	7%	14%
Harmed	14%	11%	8%	6%	8%	7%	17%	11%
Help society	0%	0%	3%	0%	10%	14%	9%	6%
Don't want marriage	4%	11%	2%	0%	0%	0%	0%	3%

Note: In Tables 1 through 4, claims listed constituted at least 10 percent of claims in one time period and appeared in more than one time period. Totals do not equal 100 percent because not all claims met this threshold. Bolded percentages indicate the most frequent claim in each time period.

**Table 3.2. Marriage equality supporter constructions of gays and lesbians, Argentina**

Claims	2005	2007-2008	2009-2010	2010	All time periods
Equal	<b>60%</b>	<b>56%</b>	<b>25%</b>	15%	28%
Mainstream	0%	11%	0%	<b>22%</b>	11%
Harmed	0%	11%	15%	11%	11%
Feeling	20%	0%	20%	7%	11%
Good parents	0%	0%	5%	19%	10%

Activist	0%	0%	20%	4%	8%
Committed	0%	0%	5%	15%	8%

Regarding constructions of the state, once again I find that the rhetoric coming from opposition voices in both countries took similar aim: to stop the state from changing the status quo, making claims that the state had no right to alter marriage, and that to do so would be undemocratic or against the law and harmful to society. As with constructions of gays and lesbians, it is in supporter discourse that we see an interesting divergence. Argentine supporters focused a great deal more of their attention on the state than on gays and lesbians, and their construction was more focused, with one claim rising to clearly dominate by the final time period: the state's role is the protector of rights and equality for all of its citizens, particularly minorities. This claim was bolstered by only two other frequent constructions of the state: as an upholder of laws in general, and as modern and progressive. US supporters, on the other hand, focused less on the state as a subject, and their constructions were more varied: nine different constructions appeared with some frequency. Notably, two focused more on morality and emotions: the moral character of the state, or its responsibility to act on principle (in contrast to law or public opinion), and the state as an actor that hurts gays and lesbians. In this final construction, claims focused on the suffering the state causes, linking it to the US constructions of gays and lesbians as feeling rather than voicing the idea of rights being violated. (See tables 3.3 and 3.4.) In the subsections that follow, I will describe in more detail the paths taken in each country, focusing on the dominant subjects in each (i.e., gays and lesbians in the United States and the state in Argentina). Through this in-depth analysis of the discourses I aim to show that the contrasts between them construct different responsibilities for the state and different relationships between the state and its people.

**Table 3.3. Marriage equality supporter constructions of the state, Argentina**

Claims	2005	2007-2008	2009-2010	2010	Total
Protect rights	14%	<b>25%</b>	<b>32%</b>	<b>52%</b>	35%
Progress	<b>43%</b>	<b>25%</b>	10%	19%	19%
Uphold law	5%	17%	21%	2%	12%
Help society	24%	0%	0%	2%	4%

**Table 3.4. Marriage equality supporter constructions of the state, United States**

Claims	1996	1999-2000	2003-04	2006	2008-09	2012	2013	Total
Principled	<b>39%</b>	<b>33%</b>	<b>28%</b>	26%	<b>15%</b>	20%	20%	24%
Protect rights	0%	13%	25%	<b>30%</b>	<b>15%</b>	8%	18%	17%
Uphold law	17%	10%	22%	11%	8%	<b>22%</b>	5%	14%
Progress	0%	17%	3%	0%	12%	10%	<b>25%</b>	11%
Hurts gays	0%	3%	5%	4%	8%	6%	18%	7%
Out of order	17%	0%	5%	7%	9%	12%	5%	7%
Decisive	0%	10%	0%	4%	12%	8%	0%	5%
Pandering	22%	3%	3%	15%	2%	2%	2%	5%
Promote stable relationships	17%	7%	0%	0%	2%	2%	0%	2%

*Argentina: The state as protector of rights*

In Argentina, supporters increasingly over time put forth one clear, dominant construction of the state: no matter which actor, body, or branch, its role is to be a guarantor of rights to all its citizens, including minorities. Claims that the state is obligated to provide "equal rights" or "the same rights with the same names" were ubiquitous from the FALGBT and its supporters in both

the state and society, particularly by the time legislators took up the issue in 2010. These constructions often did not even mention gays and lesbians; for example, FALGBT president María Rachid argued that authorities should "respect the human right of equality before the law that must be guaranteed to all people" (*La Nación*, December 29, 2009). Such claims often pit the state against a majority in society, acting as defender of minorities; this also served as a response to opposition claims of authoritarianism or attempts to divert the political process. For instance, when the opposition pushed for a popular vote on the marriage question, Rachid argued: "You can't put human rights up for a vote; you either recognize them or don't recognize them" (*La Nación*, June 2, 2010). The minority framing was repeated frequently by state actors, such as Senator Alfredo Martínez of the center-left Radical Civic Union party (UCR), who claimed, "We have to legislate for a minority knowing that there will be a majority that disagrees" (*La Nación*, July 15, 2010). The state must protect all human rights and minorities, not just gays and lesbians, in many of these claims. Because activists and their supporters do not shy away from highlighting gay and lesbian identity and activism, as explained below, this erasure seems to be less about negating gay and lesbian identity than about placing the focus on the state and its responsibilities to its citizens, regardless of their differences. Rather than insisting foremost that gays and lesbians ought to be sympathized with, the dominant supporter discourse stressed that the state must protect and expand rights for all.

Supporters complemented this construction with claims casting the state as the guarantor of law and the constitution, and the state as modern, historic, and progressive. The first is similar to the construction of the state as protector of rights and equality, but I coded claims separately if they made no mention of principles found in law like rights, equality, or discrimination and focused only on obedience to law or constitutions. These claims were often made by state actors

themselves; they mostly appeared as court rulings that a law was unconstitutional, but also came in the form of state actors defending their actions. For instance, Governor Fabiana Ríos, who allowed the first same-sex marriage in Argentina to take place in her southern province, justified her decision by saying, "I did nothing extraordinary. I simply complied with the law, something that would be good to begin to do in Argentina" (*La Nación*, December 29, 2009).

Such claims dropped off significantly in the final time period, which included far fewer articles in court settings; they were overtaken by state-as-progressive claims, which favor ideas of change over fidelity to enshrined laws. They frequently appeared as claims about the state's contributions to a better Argentina: "This advance makes us a more just, democratic, and free country," declared Rachid upon a court victory authorizing a same-sex marriage (*La Nación*, April 16, 2010). These claims put the state in the role of bringing about change for the better of the whole society, again focusing on the relationship between the state and society rather than the state and lesbians and gays in particular. Together, these three main constructions fashion a state that is responsible for its citizens and makes them better—at times by going against their will. It was an image of the state that more prominent and powerful state actors, most notably President Cristina Fernández de Kirchner and her husband (the ex-president and then-legislator) Néstor Kirchner, began to echo in the debate, as I will show in more detail in the next chapter.

This ability to attract state allies put marriage equality supporters a step ahead of their Catholic Church–led opposition, which increasingly constructed the state as undemocratic and having no authority to recognize same-sex marriages. These sought to limit the power of the state to act, the first by positioning it as deferent to society, the second as deferent to the Church. In an example of the first, Eduardo Sambrizzi of the Corporación de Abogados Católicos accused Congress of "legislating behind the backs of the people" (*La Nación*, June 16, 2010). This



construction of state actors as behaving undemocratically by going against "the people" built on the recent political history, in which the Kirchners' often confrontational rule had alienated conservative sectors beyond the Church. The second construction—the state has no right to change marriage—came almost exclusively from the Catholic Church (and its affiliated lay organizations), which itself tried to claim sole ownership over marriage. A press release from the Corporación de Abogados Católicos quoted in a May 3, 2010 *La Nación* article cautioned that "The Chamber of Deputies does not have the authority to change rules of constitutional hierarchy, nor to abolish precepts of the natural order." The proper role of the state, as constructed by the opposition, is thus to reflect the will of society and of (the Catholic Church's interpretation of) nature. As I will show in the next chapter, none of these claims helped the Church forge alliances that extended beyond their immediate ideological circles, leaving them with less discursive power despite their vocal opposition.

Argentine supporters took gays and lesbians as the subjects of their claims much less frequently. Most of the constructions themselves were not, on the surface, remarkably different from those in the United States, but two main contrasts stand out. First, whether gays and lesbians can be good parents—which rarely appears in US discourse—became an important issue in Argentina in the final time period, when it is accompanied by a jump in "mainstream" and "committed" claims and a decrease in "equal" claims. These appear to be a reaction to the opposition's shift in strategy: as supporter claims for the state's extension of rights began to find support even among conservatives, the Church proposed civil unions—which would prohibit adoption—as a last-ditch effort to prevent marriage equality, shifting the center of debate to gay parenting. Supporters therefore devoted more of their claims about lesbians and gays to fending off this attack.

The second difference is that while activists in the United States attempted to depoliticize their constructions of gays and lesbians, as I will describe more in the next section, their Argentine counterparts embraced their activist identity. Alejandro Freyre and José María Di Bello, the first gay couple to successfully marry in Argentina in 2009, were outspoken about their HIV status and even used that and their activism to explain their role as plaintiffs in the marriage campaign: "We asked ourselves who it could be, and as we both have HIV and are activists with the Federación [Federación Argentina de Lesbianas, Gays, Bisexuales y Trans (FALGBT)], we offered to do it" (*La Nación*, November 14, 2009). The first couple to bring a marriage case was also a pair of prominent FALGBT activists—who were, incidentally, breaking up at the time, but decided to go forward with the petition for the sake of the cause (Bimbi 2010). This is in line with the FALGBT's general strategy of maintaining gays' and lesbians' identity while claiming equal rights, as expressed in their campaign literature: "We decided to fight for what we deserve as human beings and as citizens: equality before the law, an equality that respects and celebrates differences and at the same time guarantees us justice in both treatment and opportunities" (FALGBT 2009, 3).

By contrast, the US plaintiffs described by the 2015 *Obergefell v. Hodges*<sup>14</sup> opinion that overturned all state same-sex marriage bans could hardly be less militant-sounding: two elderly men from Ohio who had been together for more than 20 years, one of whom passed away prior to the lawsuit; two nurses, one who works in a neonatal unit and the other in an emergency unit, who have adopted three children with special needs; and an Army Reserve sergeant and his partner. The foregrounding of non-movement speakers who would appeal to the so-called moveable middle was not a coincidence but an explicit strategy of the US marriage movement

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14. *Obergefell v. Hodges*, 576 U.S. \_\_\_\_ (2015)

(ACLU 2005), which buttressed the construction of gays and lesbians as non-threatening, ordinary people.

*United States: Gays and lesbians, from rights to feelings*

A June 14, 2008 *New York Times* article anticipating the first marriages to take place in California is a typical example of the US emphasis on sympathetic portrayals of gays and lesbians, which are typically made by gay and lesbian speakers and supporters and buttressed by reporters' characterizations. The article explored how couples planned to celebrate their upcoming weddings and the reactions of the local tourism industry. This served to characterize gays and lesbians as having the same kinds of hopes and desires as the rest of society, as well as contributing to that society through wedding spending. The *Times* quoted one betrothed from New York, who "fell in love in the Borough Hall subway station 15 years ago while standing in line to buy tokens" (a brief description that itself demonstrates the long-term stability of same-sex relationships and their mundane, inoffensive nature):

"When I was younger, I didn't understand the point of getting married and replicating heterosexual life," said Mr. Dreiblatt. "But over the years, my thinking has changed. The law in California and the implications for New York spoke to us and said, 'now is the time.'"

This narrative begins with the gay subject identifying as different from heterosexual society, which he did not "understand." Now older, it is the gay subject himself who has changed, and his decision to "replicate heterosexual life" was prompted by actions taken by the state—which "spoke to us"—and made it possible for him to get married. By recognizing the gay subject as the same as the straight subject, then, the state helps complete his assimilation. And society—particularly business—benefits from that assimilation. "It's basically a Godsend," a

hotel manager is quoted as saying. "We're just blessed to help." The manager's invocation of religion additionally works to undermine opposition claims that borrow authority from religion.

In another article, the executive director of a New York LGBT group makes a revealing statement about how activists are attempting to cast the same-sex marriage issue:

"This is about putting a face on the people who are affected by this," said Alan Van Capelle, executive director of the pride agenda. "Marriage equality should not be a political issue. It is too important; it affects too many people." (*New York Times*, May 13, 2009)

The quote comes in the midst of an intense state legislative campaign, after the Assembly passed a marriage equality bill and sent it to a divided Senate. Claiming that same-sex marriage "should not be a political issue" attempts to distance it from questions of rights and put it in the realm of something like humanity; claiming that it "affects too many people" firmly places gays and lesbians in the center of society, not at the margins where the opposition tries to relegate them.

Various accounts, both popular and scholarly, locate the turning point for same-sex marriage advocacy in a shift around 2008 from "political" claims about discrimination and minority rights to claims about love, commitment, and family (e.g., Tarrow 2013, Frank 2012, Ball 2011). Tarrow writes: "What was most striking about the campaign for same-sex marriage was that not only LGBT activists, but also politicians eager to court public opinion, increasingly came to use the language of love to describe it" (2013, 183).

While in this chapter I do not attempt to make a direct causal link between movement language and policy outcome, both my newspaper data and the archival record indicate that this shift away from rights may not have been as dramatic or consequential as claimed; rights talk did diminish after peaking in 2006, but supporters had always stressed love and commitment talk as well. Movement literature and internal memos indicate that as far back as 1995, movement

leaders emphasized the need to "personalize the issue with dramatic personal stories that will move politicians" (Bray and Barrett 1995, 8). Memos from the early and mid 2000s show that activists already believed it better to lead "not with the frame of equality (which presupposes they believe you should be treated equally), but with a frame of sympathetic and compelling stories organized around a message such as 'it is unfair to leave people unprotected, and here is a real story of injustice/harm, etc.'"<sup>15</sup> Another memo echoed that approach:

We have to start using the best messengers, typically couples, sometimes parents, sometimes clergy, but rarely movement speakers. We must begin: 1) showing (not saying) that same-sex couples are, in many ways that appeal to people, similar to opposite-sex couples, and most critically, that they commit to each other; and 2) showing (not saying) that couples suffer horrible consequences when treated as strangers. (ACLU 2005)

The strategic emphasis on painting gays and lesbians as sympathetic and feeling continues as a strong theme, as in Freedom to Marry's 2011 report, which tells activists to "speak to the heart first, then the head" (4).

My newspaper data reveal that, in terms of discourse in the public arena, the "committed" code, which I used for claims that described lesbian and gay relationships as loving, committed, and stable, actually dominated other claims in 1996 and diminished over time. But another shift does happen around the 2008–09 time period: from gay and lesbian relationships as committed to gays and lesbians as feeling individuals. "Feeling" first appears as a noteworthy construction in the time period from November 2003 through July 2004 and becomes the dominant construction among supporters in the time period from May 2008 through June 2009, as "committed" fades. An example of "feeling" can be seen in a June 16, 2009 *Times* article that quotes Human Rights Campaign president Joe Solmonese: "I cannot overstate the pain that we feel as human beings

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15. Evan Wolfson, "Summary of the 9/8 marriage meeting," email, 11 September 2003. Human Rights Campaign Records, Cornell University Library.

and as families when we read an argument, presented in federal court, implying that our own marriages have no more constitutional standing than incestuous one." Other constructions used words like "infuriated" (November 16, 2008), "tears in their eyes" (June 30, 2009), and "something you feel deep in your heart" (May 1, 2013).

The feelings language first appears in my sample in March 2000, after Vermont's legislature passed a law permitting same-sex couples to enter into civil unions. The *Times* paraphrased and quoted a movement organization leader's response:

She still believes strongly that all families, traditional or not, deserve equal protections, Ms. Ettelbrick said, and will keep fighting that fight. "But at the same time, I have to say the possibility of a border state to New York allowing something like this is really very emotional, and part of it is that it signifies a very long road to being included as citizens of this country." (March 18, 2000)

Feelings talk increases dramatically in the next time period, November 2003 through July 2004, which opens with the Massachusetts Supreme Court ruling that the state must recognize same-sex unions and includes a national debate over a proposed amendment to the federal constitution that would ban such recognitions in any state.

These claims are found not just in response to the court ruling, where we might expect to find expressions of joy, but also across several institutional settings and contexts. Arguing against the amendment, for example, a movement organization leader was quoted: "It's saying, 'We think so little of you that we are willing to amend the Constitution to put you in your place.' It's hard to explain the visceral feeling" (*New York Times*, February 29, 2004).

Some of this language of feelings takes its first substantial step into the discursive opportunity structure with the Massachusetts court's decision. The plaintiffs' brief draws on the hegemonic discourse of rights, but it also scatters the word "love" about liberally and includes emotion-laden passages like: "It takes no citation to acknowledge that the opportunity to marry

one's soulmate, one's closest confidante and most steadfast ally, easily ranks as one of the most joyful experiences in many people's lives."<sup>16</sup> The majority opinion likewise refers repeatedly to the love of the same-sex couple and things like the "deep and scarring hardship" imposed by the state's ban on same-sex marriages.<sup>17</sup> This institutional embedding of feelings talk at the state court level marks an early movement impact on the discursive opportunity structure and provides a foothold for more such feelings talk; we certainly see much more of it in the public debate after this time period than before. As I will show in the next section, that discourse eventually becomes embedded in the issue-settling 2015 Supreme Court decision.

While claims about gays and lesbians as feeling subjects managed to gain traction in the debate, claims about gays and lesbians as analogous in some way to African Americans did not. These often took the form of comparisons to the Civil Rights struggle or to Civil Rights activists and leaders like Rosa Parks, Martin Luther King, Jr., or Thurgood Marshall, or comparisons of same-sex marriage to interracial marriage. The *Times* published a typical example on April 16, 2009, in which an activist references the iconic Civil Rights struggle for integration on public transportation:

"I am better than to get on the bus and still sit in the back," said Amy Wright of Concord, who said she had worn a wedding band for nine years even though the state would not recognize her relationship with another woman as marriage. "I want to sit in the front of the bus."

While activists made such claims throughout the marriage equality struggle, they were frequently met with pushback, such as this quote from a black woman-on-the-street from a March 8, 2004 *Times* article: "I don't care what they say—there is no correlation between gay

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16. *Goodridge v. Department of Public Health*, 798 N.E.2d 941 (2003). Brief of Petitioner-Appellant at 110.

17. *Goodridge v. Department of Public Health*, 798 N.E.2d 941 2003.

rights and civil rights in terms of what black Americans have gone through.” This sort of opinion reflects and reinforces constructions of gays and lesbians as white (and often economically privileged), which erase the existence of gay and lesbian people of color—constructions shaped by the whiteness of the movement’s leadership and public image, described in Chapter Two. The prevalence of those constructions meant that white gays’ and lesbians’ claims making parallels with black struggles lacked authority, so that it was difficult for them to then draw on the Civil Rights discourse to advance their marriage fight.<sup>18</sup>

All of these constructions, of course, did not happen in a vacuum; they were often responses to opposition claims about gays and lesbians as different from and threatening to society. Early on, opposition claims constructed gays and lesbians as immoral or unnatural and were often indirect—though not subtle—as when Representative Bob Barr argued that federal legislation barring recognition of same-sex marriage was necessary because "the flames of self-centered morality are licking at the very foundation of our society, the family unit" (July 18, 1996). But where supporters changed their constructions over time, the opposition strayed little from their focus on morality and threat to society. As I will show in more detail in the next chapter, advocates' claim innovation strengthened and expanded their discursive alliances, while their opponents became more isolated. By 2006, virtually all of the "immoral" or "harm society" claims were being made by anti-same-sex marriage organizations; it was becoming less politically savvy for politicians to make such claims themselves. In 2012, for example, when asked about his opposition to marriage equality legislation in New York, state representative Mike Long admitted,

Well, I don't think [same-sex marriage] hurts anybody, but I think a society has to have certain standards.... I know plenty of gay couples, O.K.? Some of them, if not all of

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18. For more on this subject, see Kendell 2005.



them, are very good people, O.K.? I just don't believe that society needs to change what the definition of marriage is to accommodate their lifestyle. (*New York Times*, April 15, 2012)

With no clear alternative constructions that could attract an echo chamber, the opposition had little way to maintain a position of authority or dominance on the question of who gays and lesbians are, and found themselves isolated in the discourse.

In terms of claims about the state, aside from the sheer difference in volume, the biggest contrast between Argentine and US discourse is that supporting voices in the United States simply developed no clear and dominant construction of the state. As mentioned above, supporters made nine separate constructions with some frequency, which I defined as appearing in more than one time period and constituting at least 10 percent of claims about that subject in at least one of those periods; only four claims met those criteria in Argentina (see tables 3.3 and 3.4).

The claim that appears more than any other across all US time periods, "principled," never constitutes more than 10 percent of claims in any time period in Argentina. It is an amalgamation of several types of constructions that make moral judgments about the state or state actor: courageous, shameful, intolerant, just, or acting with dignity. An example is the *Times'* April 15, 2012, description of New York state senator Jim Alesi, a Republican who voted for marriage equality and consequently "clings to something that lawmakers rarely get from working in Albany, a sense of having done something worthwhile and a little brave." Here, the reader is to understand that for a legislator to act in a principled way is both rare and praiseworthy. The focus is not on a particular principle in the law that the state actor upholds, as in the "protect rights" claim dominant in Argentina; it is on the state actor's character.

Another claim that was found almost exclusively in US discourse focused on the state as an actor that hurts gays and lesbians. This construction is differentiated from those of the state as protector of rights in that it focuses on the suffering the state causes, linking it to the US constructions of gays and lesbians as feeling, rather than voicing the idea of rights being violated. Here, the harm caused takes the form of things like "destabilizing their families" (*New York Times*, September 17, 2006). In another example, *Times* columnist Frank Bruni described the political work being done by the family of a young gay man who committed suicide:

[T]hey're trying to call out aspects of American life that pass judgment on LGBT people and make some of them, teenagers especially, feel fear and despair. The Defense of Marriage Act, a central provision of which the Supreme Court struck down on Wednesday, was one of those aspects. (June 27, 2013)

The state in this construction, in the form of a federal law, works together with society to cause emotional suffering for LGBT people; this is not about the state's position with respect to rights but with respect to feelings. Like constructions about gays and lesbians as feeling, this claim became increasingly prominent as time went on, peaking in the final time period. In sum, US supporters of marriage equality focused less on constructing the state than did their Argentine counterparts, and with no dominant message; some of the messages they did put forth connected to their constructions of gays and lesbians to elicit moral outrage or sympathy around gay and lesbian struggles, rather than to build up ideas of an authoritative and benevolent state.

### **Consequences and implications**

Discourse around marriage equality in the United States tied rights and feelings together in a way that did not happen in Argentina and focused on assimilation of gays and lesbians rather than the responsibility of the state to protect rights. The effect is that while the policy outcome appears the same in both countries—full marriage rights for same-sex couples—marriage

equality impacts the discursive opportunity structure in each place in different ways. This impact can be read through court rulings and legislation that reflect and help establish the ideas and paths to inclusion that are considered legitimate.

As outlined above, the US discursive opportunity structure, anchored by the Bill of Rights and important court cases from the Civil Rights era, was dominated by the language of rights and equality. This language can clearly be seen in the 1993 Hawaii Supreme Court case, *Baehr v. Lewin*,<sup>19</sup> which marked the first major legal victory for US marriage equality activists. The court invoked the legal principle of strict scrutiny, arguing that denying marriage licenses to same-sex couples discriminates on the basis of sex, a protected class under the Hawaiian constitution.<sup>20</sup> There is little to no reliance on the question of the couples' emotions. This is in line with the Supreme Court case it most heavily draws upon, *Loving v. Virginia*,<sup>21</sup> which invoked strict scrutiny and concerned itself solely with the racial discrimination of anti-miscegenation laws.

Activists' discourse of feelings first made its way into the Massachusetts court decision in 2003 as described above, and it can be found again in the first Supreme Court decision to strike down part of DOMA, *United States v. Windsor*, decided in 2013. In *Windsor*, the majority opinion points to the commitment of the plaintiff to her wife or of same-sex couples in general several times, as well as to the idea that state-recognized marriage offers them the ability to “live

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19. *Baehr v. Lewin*, 74 Haw. 645, 852 P.2d 44 (1993)

20. Under strict scrutiny, the courts have determined that if the plaintiff is a member of a suspect or quasi-suspect class such as race, religion, or gender, the state must demonstrate a stronger rationale for discrimination than the usual rational basis standard.

21. *Loving v. Virginia*, 388 U.S. 1 (1967)

with pride in themselves and their union.”<sup>22</sup> It emphasizes the idea of the dignity of the couple, and argues that DOMA both “demeans the couple” and “humiliates” their children.<sup>23</sup>

An even more dramatic shift can be seen by the time of the 2015 *Obergefell* ruling. It references things like “our most profound hopes and aspirations,” “what was in their hearts,” “pain and humiliation,” and “the universal fear that a lonely person might call out only to find no one there.” Activists’ emotion-centered discourse even makes its way directly into the opinion when a plaintiff is quoted, calling the law’s effects “hurtful for the rest of time.”<sup>24</sup> This language is linked to the concept of dignity, which the opinion takes to be a fundamental right. The final passage, quoted extensively in mass and social media after the ruling, is grounded in a discourse of feeling and sympathy:

No union is more profound than marriage, for it embodies the highest ideals of love, fidelity, devotion, sacrifice, and family.... [The plaintiffs’] hope is not to be condemned to live in loneliness, excluded from one of civilization’s oldest institutions. They ask for equal dignity in the eyes of the law. The Constitution grants them that right.<sup>25</sup>

The ruling mentions strict scrutiny but avoids applying it to the case, not elevating sexual orientation to the level of suspect classification. This would have had the effect of making discrimination against lesbians and gays much more difficult to defend in courts, providing a strong tool to advance gay rights on matters far beyond marriage. By foregoing strict scrutiny for emotion- and dignity-centered language, some legal scholars have suggested, the *Obergefell* ruling predicates legal equality on the ability of a group to generate empathy and demonstrate social respectability (e.g., Franke 2015, Joshi 2015). In this framework, then, the burden of

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22. *United States v. Windsor*, 570 U.S. \_\_\_\_ (2013) at 14.

23. *United States v. Windsor*, 570 U.S. \_\_\_\_ (2013) at 23.

24. *Obergefell v. Hodges*, 576 U.S. \_\_\_\_ (2015) at 3, 7, 25, 14, and 5.

25. *Obergefell v. Hodges*, 576 U.S. \_\_\_\_ (2015) at 28.

change lies primarily with the excluded group itself, which must assimilate in order to gain full inclusion in the state.

In contrast, in Argentina, where the discursive opportunity structure had likewise privileged rights, but specifically human rights and the rights of political dissidents and children, the discursive shift demanded no such changes by the excluded group. The policy change took place legislatively; Law 26.618 enumerates a series of modifications to the civil code, mostly consisting of the substitution of the non-gendered "contrayentes" for "hombre y mujer" (man and wife). It concludes, however, with language that explicitly establishes the equality of same-sex couples, their marriages, and their families:

Members of families whose origin is constituted by two members of the same sex, just as a marriage constituted by members of the opposite sex, will have the same rights and obligations. No law in the Argentine legal system may be interpreted nor applied any way to limit, restrict, exclude, or suppress the exercise or enjoyment of the same rights and obligations, both for marriages constituted by people of the same sex as for those formed by two people of the opposite sex. (Law 26.618, Article 42)

Activists and their supporters were able to draw on a discourse of human rights that had largely applied to children and those physically repressed by the state and expand it to encompass new identities. At least one legislator recognized this important shift during the Deputies debate:

Rights, opportunities, goods, and economic, social, cultural, and symbolic resources should be distributed in an egalitarian way, and that is what we are debating today; that is to say, what standard of equality will this chamber have for all intersubjective relations, not just for questions having to do with the right to marriage.... [T]his standard is going to be the one in force, and it will be in force for relations between men and women, people with special needs, indigenous peoples, older adults, people with scarce resources, different kinds of sexual diversity, and here we could go on with an endless list of every class of intersubjective relations. (Delamata 2013)

Moreover, while there is no official high court ruling as in the United States, we can also look at the language used in two institutional arenas that offer further indication of the debate's

impact on hegemonic discourse: an unofficial Supreme Court opinion circulated after passage of the legislation, and the legislative debate over the gender identity bill introduced and passed two years later.

As a result of activists' two-pronged strategy of advancing court cases at the same time as legislation, the Supreme Court had a same-sex couple's marriage case before it when the legislature debated the bill. The court chose to wait for the legislature to act; nonetheless, information leaked from the court that a majority was poised to rule in favor of the plaintiffs if the legislature were to reject the bill. After the law passed, one of the justices, Eugenio Raúl Zaffaroni, made his written opinion for the case public. In it, he focused on principles of liberty and equality, noting the necessity of protecting the right to be different (Bimbi 2010, 567). Love is not mentioned; the harm done to gays and lesbians is framed primarily as a violation of their right to physical and mental health, rather than using the *Obergefell* language of their hopes, loneliness, or fears.

In the debate over the 2012 gender identity bill—which not only required state recognition of self-identified gender identity but also required public and private healthcare plans to provide gender-affirming medical treatment to all who desire it—the marriage equality battle was clearly a reference point for the issue, as many legislators mentioned it in their speeches. Supportive legislators' speeches heavily emphasized equality, rights and the state's responsibility to its citizens. When they spoke of transgender people, legislators often highlighted the discrimination they face and directly linked it to the state's responsibility for marginalized minority groups. As Deputy Miguel Angel Barrios put it:

Within the diversity community, the trans community, without a doubt, suffers the most exclusion and discrimination at the social and state levels. Therefore, today we are not just restoring the right to identity to the trans community, we are passing a law that

deepens, strengthens, and extends the foundations of our young democracy by granting rights to an excluded minority. (Argentina Chamber of Deputies 2011)

The gender identity bill passed into law less than two years after its introduction, which followed on the heels of the marriage equality law. While this analysis cannot explore all of the factors involved in the swiftness of that success, if activists had needed to construct transgender people—who, as Barrios noted, experience extremely high levels of discrimination in Argentina—as just like cisgender people, or relied heavily on tapping feelings of empathy with emotion-centered claims, their struggle would likely have taken longer. Instead, the same framework of state responsibility for excluded minorities that had dominated the marriage debate was applied to the struggle for transgender rights.

The case of the gender identity bill suggests that the discursive paths taken in the marriage equality bill shaped the playing field for groups beyond lesbians and gays. Broadly speaking, as a consequence of their divergent discursive paths, the policy outcome of marriage equality in each country carries with it different impacts on understandings of citizenship and democracy. The expansive path in Argentina placed the burden on the state to change and become more encompassing of its people, while the assimilative path in the United States changed constructions of gays and lesbians to make them appear deserving of citizenship. This is a crucial distinction for evaluating the meaning and impact of same-sex marriage in each country. Marriage equality in Argentina was not just a victory for gay and lesbian marriage activists but also a shift toward increased state authority and responsibility for its citizens. The marriage struggle can therefore be read as an important element in the Argentine shift towards post-neoliberalism, as supporter constructions of an intervening state harnessed and strengthened the Kirchners' own efforts toward state expansion and independence from the Catholic Church. US activists and their supporters, facing dual traditions of liberal equality and hierarchical

exclusions, chose to work to shift their group out of the ranks of the excluded—without fundamentally challenging the hierarchies themselves. Thus they achieved policy change by reinforcing notions of assimilation as the proper means for citizens to achieve equality.

By shaping understandings of the relationship between the state and its citizens, marriage equality debates shape the playing field not just for lesbian and gay movements, but for other movements as well. In Argentina, the construction of the state is about the state's relationship to citizens based on their identity. One would therefore expect the expansion of its conceived authority to facilitate not just transgender rights, but also a new campaign for anti-discrimination laws based on identities, and even possibly indigenous rights. On the other hand, a discourse of state expansion is not as likely to provide footing for advances on social justice issues more associated with behavior than identity, such as abortion rights and sex work. Abortion remains illegal in Argentina under most circumstances, and the state continues to push for expanded criminalization of sex work (Sabsay 2013). In these cases, the conception of a protective state meshes easily with constructions of sex workers or fetuses as the subject of rights needing protection, putting feminist activists at a discursive disadvantage. Even so, shifting authority over citizens to the state and away from the Church could open up space for the possibility of transforming these debates.

In the United States, the construction of gays and lesbians as sympathetic—through characterizations as non-threatening, loving, and feeling—is conversely more about behavior. By acting in ways that prove them to be similar to fully incorporated citizens, sharing similar emotions and values, the marginalized render their identity irrelevant; they change rather than the state. Where Argentine transgender activists were able to focus on the state's responsibility for transgender citizens, the dominant US discourse around transgender rights appears to be



following the same assimilative path marriage followed, constructing transgender people as sympathetic and non-threatening, and elevating goals like military inclusion and gender normative spokespeople like former Olympian, reality television star, and self-identified Republican Caitlin Jenner. While the state's reach is not increased, abortion rights or sex work activism might still be hampered by the shift, as their issues are seen as behavior- rather than identity-based.

I intentionally analyzed the marriage equality debates using broad categories of supporters and opponents in this chapter in order to identify the differences in the pro- and anti-same-sex-marriage constructions that emerged over time. However, it is important to remember that on a micro level there are real and important differences between actors within each grouping, and that activists themselves have only limited control over the direction discourse takes. The next chapter investigates more precisely when and how certain constructions become more prominent and certain actors gain more power over the discourse.

## Chapter 4

### Discursive Alliances and Claim Packages

As I showed in the last chapter, Argentine and US supporters of marriage equality pursued different discursive trajectories, constructing the state and gays and lesbians differently in each place. But how did activists manage to actually change public discourse about marriage equality? Activists put forward certain packages of claims in an effort to impact public discourse and, often, public policy. But they do so in a field crowded with other actors who have their own discursive agendas. Gays and lesbians in particular have historically been marginalized in the media, so for their claims to have an impact on the public debate they need other actors to certify—or repeat—them in the public arena. How do actors do this? And how does it impact the shape of the debate?

In this chapter, I turn my attention to the ways that advocates gain discursive support for their claims. I use network analytic techniques to trace how ties are formed and broken among actors and claims. This reveals the ways new claims come to dominate the debate through shifting discursive alliances, and the ways those claims change in the process. I show that, in part because of their different political and institutional landscapes, advocates formed discursive alliances in ways that differed in two main respects. In Argentina, they formed a *unified* alliance through claim *appropriation*. In the United States, advocates formed *distributed* alliances through claim *innovation*. In both countries advocates achieved policy change, but these divergent paths produced the different packages of meaning first outlined in Chapter Three and different grounds of authority for gay and lesbian advocates.

In both countries, the discursive space given to advocates (as measured by the percentage of total claims made in a time period) fluctuated, from 1 to 18 percent in Argentina and from 8 to 17 percent in the United States. (See table 4.1.) In other words, never did advocates approach

what might be considered discursive dominance. Yet in both countries they were able to get other actors to repeat many of their claims, thus increasing their authority and the impact of their claim-making. To borrow from the contentious politics literature, this can be seen as a process of certification (McAdam et al. 2001, 145): "the validation of actors, their performances, and their claims by external authorities." Forging discursive alliances that can certify advocates and their claims, however, entails some loss of control over their message. If advocates innovate, introducing new claims into the debate, other actors might selectively take up those claims, sometimes connecting them to new packages of claims, and as they do so, producing new and different meanings. In other words, certification can help claims become dominant, but it also can change them in a process of claim shifting. Alternatively, advocates might find themselves on the other side of that equation, appropriating others' claims and modifying their own message in the hopes of creating alliances.

**Table 4.1. Field dominance over time**

<b>Time Period</b>	<b>Advocate claims as percentage of total</b>
United States	
1	13.0%
2	10.7%
3	9.7%
4	8.1%
5	17.0%
6	11.6%
7	10.4%
Average	11.5%
Argentina	
1	0.9%
2	12.1%
3	17.7%
4	10.0%
Average	10.2%

While there is a general consensus that a discursive alliance must dominate the debate in some way in order to succeed (Hajer 1995, Krinsky 2010, Leifeld and Haunss 2012), what dominance looks like or how it is achieved is still contested. Leifeld and Haunss (2012) draw on recent policy literature to argue that a successful alliance will have more members, be more prominent in the media, create a more coherent story line, and control the core frames of a debate. Krinsky (2010), on the other hand, finds that in the New York City workfare debate the administration was able to dominate less by fashioning a coherent, focused message and more by opening up new fronts in the debate, making claims in so many settings that opponents—who did have a focused and coherent message—could not keep up. This suggests a more complicated interplay among the factors Leifeld and Haunss identified and among discursive alliances, which I explore further. Where much of the policy literature assumes or identifies two opposing alliances, I show that in the marriage equality debates—particularly in the United States—the field of actors was often fragmented and overlapping. By looking at the relationships among these alliances and how they morphed over time, I show that prominence and coherence can sometimes conflict, and that movements do not always need to build large, unified discursive alliances to succeed.

Studying discourse and how ties are formed—whether between actors or between claims—lends itself to a network analytic approach. Where content analysis can show the rise and fall of a claim over time, network analysis can more easily trace changes in meaning and power, which are based on relationships. We can map the ways that claims connect actors to each other, forming discursive alliances, and the ways that actors connect claims to each other, producing new meanings. Most studies of changing discourse around policy issues have taken

claims as floating concepts, with no connection to the people who create, sustain, and transform them (Steensland 2008)<sup>26</sup>. By linking actors and claims, as Ferree et al. (2002) do in their study of abortion discourse in the United States and Germany—and as I did in the previous chapter—scholars can begin to understand contests over meaning. But conceptualizing actors and their claims as a network enables the researcher to trace how claims circulate among sets of actors over time, changing those actors' influence over the conversation, and how actors link claims to each other, producing shifts in meaning. Who says what is crucially important to meaning making (Gal 2006, Krinsky 2010), and network methods provide a way of analyzing both those links and their formation and disintegration.

Network analysis measures connectivity and power, mapping out nodes (here, actors and claims) and their relationships to each other. Thinking in these terms, actors link directly to the claims they make. When two actors make the same claim, they are indirectly connected through that claim; when an actor makes two separate claims, he or she serves as the indirect link between those claims. In this two-mode network structure, which has two different kinds of nodes, actors never directly connect to other actors, and claims never directly connect to other claims. Looking at how the links in actor-claim networks change over time will show the ways in which discursive alliances form and transform, and how that process impacts the ways those claims are soldered together into packages of meaning. In this framework, discursive alliances are an analytic construct that represents patterns of certification in the discursive field; it is important to keep in mind that they do not necessarily indicate any coordination of efforts. Likewise, claim packages are not frames, which are typically conceived of as resources that

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26. But see Mohr 1998, Mohr and Lee 2000, Mische 2003, and Krinsky 2010 for notable exceptions that use relational methods.

actors deploy. Instead, I take them as temporary outcomes of discourse that actors try to shape but can never fully control. In a field in which many actors with different agendas and ideologies jockey for position, gaining discursive allies means forging links with those who likely make claims that do not perfectly align with you own, and it is in bringing those claims together that new and sometimes unintended meanings emerge.

I use two network analytic concepts to reveal the distinct paths discursive alliances take in each country: bicliques and structural equivalence. A biclique consists of a package of claims and actors that are completely connected to each other. The more bicliques a node is a member of, the more connected is the node. Bicliques therefore show which actors and claims are central to an issue discourse at any given time. We would expect that actors who become more central over time are gaining control over the debate, and that the claims they put forth would also become dominant (Everett and Borgatti 1998, Krinsky 2010). My analysis shows that this holds true for the United States, where advocates succeed in becoming more central to the conversation than their opponents over time as they gain certification for their claims about gays as feeling subjects. The Argentine case shows, however, that discourse centrality does not necessarily translate to discourse control, as religious leaders overtake advocates as the most central actor only by overextending their claims, as I explain below.

Structural equivalence, which is a way of measuring similarity, lets us group actors and claims into clusters based on how similar their patterns of ties are to each other (Hanneman and Riddle 2005, Borgatti, Everett and Johnson 2013). This gives us a way of defining and measuring both discursive alliances and their associated claim packages. Looking at how the strength and composition of these alliances and packages change over time reveals important differences in how advocates gain support for their claims. One advantage to a structural

equivalence analysis is that, unlike biclique analysis, it can incorporate the strength of ties rather than their mere existence. In other words, it matters in structural equivalence whether actors share the same claim many times versus just one time, whereas biclique analysis is only concerned with the number of different claims those two actors share. The structural equivalence analysis thus complements the biclique analysis and shows, in my cases, that actors can increase their discursive control in at least two different ways: forging a unified discursive alliance around a coherent claim package, as in Argentina, or gaining allies across clusters of actors with different kinds of claims being certified by each cluster in a distributed pattern, as in the United States.

### **Biclique overlap centrality and discourse control**

In a typical actor network, a clique describes a group of actors within the network who are all directly connected to each other. Measuring how many cliques an actor is in, then, gives us one way of identifying which actors are the most central and well-connected (Everett and Borgatti 1998). The minimum number in a clique is three; this is the smallest closed circuit in the network map. Translating this idea to a two-mode network like the one I am working with—in which nodes can be either actors or claims—requires some modification. This is because in a two-mode network, actors are not directly connected to other actors, nor claims to claims. Actors' connections in this analysis are formed by articulating the same claims, which link them together, and claims are connected by being spoken by the same actors. Therefore, a three-node "clique" could never be a closed circuit; the smallest closed circuit would require four nodes and therefore serve as an appropriate minimum for a biclique (Robins and Alexander 2004). Such a biclique represents a shared claim package: at least two actors putting at least two of the same

claims together. I suggest that only by appearing in such packages can actors or claims become central to an issue discourse; otherwise, the actors are speaking in isolation and the claims are not concatenating into arguments or prescriptions.

Biclique overlap centrality, or the percentage of the total number of bicliques in the field that an actor or claim appears in, tells us how connected actors and claims were in each time period. High centrality means that the actor or claim was in denser areas of conversation (Krinsky 2010, Everett and Borgatti 1998). This can be computed in the network analysis program UCINET (Borgatti, Everett, and Freeman 2002) by finding all bicliques<sup>27</sup> for each time period (Borgatti, Everett and Johnson 2013) and converting the resulting node-by-biclique matrix into a node-by-node co-membership matrix, in which entry  $(i,j)$  gives the number of bicliques shared by nodes  $i$  and  $j$ . The diagonal of this matrix gives the number of bicliques each actor and claim appear in; dividing by the total number of bicliques for the time period gives the biclique overlap centrality. A biclique overlap centrality score of .50, for example, would indicate that the actor or claim appeared in half of all bicliques in that time period.

Journalists are the most central actor type across time in both countries, with an average centrality score of 0.57 in the United States and 0.44 in Argentina. This makes sense for two reasons: journalists make up a substantial percentage of total claims in each country, and the journalist category includes both reporters and columnists, meaning the claims they make span a wide spectrum and are therefore likely to connect with a variety of other actors.

In the United States, advocates are the second most central actor across time (averaging 0.37), but they become particularly central in the last three time periods as they begin to win

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27. In UCINET, these must be specified as bicliques having a minimum of 2 nodes from each mode, as explained in the previous paragraph.



more policy victories.<sup>28</sup> While the opposition becomes more central than advocates in the third and fourth periods, when states across the country were passing anti–same-sex marriage laws and amendments, they drop precipitously in the fifth and end up extremely marginal by the sixth and seventh. (See table 4.2.) This indicates that marriage equality advocates are able to become much more dominant over the public debate than their opponents over time. Regarding claims, it is very frequently claims about gays rather than the state or society that are most connected; early on, it is gays as mainstream and loving that are part of most conversations. By the sixth and seventh periods, gays as contributing to society and as feeling, respectively, move toward the center. This means that not only did advocates shift their claim-making about gays over time from mainstream to feeling constructions, as demonstrated in the previous chapter, but those feeling claims succeeded in migrating to the center of the debate by gaining certification across a

**Table 4.2. Biclique overlap centrality**

<b>Time Period</b>	<b>Advocates</b>	<b>Opposition</b>
United States		
1	0.36	0.00
2	0.50	0.08
3	0.27	0.31
4	0.19	0.37
5	0.48	0.17
6	0.42	0.06
7	0.36	0.04
Argentina		
1	0.00	0.29
2	0.50	0.33
3	0.48	0.30
4	0.13	0.69

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28. Advocates also spike in period two, a time frame that focused almost exclusively on the 2000 Vermont civil union debate, which marked a rare early victory for advocates.

spectrum of actors, which in turn gave advocates greater power over the discourse by helping push them firmly to the center of the debate.

In Argentina, by contrast, claims about gays only appear among the five most central claims twice across all four periods; gays as impossible to be married in the first, and as unnatural in the fourth. Otherwise, claims about the state overwhelmingly dominate the Argentine bicliques—again buttressing the contrasts drawn in the previous chapter between the two countries' discourses. Once the focus of debate shifts away from Spain in time period two, advocates manage to put themselves in the middle of conversations more than any other actor and maintain that dominance in the third period. However, religious actors surge to the center of the debate in the fourth time period, as advocates drop from a centrality of 0.478 to 0.127. Yet we know that the fourth period witnessed the passage of marriage equality in the legislature in a major policy victory for advocates, which means that the Church clearly did not succeed in setting the terms of the debate. In fact, claims about the state as protector of rights were the single most prevalent claim in this time period, and no other claim was shared across a greater number of actors. What might explain the apparent resurgence of religious actors in this period, then?

In both the third and fourth time periods, religious leaders account for approximately 30 percent of all claims spoken. However, they greatly diversify their discourse in the fourth period, making 36 unique claims—twice as many as they made in the third period. Over the same two-period span, the space gay advocates are given drops from nearly 18 percent to only 10 percent (while their diversity of claims remains roughly similar). This makes it more difficult for them to maintain their biclique overlap centrality. Religious leaders manage to increase their centrality largely by casting such a wide net with their claims that they make more connections. However,

by making so many claims, they co-produced a very large and unwieldy claim package. In terms of frame theory, this can be seen as the overextension of a frame, which threatens the integrity of the frame set and its meaning (Snow and Benford 1998).

This shows that while religious leaders did manage to move themselves to the center of the conversation about marriage equality in Argentina, discourse centrality does not necessarily correspond to discourse *control*. This finding presents an interesting contrast to previous research that suggested discourse centrality indicated having the power to set the terms of the debate on an issue (Krinsky 2010, Leifeld and Haunss 2012).<sup>29</sup> In the case of Argentine marriage equality, it appears that religious leaders achieved a high degree of centrality only by spreading their message very thin, rendering it less coherent. In Krinsky's analysis of workfare in New York City, the Giuliani administration's thinly-spread message—a response to loss of discursive control—worked to disorganize the opposition, which could not muster counterattacks across settings. In Argentina, religious leaders also seemed to respond to loss of control through high-volume claim innovation, but in the face of a unified opposing alliance with a coherent message, this strategy failed to improve their position. High levels of biclique overlap might sometimes mean an actor is controlling the debate, but sometimes it might be a sign of desperation; its meaning depends upon the positions of the other actors in the field. In this light, I will argue in the next section that *who* actors connect with, over which claims, and how these coalitions are positioned with respect to each other can tell us even more about how discourse is shaped.

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29. In Krinsky's work, biclique overlap centrality is measured within rather than across settings and must be combined with presence across settings in order to result in hegemony; without presence across settings, the discourse may only be segmented rather than hegemonic. Still, it would be difficult for actors to achieve high levels of biclique overlap centrality measured across settings without measuring highly on both dimensions separately.

## **Structural equivalence, discursive alliances, and claim packages**

Network analysis provides another way of approaching questions about certification and discursive change, using the concept of structural equivalence. By treating actors and claims as a network, in which actors are linked to each other through shared claims, and claims are linked to each other through shared actors, we can measure similarities in their relationships to see which actors and which claims are most alike. Within a network, actors or claims are considered structurally equivalent to each other if they have the same relationships to other actors and claims. By sorting both actors and claims into structurally equivalent clusters, we can essentially structure the data into groupings of actors who say similar things and groupings of claims that tend to be said by the same people. The former groupings define discursive alliances; the latter define claim packages.

The concept of structural equivalence was originally developed to use with one-mode data, or data in which all of the nodes are of the same kind—e.g., all actors or all claims—and this method can tell us useful information about marriage equality actors and claims separately. However, two-mode data, in which two different kinds of nodes connect to nodes of the same type only through nodes of the other type, add another layer of information that recent methodological advances allow us to examine as well (Everett and Borgatti 2013): actors and claims can be clustered separately, *and* those clusters can be analyzed in relationship to each other to determine which discursive alliances are most closely linked to which claim packages, and to what degree different packages are "owned" by only one alliance or shared (or contested) across alliances. Tracing changes in the characteristics of these groupings over time reveals two distinct alliance patterns take shape in the United States and Argentina—a unified alliance in Argentina and a distributed alliance in the United States—which I will explain below.

Two-mode structural equivalence analysis is done in a multi-step process through UCINET (Borgatti, Everett, and Freeman 2002; Borgatti, Everett, and Johnson 2013).<sup>30</sup> I begin with the data in a two-mode actor-by-claim matrix for each time period, such that each actor in the time period corresponds to a column and each claim corresponds to a row; the entry  $(i,j)$  gives the number of times actor  $j$  voiced claim  $i$ . Structural equivalence measures are produced for actors and for claims separately for each matrix using Pearson correlation, resulting in actor-by-actor and claim-by-claim matrices for each period in which entry  $(i,j)$  gives the similarity between actor (or claim)  $i$  and actor (or claim)  $j$ . A Tabu optimization procedure is then run on each of these matrices in order to produce clusters of similar actors (or claims). Tabu uses a computer algorithm to search for sets of actors or claims with the smallest amount of within-cluster variation, given a specified number of clusters (Hanneman and Riddle 2005). It produces an accompanying r-squared number, which ranges from 0 to 1 and represents how distinct the clusters are. A higher r-squared indicates more within-cluster links and fewer cross-cluster links. In order to determine the optimal number of clusters, I ran the Tabu function using increasingly large numbers of clusters until I reached an r-squared of 0.5,<sup>31</sup> indicating a good fit. (See table 4.3 for the number of clusters and corresponding r-squared for each time period.) Finally, I aggregated the actor and claim clusters for each time period back into their original two-mode

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30. Structural equivalence could be measured directly from the two-mode data or from one-mode projections of the two-mode data that are analyzed separately and then mapped back on to the two-mode matrix. In the first case, the analysis could produce less than ideal results, because actors and claims could end up in mixed clusters that would suggest that things like "journalists" and "the state should protect rights" are equivalent. Everett and Borgatti (2013) have shown that analyzing the node types separately does not cause a loss of data as long as they are later aggregated—as I do here—and that this approach avoids such interpretive difficulties.

31. If 0.5 could not be reached, I used the highest r-squared possible that was at least .01 greater than the r-squared achieved by adding another cluster. This provided a balance between finding the best fit as indicated by r-squared and the fewest number of clusters that would provide a good solution.

matrix (Everett and Borgatti 2013), producing a blocked matrix for each time period showing the clusters of actors along the x-axis and the clusters of claims along the y-axis, providing a visual representation of the discursive alliances and their corresponding claim packages. (See Appendix B for a complete set of blocked matrices for each country.)

**Table 4.3. Structural equivalence**

Time period	Actors		Claims	
Argentina	clusters	r-squared	clusters	r-squared
1	4	0.639	3	0.644
2	5	0.393	5	0.732
3	5	0.487	4	0.647
4	5	0.584	4	0.563
US				
1	4	0.535	4	0.562
2	5	0.584	3	0.519
3	8	0.528	8	0.559
4	6	0.462	5	0.500
5	7	0.520	6	0.645
6	5	0.476	6	0.503
7	8	0.429	5	0.561

Note: Tabu optimization attempts to create minimal variation within blocks; higher r-squared indicates greater correlation between blocked matrix and a matrix with no within-block variation and as such is a measure of goodness of fit.

The one-mode clusterings produce density tables, which show the average correlation within each block. Along the diagonal (in other words, within an individual cluster) this indicates the strength of the discursive alliance or coherence of the claim package. Off the diagonal (in other words, between two clusters), it indicates the strength of cross-cluster linkages. (See table 4.4 for alliance strength for the main clusters for each time period.) The density tables and blocked matrices reveal two distinct patterns of discursive alliance formation in Argentina and the United States, as I describe below.

**Table 4.4. Alliance strength (as measured by density of actor clusters)**

Time Period	Advocate alliance	Opposition alliance
Argentina		
1	NA (isolate)	0.854
2*	0.222	0.222
3	0.450	0.429
4	0.497	0.403
United States		
1	0.388	0.102
2	0.213	0.367
3	0.374	0.454
4	0.307	0.359
5	0.585	0.254
6	0.310	0.232
7	0.286	0.255

\*In Argentine time period 2, advocates and their religious opponents were clustered into a single discursive alliance of strength 0.222.

The aggregation produces a density table, showing the density within each block. Given binary data, the density ranges from zero (within the block, no actors make any of the claims) to one (within the block, every actor makes every claim). Because my data are valued rather than binary, the density can range from zero to numbers greater than one;<sup>32</sup> these density numbers indicate how closely associated a discursive alliance is with a claim package, with higher densities indicating stronger association. This can be thought of as the strength of ownership a discursive alliance has over a claim package. (Density numbers can be found in Appendix B after each matrix.)

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32. My data are valued because they indicate the number of times an actor says a claim, not just whether he or she says it. Therefore, the sum of claims in a block could theoretically reach a number much higher than the number of actor-claim combinations in that block. In practice, the density numbers for my data never exceed 2.105.

The clustering function, recall, aims to produce the most within-block ties and the fewest cross-block ties; a perfect fit in both the one-mode clusterings and the aggregated two-mode block model would therefore exhibit high densities along the diagonal and zero densities off the diagonal. We should expect this data to have much greater variation, because discourse is messy and largely uncoordinated across actors. But we would also expect that stronger alliances, more coherent claim packages, and discursive alliances with strong ownership over claim packages—which combines the previous two relations into a bigger overall picture—ought to be more successful at orienting the conversation (Leifeld and Haunss 2012). What I show in the analysis below is that activists in each country actually take different paths of discursive alliance formation to reach the same goal, with Argentines forming a unified alliance around rights claims and US activists achieving a much weaker primary alliance (but still stronger than their opponents) and achieving certification for separate claims from different clusters of actors in a more fragmented discursive field.

### *Argentina*

Rights claims dominate in Argentina, as I showed in Chapter Three. But looking more closely at how these claims move among distinct groups of actors, we can see that it does not originate with Argentine activists; instead, they appropriate the claims from the Spanish state, which is the first major interlocutor in the Argentine marriage equality discourse as local media cover developments in Spain. These claims, along with claims about the state as a force of progress and modernity, then help activists forge a strong and unified state-centered alliance.

In the first Argentine time period, which encompasses the passage of a marriage equality bill in Spain and its cultural and political reverberations in Argentina, the discourse is dominated



by Spanish actors. The Spanish state is the primary actor putting forth a discourse supportive of marriage equality, which links state progress, protection of rights, and improvement of society. The main opposition comes from Spanish religious and lay civil society actors, who primarily come together over the ideas of the state hurting society and having no right to recognize same-sex marriages. Argentine journalists establish their initial position as one of balance, melding claims about gay respectability and commitment to ideas that marriage equality threatens the broader society, which should be prioritized. Gay rights advocates barely have a voice at this point and have no discursive allies, as they argue that they don't even want marriage.

In the second period—which follows a shift in advocate strategy towards marriage and covers the introduction of the first marriage equality bills in Argentina—the field is extremely fragmented. In fact, the actors are so dissimilar in terms of their claim-making that no clustering solution exceeds an r-squared of 0.393, and the best fit possible places advocates and their religious opponents together in a (very weak) discursive alliance with journalists. Discourse itself is much less fragmented (five clusters give an r-squared of 0.732); this combination of weak actor clusters and strong claim clusters indicates that actors are almost entirely speaking in silos. The main battle in this period is over the interpretation of the law, with the advocate-religion-journalist discursive alliance taking shape because all three make claims about the importance of the state upholding the law. The "alliance" here is actually reflective of a contest over meaning: advocates suggest upholding the law requires recognizing gays as bearers of rights and granting them marriage equality, whereas the Catholic Church suggests it means maintaining the status quo in order to protect society at large.

By the third time period, in which marriage equality is first debated and passed in the Chamber of Deputies and the first same-sex marriage ordered by a provincial court, weak

alliances have begun to emerge, but they are still tenuous: the best clustering solution (with five groups) does not quite reach the 0.5 r-squared threshold (0.487). Advocates' alliance is very small, only incorporating actors from the federal legislature, while religious leaders on the surface seem to have the upper hand, uniting lawyers, federal courts, the federal executive, state courts, and state executives. For the first time, marriage equality advocates generate a clear package of claims that their small discursive alliance owns strongly (with a block density of 1.559). This package takes the state's role as protector of rights as its central theme and links it most densely to gays as being the subject of rights and the state as a force of progress. The religious actors who lead the opposition likewise create a clear package of claims that primarily focuses on attacking the state, buttressed by a vilification of gays and lesbians. However, the broad discursive alliance they create has less control over its message (with a block density of 0.902) than the advocate-centered alliance, with far fewer interconnected claims. In fact, the only claim uniting all of its members is the ambiguous one carried over from the second time period: that the state must uphold the law. Moreover, advocates' claim that the state must protect rights begins to form cross-cluster links with members of the opposition alliance, setting the stage for an alliance shift.

In the final time period, both gay rights advocates and religious opponents have succeeded in creating discursive alliances of both some breadth and strength, producing two main claim packages. Advocates' claim package still centers strongly on the idea that the state must protect rights, which is linked within the alliance to claims about the state being progressive and society evolving—all three prominent claims of the Spanish state in the first time period—and to claims about gays being mainstream and deserving rights. This package puts forth a clear and coherent image of a state and society demonstrating their enlightened pursuit of modernity

through the extension of rights to a marginalized but deserving population. Through this claim package, advocates manage to expand their alliance from the previous time period, keeping federal legislators but also now incorporating the federal executive, state courts, and celebrities. In addition, the alliance's claim package picks up moderate support (0.333 density) from a third loose discursive alliance consisting of citizens, state executives, and foreign civil society—primarily around ideas of state progress and society evolving.

Religious opponents attempt to contest gay advocates' definition of rights by tying it to the rights of children and of the majority, but they fail to make enough linkages to bring it into their own claim package. Many of their claims criticize the state and its use of power, and they lose several of the state actor allies they had in the third time period. Stepping back from the data and considering the historical and political context, this should not be surprising. As described in Chapter Two, LGBT activists devoted years of persistent effort to link their movement to human rights issues by engaging in broader human rights activism (Bellucci 2010), giving it the legitimacy and institutional support it needed to elevate its image of rights. As a result, advocates gained certification on their rights claims from respected human rights organizations like the Madres de Plaza de Mayo and the National Institute Against Discrimination, Xenophobia, and Racism (INADI), whose support in turn provided the FALGBT with greater authority from which to make rights-based claims. Moreover, the Kirchners' rhetoric and action on key human rights issues—like prosecution of abuses under the dictatorship—had brought those human rights organizations close to the administration and its party, helping to link advocates and the state. In contrast, unlike in many other Latin American countries that fell under military rule in the 1970s, the Church did not radicalize or join the fight for human rights. Instead, it was at best silent, and at worst complicit with the abuses of the military (Verbitsky 2007, Morello 2015). Therefore, in a

struggle over the meaning of rights, marriage equality advocates had much greater access to the key actors whose certification mattered most. The Church's claims of state overreach, which positioned the Catholic Church itself as the proper arbiter of marriage law, likewise found difficult terrain in a society becoming decreasingly religious and increasingly skeptical of the role of religion in politics. In 2006, forty-four percent of Argentines agreed that religious leaders should not influence politics, while only seventeen percent disagreed; only thirty-eight percent said they attend church at least once a month (World Values Survey Association 2005-2008).

In this context, the Church succeeds in discursively linking itself only to groups of actors who are, for the most part, lay Catholic organizations: its lawyer and university allies are predominantly from Catholic law groups and colleges, and the *Nación* editorial board—which comprises a substantial part of the journalist claims—has historically been aligned with the Church. Even so, the alliance is weaker than it appears at first blush. Despite the Church's success in creating somewhat greater ownership over its claim package in this final period than the advocates achieve (with a density of 0.890 versus 0.754), this ownership is primarily a result of the Church's repetition of its own claims rather than the links it forms with its allies. The opposition alliance itself is slightly less integrated than advocates' alliance (with a density of 0.403 versus 0.497), and it is more isolated, not connecting to independent clusters as much as the advocate alliance's members do. For instance, the citizen–state executive–foreign civil society cluster aligns nearly twice as closely to the advocate claims cluster as to the religious claims cluster. This shows that the opposition's claims fail to resonate with actors outside of its own ideologically narrow discursive alliance, while advocates' messages gain certification not only from their own strong and immediate alliance but, at least to a limited extent, across a broader swath of the discursive field. Thus the structural equivalence analysis helps to explain

the apparent paradox of the Church's *biclique* centrality and lack of concomitant discursive control, as it shows the weakness of its links to other actors that the *biclique* analysis misses.<sup>33</sup>

In sum, we see a new issue emerge in the public discourse into a very fragmented field with essentially no pre-existing discursive alliances. This makes sense, as gay rights—while certainly not a new issue in Argentina—had been minimally discussed at the national level before that point. As claim packages and discursive alliances begin to take shape, religious leaders' apparent early dominance shows its weakness. Advocates peel off all of the state actor groups formerly in discursive alliance with the opposition, primarily through their emphasis on the state's role as protector of rights and a force of progress, and they begin to gain certification from actors outside the two main alliances as well. Advocates go from a position of complete discursive isolation to unifying the largest and strongest discursive alliance in the field.

### *United States*

In the United States, discursive alliances form in a very different way. Where Argentine advocates appropriate rights claims to unify a large discursive alliance with a concentration of state actors, US advocates innovate, introducing the feelings claim to successfully link to civil society allies while they form weak cross-cluster links with state actors on claims about rights, essentially distributing claim-making across a more segmented field. Feelings talk does not just become dominant, then, as I showed in Chapter Three; it becomes the glue that ties activists

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33. The *biclique* analysis misses this in part because, unlike structural equivalence analysis, it does not take into account the strength of ties, only their existence.

discursively to other actors. And while rights claims do become less prominent, they do not become unimportant, as they play an important role in at least weakly connecting activists to state actors.

Differences between the two countries are apparent from the very beginning. When same-sex marriage first becomes a notable issue in the United States at the national level in 1996, gay rights advocates already find discursive allies in citizens, whose voices mainly echo advocates' claims, and journalists, who dominate the conversation. Together with federal legislators, this alliance assembles a relatively coherent claims package about gays being mainstream and in committed, loving relationships but suffering harm from a politicking state that is acting out of order. However, the alliance also owns an anti-marriage equality claim package that finds support from religious actors as well, one that promotes the idea that gays are different and a threat to society; this package is pushed largely by federal legislators, revealing a strong division within that group of actors. A separate and very loose discursive alliance (0.102 density) of the federal executive—under Democratic president Bill Clinton—and anti-gay advocacy groups is held together solely by the claim that gays have no right to marriage.

Despite their ability to find discursive allies from the very beginning, however, marriage equality advocates struggle to put together lasting discursive coalitions. They most frequently forge alliances with journalists, who fairly consistently certify the advocates' claims that gays are committed and loving, that they are mainstream, and that their rights should be protected. Advocates also find state allies at various points, as they pursue legal advances in progressive states like Vermont and Massachusetts that enact groundbreaking civil union and marriage laws. In these cases, though, it is the state actors who control the claim packages. For example, in the third time period (November 2003–July 2004), the Massachusetts Supreme Court orders the state

to recognize same-sex marriages based on constitutional and rights-based grounds, and advocates as well as state legislatures and lawyers repeatedly echo these claims, forming a discursive alliance.

However, advocates find little real traction in the discursive field until the fifth period (May 2008–June 2009), during which time a California court ruling temporarily permits marriages in that state; voters put Barack Obama in the presidency to end eight years of Republican rule under George W. Bush; and same-sex marriages becomes legal in three more states. At that point, gays-as-feeling—which advocates had introduced as a new claim in the third period—serves as the glue that bonds them very tightly (0.585) to state administrative workers, celebrities, and citizens. Claims that were central to advocate discourse in earlier time periods and helped them link occasionally to state actors—most notably that gays deserve rights and that the state should uphold the law—interestingly become detached from the advocate alliance by the fourth period (April–November 2006) and owned (0.714) by an alliance of state actors by the sixth (February–July 2012). By the final period (February–August 2013), advocates have become part of a loose and broad alliance (0.286) of citizens, journalists, federal legislators and state executives, united around a very large claim package that for the first time links gays' feelings and rights; this alliance overshadows all other clusters with its size and its ownership over its claim package (0.981). But while rights are a part of this package, they are also taken up without the rest of the claim package by a detached state actor alliance, indicating a lingering fragmentation of the US discourse.

Through the lens of this structural equivalence analysis, then, we can see that the crucial discursive shift for advocates did involve a move away from rights, but we can also describe the shift with greater specificity. First, as described in Chapter Three, the move was more precisely

to constructions of gays and lesbians as feeling subjects, rather than simply as in love or committed—the latter two being constructions that the movement had emphasized from the beginning. Second, rights still played a key role in the discourse as one of the few consistent links between advocates and state actors. While gays-as-feeling united advocates' discursive alliance, it largely failed to extend outside of that cluster—which primarily consisted of civil society actors—in the time periods studied.<sup>34</sup> Rights, on the other hand, served as more of a lingua franca for diverse actors to speak about same-sex marriage.

Though we might still consider 2008 the point at which advocates begin to gain the upper hand, the opposition begins to lose its position of strength earlier. The opposition peaks in the third period in terms of the strength of its alliance; despite the Massachusetts ruling, the opposition at this point is much larger and better organized than marriage equality advocates. Together with religious leaders, politicians, and the George W. Bush White House, opposition advocacy groups link claims that the state should follow society with claims that the state is acting undemocratically, and they use the Massachusetts ruling to spark successful campaigns across the country for state amendments prohibiting same-sex marriages. While they maintain at least tenuous links to state actors through the fifth period, their alliance is already beginning to weaken in period four (dropping from a density of 0.454 to 0.359), and by period five the previously mentioned breakaway state actor alliance leaves opposition advocacy groups almost entirely isolated from the state. In the end, they manage only a weak alliance (0.255) with one other group—lawyers—using the same claims they had success with in that third period: the state's improper actions and its duty to follow society.

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34. The Supreme Court's *Obergefell* decision, which was handed down in 2015 and, as I argued in the previous chapter, institutionally embedded feelings language into the discursive opportunity structure, came after the final time period.



The problem for the opposition is that these claims were mainly grounded in assumptions about public opposition to marriage equality, and those attitudes—and how they were interpreted in public discourse—changed over time. In fact, society's attitudes as measured by public opinion polls were a key fulcrum of debate in the penultimate time period, as it was the first time period in which polls started showing majority support for same-sex marriage. The pro-marriage equality alliance correspondingly emphasized society's evolving stance and greater support for same-sex marriage, which it linked to gays' feelings and the state's duty to protect rights, both of which became even more prominent in the final period. Marriage equality advocates appear to have gained the upper hand discursively by shifting their claim-making in two ways: first, they largely left claims about rights to state actors, who were perhaps more credible sources of such claims, and second, by increasingly centering feelings-based claims, they strengthened ties to key non-state actors like journalists and citizens.<sup>35</sup>

In other words, in this distributed path, state actors started linking claims about gays as the subject of rights to claims about the state as protector of rights, while gay and lesbian advocates and citizens complemented these rights claims with claims to being feeling subjects, which was strongly certified by journalists in particular. This left little room for the opposition to vilify gays as they had in earlier time periods. To return to the biclique overlap analysis for further illustration of this point, vilifying claims about gays and lesbians (such as gays as unnatural or a threat to society) were fairly central in the third and fourth time periods, when the opposition was strongest. But such claims moved increasingly to the margins as gays and feeling became more central, so that in the final period the latter claim was the third most central claim

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35. Despite modern journalism's pretensions to objectivity, it tends to use emotional story-telling as well, with a focus on personalization rather than abstraction or structures (Gitlin 1980, Wahl-Jorgenson 2013).

in the debate (with a score of 0.36), while vilifying claims had become fringe (with scores ranging from 0 to 0.04). As advocates succeeded in linking gays to feelings (directly) and to rights (largely through state actors), the opposition lost discursive allies and the power to define the issue.

### **Differing paths: claim innovation versus claim appropriation, unified versus distributed alliances**

US marriage equality advocates' shift to the new feelings-based claims highlights a key distinction between advocate strategies in the two countries: claim innovation versus claim appropriation. The state as protector of rights clearly becomes the dominant claim in Argentina by the end, but it does not begin with advocates. In fact, it originates with the Spanish state and is taken up by Argentine federal legislators in the second time period. It is only in the third period that advocates—who previously focused more on the state's upholding the law and on gays as the subject of rights—pivot to vigorously embrace the state-as-protector-of-rights claim. In other words, it is likely that advocates saw this as a winning theme coming from the state and modified their own message in order to forge the discursive alliances they desired. They appropriate another actor's claim, thereby strengthening their own position. By connecting that claim to their own claims about gays, they come to shape the meaning of rights in the context of marriage equality.

The benefit to appropriation is clear, as it comes with ready-made allies. One risk with this strategy is that other actors simply will not accept the new connections advocates try to make to the appropriated claim. In this case, marriage equality advocates smoothed the way by connecting the state-as-protector-of-rights claim to not just claims about gays (such as gays as

the subject of rights), but to other claims that had proven successful in Spain, such as ideas of state progress and societal change. Another key facilitating factor is that federal legislators served as important early allies, certifying advocates on several of their other claims in the third time period (such as gays being harmed). This only happened after months of intense behind-the-scenes lobbying by gay rights leaders and their allies (Bimbi 2010) and helped make the more dramatic discursive alliance shift of the fourth time period possible. As mentioned before, the support of prominent human rights groups and institutions like the Madres and INADI also helped make activists' appropriation of rights claims a successful gambit. (Bimbi [2010, 36] claims, for example, that the head of INADI played a key role in convincing the Kirchner administration of the link between gay rights and human rights.)

Another risk of appropriation is that as it is, in a sense, the flip side of certification, one might find they are strengthening the hand of their sought-after discursive ally more than their own. The distinction between appropriation and certification turns on the question of power: appropriation borrows authority, where certification provides it. But in borrowing authority on claims about the state as protector of rights and force of progress—in order to gain discursive power on marriage equality by linking them to claims about gays' rights—activists are also providing authority to the state on those particular claims in a broader discourse of sovereignty and state legitimacy. That discourse may not always benefit, and may in fact harm, members of the LGBT community and their allies. US scholars have increasingly pointed out that a state image of progress and modernity, as evidenced by its protection of LGBT rights, can be used to justify or mask other discriminatory policies (Puar 2007, Spade 2013). This may to some extent apply to the Argentine context, as the state has simultaneously pursued criminalization of sex work, for example, as mentioned in the previous chapter, which disproportionately impacts trans

and immigrant women (Sabsay 2013). It is important not to overextend the concept of homonationalism or pinkwashing, though; the Argentine state may be using pushes for LGBT rights not to justify racism or xenophobia (in 2004 it enacted a remarkably progressive immigration reform—Acosta Arcarazo and Freier 2015), as scholars have argued in the US or Israeli context, but simply to shore up popular support among various key voting groups in a country where human rights carry tremendous weight. In a shaky economic context, supporting LGBT and other rights may be a state strategy to inoculate opposition from activist sectors without undertaking costlier reforms (Hollar 2013).

In the United States, by contrast, instead of simply appropriating state actors' claims or packages of claims, advocates introduce a new claim—gays as feeling—which strengthens the civil society–based discursive alliance they had already begun to forge, while distributing pro–marriage equality claims across multiple and only loosely connected alliances. Innovation gives an actor more initial control than appropriation, obviously, but it comes with its own challenges. Though marriage equality advocates introduced feelings claims in 2000, they didn't gain enough certification to anchor a discursive alliance until 2008–09, more than twice the time it took for Argentine advocates to go from the fringe to the center of the discursive field. This could have multiple causes, but one would expect that a new claim from a fringe actor would often take more time to dominate a debate than an appropriated and thus already familiar claim. There is also, of course, no guarantee that others who pick up the innovated claim will not themselves change its meaning. In this case, advocates kept the feelings claims in their own alliance's primary claim package, although journalists dominated the alliance and brought some claims into it that advocates may not have wanted links to—most notably the claim that gays and lesbians are different from heterosexuals. Overall, though, the claim package was quite coherent (0.519)

and contained very few claims advocates themselves had not made at some point. Most likely they were able to exert this control over the claim of gays as feeling because feelings are considered subjective, which means that gays and lesbians themselves (advocates as well as citizens, who also frequently voiced the claim) would be the authority on their own feelings. In other words, the degree of control an actor can assert over a claim and its meaning depends in part on that actor's institutional or social position, a central idea in theories of discourse and power (Hajer 1995, Krinsky 2010, Leifeld and Haunss 2012).

The other key contrast between the two countries this chapter's analysis highlights concerns the formation of discursive alliances and whether these alliances increasingly unified around a single claim package or whether shared claims were distributed across multiple weaker alliances. Examining the actor clusters more carefully, two very different patterns emerge over time between the two countries. Actor alliances in Argentina become steadily more distinct over the three main time periods, as shown by the clusters' r-squared numbers. The main alliances themselves do not become more densely connected from the third to the last time period, however, as revealed by the actor cluster density tables. What happens instead is that in time period three, advocates begin to form links with state courts and state executives, but not quite enough to draw them into its pro-marriage quality cluster. By the fourth time period, such cross-cluster links have diminished, and actors in the two main clusters are fairly solidly placed there.

In the United States, on the other hand, the fit of the clusters does not trend upward over time, and in fact *decreases* over the final three periods. This is because there are an increasing number of cross-cluster links being formed toward the end, blurring the lines between the alliances. The distinction between the countries can further be seen in the contrast between the way actor alliances cluster in the final time period for each country. In both places, that final

period contains 16 different actor types, but the optimal clustering in Argentina produces only five actor clusters, while in the United States it produces eight. This shows that by the end of the debate in Argentina, actors have sorted into fewer, clearer alliances, whereas the field in the United States is much more fragmented, with many actor groups in the United States remaining isolated or with only a single discursive ally.

The Argentine path follows more closely the image in the policy literature of a bipolar debate with distinct coalitions (Leifeld and Haunss 2012)—though in this case, I show how a new coalition emerges with the introduction of a new issue and becomes distinct, rather than existing that way throughout. The US path, however, demonstrates that coalitions might succeed with considerable fragmentation in the field and in their message, if the opposition can be outmaneuvered. In this way, my analysis supports from a different angle Krinsky's finding in the New York workfare debate: actors need not be hegemonic to succeed, as long as they can best their opponent.

These differences between the United States and Argentina can be at least partly explained by differences in the political landscape in each country. Marriage was within the purview of the national government, not the states, and the Argentine president, as head of his or her party, tends to wield a great deal of power over federal legislation. At the time of the marriage equality debates, President Cristina Fernández de Kirchner's party dominated the legislature as well. There are high levels of party discipline, so that even though on the marriage equality bill, legislators were technically free to vote their conscience, Fernández de Kirchner's support effectively meant the difference between passage and failure. In other words, for advocates to succeed meant to forge a unified alliance that included the federal executive and the federal legislature; it also meant that making connections with other types of actors was not

strictly necessary unless as a means to reaching these two key actor groups. In this case, the ongoing discursive link with state courts most likely helped increase advocates' legitimacy with state actors at the federal level, but certification from civil society actors was not crucial for advocates' success. Religious leaders' ability to gain certification from a narrow yet vocal band of civil society actors helped amplify their claims in the debate, but it did not secure them any discursive links to policymakers.

The unity of the advocates' alliance is further evidenced by marriage equality activists' subsequent entry into positions in the federal government; most notably, María Rachid, the leader of the most prominent LGBT organization (FALGBT), was appointed vice president of the National Institute against Discrimination, Xenophobia and Racism (INADI) in December 2010, just months after the passage of the marriage bill. In this way, what began as certification of advocates' claims by state actors became institutionalized state discourse through not just policy change, but personnel change.

The distributed path taken in the United States reveals a different logic and reflects a different political and institutional landscape. Unlike in Argentina, where advocate and state discourse align in a unified strategy, US advocates bring together a more civil society-based and looser discursive alliance around a feelings framework, creating links to but remaining separate from another discursive cluster of state actors, who tend to focus on rights-based and legal language. Even within the advocate alliance, different claim clusters compete for dominance until the final time period, when journalists actually take the lead in the alliance. Though the message is less unified, advocates in the US manage to connect to a broader swath of the discursive field in this way than the Argentine advocates do, leaving the opposition much more isolated.

This trajectory makes sense in a political landscape marked by far more points of conflict. The US battle was fought at both the federal level and in all 50 states, in the courts as well as the legislatures and popular referenda. This meant more players were involved in the debate. Moreover, since the US LGBT movement developed strong local advocacy organizations over time—which were not always coordinating with each other or with national movement organizations—the US movement itself was more fractured than the Argentine movement, which was much more strongly centered in the capital.<sup>36</sup> This would have made a unified message more difficult to achieve among US advocates, which would in turn make forming discursive alliances with other actors more difficult. In other words, the formation of discursive alliances should be understood as contingent and constrained, and certain paths or strategies may be more or less available depending on the institutional and political context.

The precise form a strategy takes, though, leaves room for considerable flexibility. Which claims would advocates try to distribute, and which would they take as their own central claims? As described in Chapter Three, the decision to move away from having advocates use a rights frame was a strategic decision by prominent social movement organization leaders. Though the distributed path allowed them to successfully isolate the opposition, downplaying the rights-based discourse themselves may have limited the LGBT movement's agenda moving forward. While marriage rights have been secured, advocates' focus on feelings rather than rights seems not to have translated to the debates over bathroom politics in places such as North Carolina, where popular fear of sexual predators and gender difference has prompted the passage of anti-transgender laws. In attempting to use a rights-based framework for itself, the LGBT movement

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36. This is not to say that strong fractures did not exist within the Argentine movement—they certainly did—but that it fractured along fewer lines because of the smaller number of organizations in the field.



does not have the same tight discursive alliance to rely upon as Argentine activists had. Nor has the marriage equality movement led to the same sort of incorporation into the government of movement leaders that occurred in Argentina. This is a double-edged sword, as some Argentine activists have expressed concern about the cooptation of their movement,<sup>37</sup> but it certainly gives the movement an advantage in terms of aligning advocate and state frames.

In sum, this analysis builds on the previous chapter's findings by showing how and when the discursive alliances formed that shaped the discursive trajectories I identified in that chapter. Where Argentine gay rights advocates succeeded by forming a discursive alliance with state actors centered on rights, US advocates became part of a more civil society–based alliance centered on feelings, with state actors certifying advocates' rights claims but remaining more detached overall from advocates' rhetoric than in Argentina. These differences have potential implications for longer term policy success. Argentine policy success might be more fragile, because if the political actors change, there might be less depth of societal support for LGBT rights, meaning rollback is a possibility and future advances could be stalled. However, the more durable changes to the discursive opportunity structure laid out in the previous chapter should mitigate against this possibility. Indeed, though Fernández de Kirchner's party lost the presidency in 2015, LGBT rights in the country appear to remain unchallenged thus far. In the United States, the civil society alliance ought to make for a more durable policy advance regardless of changes to the political balance of power, yet the distributed nature of advocates' strategy—which left ownership of rights claims largely to state actors—could leave advocates at a disadvantage in future efforts to secure other LGBT rights.

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37. César Cigliutti, interview with author, June 11, 2013; Blas Radi, interview with author, June 13, 2013.

## **Chapter 5**

### **Conclusion**

I began this research with two main questions. First, how did activists in Argentina and the United States shape discourse around marriage equality? And second, what impact did their different discursive paths have on the movements and on understandings of citizenship and state-society relations more broadly? By analyzing the construction of actors in the debate using more traditional content and qualitative methods as well as newer network analytic approaches, I have argued for a more nuanced and expansive understanding of the varied meanings and consequences of marriage equality.

In the marriage equality struggle, activists construct gays and lesbians and the state in different ways, which changes understandings of not just those actors but also the relationship between the state and groups seeking full citizenship. Working within constraints formed by the language already embedded in local institutions like laws and court rulings, they forge discursive alliances with other actors, giving them greater power over the language of the issue and bringing claims together in new ways. With successful policy change, these new claims become embedded in those local institutions, which then shape the possibilities for future movements and issues. Ultimately, the Argentine battle created a more favorable context than the US battle did for the further expansion of citizenship. Argentine marriage equality activists pursued a path of expansion; they took advantage of a discursive opportunity structure that emphasized human rights, which had previously been applied primarily to political dissidents and children—targets of the 1970's military dictatorship—and successfully stretched that concept to include the rights of gays and lesbians. At the same time, they helped shape and sustain a discourse of state responsibility to protect minorities. The language of protecting minorities—whose difference was noted rather than erased—continued in the debate over the gender identity law, which

recognized transgender people's right to determine their gender identity and required that public and private health care cover any desired gender-affirming medical treatment. In the Argentine case, discourse lay the burden of change largely at the feet of the state rather than the excluded group.

US activists pursued instead a path of assimilation. They faced a discursive opportunity structure that also emphasized rights and equality—but in this case, civil rather than human rights. Meeting resistance to their appropriation of this language, over time they shifted to focus more on the language of feelings, which then made its way into favorable court rulings, beginning with *Goodridge* and culminating with *Obergefell*. Tightly linking rights to emotions like pain, fear, pride, and love, this new discourse moves away from the Civil Rights-era notion of strict scrutiny based on suspect classification—the idea that certain marginalized groups require heightened protection because of their minority status. In so doing, it moves from highlighting the difference that marks gays and lesbians to the universal human emotions that erase that difference. In contrast to the Argentine case, the burden of change is on the excluded group to assimilate. As feelings talk but not suspect classification became embedded in *Obergefell*, activists gained marriage rights but not the ability to rely on their minority status to defend against new anti-LGBT challenges. This already arose as an issue in the months after the *Obergefell* decision, as states and municipalities introduced a flurry of bills to restrict LGBT rights. The result, then, of the two countries' separate paths is that activists aid the Argentine state's own efforts at expansion of its authority over and responsibility toward citizens in the shift towards post-neoliberalism, while US activists reinforce discourses of assimilation against those of difference within the framework of rights.

For a marginalized group like gays and lesbians, changing public discourse on an issue

means getting others to begin to repeat the group's constructions or claims. This dissertation shows that there are different ways of going about that successfully, which are shaped by institutional and historical contexts. Argentine activists built a strong, unified discursive alliance with state actors around human rights claims that they appropriated from the Spanish government. This path was facilitated by the strength and party control wielded by the federal executive, combined with federal regulation of marriage law. These factors meant that activists needed to cultivate support from federal-level actors—and that such support would likely be fairly unified itself. In the United States, state-level control over marriage law, combined with a strong opposition able to open many battlefronts, made for a much more fragmented field in which a unified alliance would be more difficult to achieve. Activists instead managed to distribute their claims across alliances. They formed a weak discursive alliance with largely civil society actors, centered on feelings claims, while they also gained certification on civil rights claims from state actors who remained more detached from the rest of the activists' claims. The unified approach linked Argentine activists closely to the state, a double-edged sword that might hinder the movement's ability to criticize the state but aided in the quick passage of a progressive gender identity bill. With the distributed US approach, on the other hand, downplaying and largely leaving rights claims to the state left activists with less secure footing from which to argue future discrimination battles not connected to issues that carry similar emotion-based connotations—such as the widespread subsequent attempts to ban transgender people from using the bathrooms that correspond to their gender identity.

Activists emphasized different claim strategies as well, with Argentines appropriating constructions about the state as a protector of rights and force of progress, and US activists innovating constructions of gays and lesbians as feeling subjects. These paths, too, were

influenced by local context. Argentine activists were able to successfully appropriate rights-based claims because of their years of persistent efforts to link LGBT rights to human rights—including consistent vocal and material support for other human rights groups. In other words, over an extended period predating the marriage equality campaign, they had built discursive alliances with groups recognized as having a great deal of authority on rights, such as the Madres de Plaza de Mayo or the National Institute Against Discrimination, Xenophobia and Racism. By contrast, dominant US LGBT groups' historical emphasis on single-issue politics and their lack of racial diversity both among their leadership and in their public image left them without strong pre-existing discursive alliances with groups and actors who might have certified their rights claims or constructions making analogies to Civil Rights-era struggles. Eventually they downplayed such claims and drew more on personal authority to speak of gay and lesbian emotions.

This analysis helps to answer the question raised in the first chapter of how a group of marginalized actors can successfully take up another group's claim. The portability—or, in Tarrow's words, the strategic modularity (2013)—of a claim will depend a great deal upon the kind of authority the marginalized group can borrow. To quote Gal:

How are reasons and narratives made authoritative? Bakhtin (1981) described it as a process of 'ventriloquation,' always a borrowing of authority from elsewhere. In today's societies, authoritative cultural institutions include science, gods (directly or through quotation of scripture), nations or public and their needs or desires, personal experience, nature, and law.... The semiotic techniques by which individuals and governments invoke (ventriloquate) culturally powerful authorities, thereby borrowing their power, seem crucial as subject matter for any discipline claiming to understand the language of politics and the practical processes of political persuasion." (2006, 389)

These marriage equality cases indicate that borrowing authority on an issue is facilitated by pre-existing discursive alliances. Argentine LGBT activists certified human rights organizations' claims consistently in the past; when those activists sought certification on their

own claims concerning marriage, they found support from that discursive alliance in a way that US activists were less able to do for their civil rights-based claims. Meanwhile, the Church-led opposition in Argentina had no such history of reciprocation with human rights groups, and in fact their generally supportive role in the military dictatorship greatly diminished their ability to claim any authority on questions of human rights. Moreover, the 1986 court ruling permitting divorce explicitly disarticulated the Church from authority over marriage, which meant that any claims the Church made about the state's lack of right to define marriage were contradicted by law.

On the other hand, US activists were able to introduce a new discourse of feelings in which they as the affected subjects could project authority about those feelings. By de-emphasizing their activism and constructing gays and lesbians instead as feeling subjects, they grounded their own authority in knowledge of their emotions rather than knowledge of their identity and rights. In some ways, reciprocation is also at play here: giving journalists emotion-filled stories helps those journalists attract readers. In these two cases, appropriation made for speedy results, and innovation took a long time to gain widespread certification. While this would likely hold true under most circumstances, further research on different issue areas would be helpful in understanding the implications of the two different strategies.

This discussion points to yet another way in which the concept of the discursive opportunity structure, developed here from the work of Koopmans and Statham (1999) and Ferree (2003), might be usefully expanded. The marriage equality cases suggest that it is not only claims that are contextually constrained and enabled, but also who can make those claims. These cases indicate that portability is less a characteristic of a claim than a product of institutional context and actor interaction. We cannot understand how language does or does not

change without an account of *who* says what, in what context. Just as the concept of the political opportunity structure benefited from considering not just institutional structure but also the role of actors—in terms of elite cleavages and the presence of allies (Tarrow 1998)—the discursive opportunity structure, too, might usefully incorporate how pre-existing actor configurations constrain and enable discourse.

Institutionally embedded discourse provides a foothold for certain kinds of claims, but also for certain kinds of speakers. The marriage equality victory in both the United States and Argentina gives gays and lesbians state recognition, which invests them with more authority as claim-making subjects. But the constructions of gays and lesbians that become institutionally embedded in each country as a result of the marriage equality movements give them that recognition for different reasons—for the simple fact of being equal in Argentina, and for the added fact of being respectable and feelings-bearing in the United States. In this way, the discursive opportunity structure in the United States can be seen as not just tying together rights and feelings, but giving lesbians and gays in particular authority to speak on narrower grounds, as feelings-bearing subjects, rather than simply as rights-bearing subjects as in Argentina.

Though I have emphasized the historical roots of the different paths, they were not pre-determined, even after those histories were established. Instead of working on circulating their discourse of feelings, dominant US activist groups could have spent that time dedicating more consistent effort to diversifying their leadership and offering greater discursive and material support to organizations and communities of color. Whether this strategy would have succeeded in making policy change is impossible to say, but it would have increased their ability to make credible claims that linked to the Civil Rights tradition, assisting in forming discursive alliances on such claims.

In the end, nearly every movement wants to change much more than policy, and yet the even greater goal of cultural change has been difficult to conceptualize or measure (Meyer 1999, Earl 2004, Snow et al. 2014). This research offers one way to broaden our understanding and evaluation of movement success, looking not just at policy victory but at how movements shift discursive opportunity structures by reshaping ideas of fundamental political concepts like citizenship and rights. Movements make choices about which claims to emphasize and which allies to pursue. The discursive opportunity structure makes certain claims more auspicious than others, but it does not determine claims mechanistically. Ferree (2003) demonstrates this well in her study of abortion debates in the United States and Germany, in which some segments of the feminist movement intentionally do not use claims that resonate with the discursive opportunity structure because they prefer to make claims that resonate with their own constituents. These choices, I argue, then influence future possibilities, and not only for the movement under study.

As I described in Chapter Three, the impact of marriage equality discourse on other movements should be expected to depend upon the nature of the movement and the issue it takes up. While the marriage equality movements in Argentina and the United States are too recent to have left behind definitive evidence of their legacies, we can certainly theorize the impact on future movements. For identity-based groups seeking inclusion in Argentina, their path should be facilitated, as a discourse of state responsibility for minority groups is now ascendant. When an issue is not primarily identity-based, however, as with sex work or abortion, we might expect less change in the discursive possibilities. By contrast, the marriage equality discourse pushed by US activists relies on minority groups erasing their difference. This was a long and difficult path for gays and lesbians, but it might be even harder for others; race, for instance, has in the United States been an even more deeply rooted—and visible—basis for discrimination. Moreover, many



members of a marginalized group (LGBT included) may not wish to erase that difference, which can cause internal divisions and leave some members excluded.

### **Dynamics, strategies, and generalizability**

How might this analysis of marriage equality in the United States and Argentina, then, extend to other countries, or other issues? I have argued that actors' discursive strategies and dynamics—including the path to citizenship they pursue and the discursive alliances they form—draw from local histories of activism and discourse. They are also affected by political institutions, which help determine how debate is distributed across time and space; this influences what might be said and how discursive alliances will form. Social movement scholars have long emphasized the important role of political institutions in movement dynamics and strategies (Tilly 1978, McAdam 1982, Tarrow 1994); Meyer (2007), for instance, argued that James Madison among other founders designed the American constitutional system with many access and veto points in order to diffuse dissent. This dissertation points to the ways the influence of such institutional design extends to the language of dissent as well. Which level of government primarily regulates a policy determines whether those debates will be concentrated in one arena or scattered across many. As I described above and in Chapter Four, this impacted the dynamics of discursive alliance formation in each place. Additionally, the venue in which a policy is primarily regulated will often matter, as scholars like Polletta (2006) and Krinsky (2007) have suggested: that US activists had to fight state ballot measures rather than just legislative or court battles likely influenced what kinds of claims they would make and pushed them toward those that might appeal more to fellow citizens than to judges. Interestingly, while the kinds of actors in each setting did vary in my data as expected—e.g., judges appeared more

often in court settings, activists in protest settings—the kinds of claims made varied much less. In the US, where feelings claims became prevalent, we might expect to see rights-based claims more frequently in government settings like courts and legislatures, and gays as feeling more frequently in non-government settings like culture and religion. Instead, two-thirds of feelings claims appeared in government settings and only one-third in civil society settings—the same ratio as rights claims. This indicates that most actors in the marriage equality debate put together varied packages of claims across settings; religious leaders speak not only of morals, and judges speak not only of rights. This was exhibited most clearly in the feelings-laden *Obergefell* ruling.

While political institutions shape the *where* of debate, the language embedded in them shapes the *what* and *who* (Koopmans and Statham 1999, Ferree 2003, McCammon et al. 2007). Major Civil Rights-era rulings and legislation in the United States provided a different discursive opportunity structure from that produced by the constitutional status of human rights treaties in Argentina, facilitating different kinds of claim-making. But whether movements will be able to tap and modify hegemonic discourse will depend also on questions of authority and how one can borrow it. Access to authority, I argued above, depends in part on existing discursive alliances created by prior discursive and material reciprocation. Movements' discursive choices matter, in the past, present, and future.

Extending this analysis to other countries or issues, then, requires taking political institutions and the existing discursive opportunity structure into account. Spain presents a useful example in terms of marriage equality in another country. As in Argentina, marriage is regulated at the federal level, and a large and disciplined leftist party was ascendant with a discourse of human rights; securing a unified alliance of state actors, then, offered lesbian and gay activists the most promising approach. One study found that they gained certification on claims about

rights and equality as well as family and affection; as in the United States, they turned entirely away from constructions that highlighted gay and lesbian identity or difference in their efforts to attract support (Calvo 2011). The study did not distinguish between state-focused and target group-focused rights claims, but it appears likely that Spain demonstrates a blend of the assimilative and expansive paths. Spain, like Argentina, passed a gender identity law a few years after its marriage equality law; in Spain, however, this law still requires a medical diagnosis and psychiatric treatment before one can legally change their gender identity. The debate leading to the law did include constructions of the state as protector of rights and a force of progress, but also of trans people as pathologized; activist constructions of trans people as subject to discrimination or having the right to determine their own identity failed to gain traction (Platero 2011). My research suggests that part of this failure stems from the way Spanish activists formed their discursive alliance. By sacrificing identity claims for those focused on affection and family, activists moved into the gender identity debate with less leverage than Argentine activists to ground their authority in a knowledge of their own identity and rights. As a result of the gender identity law, with a lack of authority on their own identity embedded into it, transgender activists will likely find it difficult to change the medical requirements.

My analysis suggests that the dynamics of debate would also frequently be similar for other issues in Argentina and the United States. In Argentina, the more centralized nature of power and strong party discipline should steer activists toward unified patterns of discursive alliance-making in which gaining federal actors' certification takes on a high level of importance. In the United States, more issues are regulated at the state level, which facilitates greater fragmentation of debate. This has been the case with transgender rights, for example. A national identification card is the primary form of identification in Argentina, unlike in the

United States, where state-issued driver's licenses are more commonly used and gender markers are assigned and regulated at a dizzying number of levels and agencies (Currah and Mulqueen 2011). Therefore, Argentine activists' success in pushing a progressive gender identity bill owed not only to the state-focused rights discourse they drew from to advance their gender identity bill (as described earlier), but to their ability to lean on the same discursive alliance centered on federal-level state actors they had established with the marriage equality campaign. US activists, meanwhile, face a field even more fragmented than the one they confronted with marriage equality, bringing many more actors—including a whole host of actors not involved in the marriage debate—into the discursive field. Abortion likewise fits this same basic pattern; US federal court rulings have set out some baselines, but it is state-level government that primarily regulates abortion access and provision, so that discursive battles take shape around a range of proposed laws in different contexts and at different levels of government. In Argentina, abortion is regulated at the federal level, where it is criminalized in all but the most impossibly narrow of circumstances. We should expect, then, that the discursive dynamics follow a unified approach as with marriage equality.

The abortion case shows the continued strength of the Catholic Church in Argentina; unlike with marriage, for which the state seriously eroded Church control with its divorce ruling of 1986, the Church's authority over reproduction has faced little state challenge. State actors up to the level of the president regularly align their discourse with the Church on abortion, forming a united front and leaving activists marginalized. Viewed in this light, gay and lesbian activists' success did not just change the discursive opportunity structure around state responsibility for citizens; it also helped disrupt a discursive playing field characterized by a frequent Church-state alliance. This could serve as an opening for abortion rights activists—and activists of all stripes

whose main opponent has been the Church.

Interestingly, in this context, activists' claims around abortion have focused little on human rights; one study of activist framing found public health and economic and social justice as the most prevalent frames (Sutton and Borland 2013). Though the authors do not specifically distinguish among various subject constructions, it appears that the dominant frames focus on the harm suffered by women and the responsibility of the state for their condition; activists construct women as autonomous much less often. In fact, they find that when public health frames increase, autonomy frames decrease. This is not as clearly a discursive battle over citizenship, as marriage equality was, but thinking about it in terms of authority helps to explain the pattern: public health frames locate authority in the medical profession or the state, whereas autonomy frames stand in opposition to this by constructing the woman as having authority over her decision. Activists' emphasis on public health might be facilitated by the discursive opportunity structure, but it leaves them with little leverage in the debate.

Police brutality presents another high-profile citizenship issue challenged by activist movements in both Argentina and the United States, but one that poses a very different kind of policy challenge. Achieving marriage equality meant equalizing legal rights of a marginalized group, while ending police brutality primarily means *enforcing* legal equality in the face of systemic issues like racism, classism, and corruption. At the same time, both involve the construction of the state, society, and the marginalized group, which means we might still expect discourse to follow similar paths. Police in Argentina and the United States are predominantly regulated at the local and provincial or state level, which pushes debate in both places into more fragmented patterns that might encourage more diverse claim-making; non-federal state actors take on increasing importance as discursive allies. The discursive opportunity structure in both

places overlaps a great deal with that facing the marriage equality discourse, centering on human rights in Argentina and civil rights in the United States. In both places, the opposition discourse focuses primarily on public safety and law and order.

The growing Black Lives Matter movement in the United States, a black liberation movement begun in 2012 that has arguably done the most to force the issue of police violence into the public discourse and help keep it there, has drawn on a language of both rights and feelings, with a particular emphasis on the dignity and value of black lives. In contrast to marriage equality claims, though, these are not linked to claims about respectability or being mainstream. In fact, activists emphasize rather than erase identity and difference, as the movement's name itself makes perfectly clear, refusing to put the burden of change on the target population itself. As a grassroots movement growing out of black communities, Black Lives Matter can much more readily draw on the authority of the Civil Rights movement than the marriage equality movement could. But constructions of black people as violent threats to (white) society are arguably more deeply entrenched and more fundamental to systems of power in the United States than were constructions of sexual minorities as a threat, and therefore potentially a great deal harder to change. Thus, where marriage equality activists succeeded in disrupting the dominant discourse largely by forging discursive alliances centered on changing the ways (heterosexual) civil society actors spoke about gays and lesbians, Black Lives Matter activists appear to be centering at least some of their discursive alliance-building with civil society on changing how (white) civil society actors speak about *themselves*: A high-profile source of discursive support has emerged from white civil society actors who are answering black activists' calls to talk not just about state violence against black people but about white supremacy (e.g., BLM 2016, Woods 2014). By bringing constructions of *society* into the

debate—which marriage equality activists largely neglected—BLM activists demonstrate a third path forward for inclusion beyond the two illustrated in this dissertation, targeting the state or the excluded group.

In Argentina, police violence has persisted as a problem after the end of the dictatorship, with hundreds of cases of killings, torture, and other abuses each year (Correpi 2012). As in the United States, groups fighting this violence face constructions of the victims as violent threats to society; these are primarily class-based, but also take on a racial element, as many victims are darker-skinned immigrants or of indigenous descent (Bonner 2014). Journalists have been a particularly difficult ally to cultivate; newspapers, which have greatly expanded their crime reporting in the last two decades, avoid using human rights frames in connection with police violence and favor narratives of middle class victims of violence perpetrated by shantytown dwellers (Seri 2012, Bonner 2014). These narratives, which are conditioned by the sales-driven nature of corporate journalism, leave little room for shantytown dwellers to be spoken of as victims of human rights abuses. With journalists and state actors in a unified discursive alliance, activists have thus far found little room to maneuver.

### **Moving forward**

As a contribution to the scholarship on marriage equality, this research has shown that marriage equality can mean different things and the struggle around it can leave behind different discursive playing fields depending on the local context. Queer critics have cast marriage equality as assimilative and reinforcing hierarchies of power in the United States. Feminist and queer critiques of marriage highlight the institution's exclusionary nature and the long history of

marriage policy being used to reinforce hierarchies of inequality.<sup>38</sup> My research largely supports those criticisms while recognizing the influences that facilitated that path. By pursuing access to marriage via an assimilative path, US marriage equality activists secured citizenship for some at the cost of shoring up the power of marriage to define who deserves certain benefits. At the same time, we must be careful about extending such characterizations globally. We should expect marriage equality battles to take different discursive paths depending on local context, so that the ways it intersects with and changes ideas of citizenship and inclusion will also differ. This is not just because of different activist strategies, but also because marriage itself carries different meaning and material benefits in each country. In the United States, marriage is much more strongly tied to vital benefits like health care and pensions than in Argentina (or most European countries), which means that simply rearranging its boundaries does little to fundamentally challenge hierarchies of exclusion. In addition, these differences in the meaning and consequences of marriage equality means that advances on this policy issue will not necessarily lead quickly or inevitably to other advances in LGBT rights and cannot, without more contextual information, be used to measure a country's "LGBT-friendliness." In other words, my research warns against taking globalized issues like marriage equality as yardsticks or as symbols of any particular ideology; as other countries take up same-sex marriage battles, close analysis of who says what in which contexts will give us a more nuanced understanding of the import and ramifications of each particular effort.

This research also urges new conceptualizations of identity construction, drawing from social movement scholarship on construction of activist identities in mobilization (Melucci 1998,

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38. See Josephson 2005 for an overview of these feminist and queer perspectives on marriage. See also Conrad 2014 for specifically queer critiques of same-sex marriage.



Polletta and Jasper 2001, Hunt and Benford 2004, Tarrow 2011) as well as policy scholarship on the construction of target populations (Schneider and Ingram 1993), but expanding the focus to include the state and other key actors, and making such constructions interactive and contingent. The state was a primary target of construction in debates over marriage equality; these debates were clearly not just about the status of gays and lesbians, but about the status of the state itself. This should be an interesting and fruitful direction for future policy research concerning movements or populations of all types.

The increasing invocation of emotions by lesbian and gay activists and their supporters opens up another intriguing line of research. Looking at frames about Muslims after the September 11 attacks, Bail (2012) found that media gave disproportionate attention to the few civil society groups characterizing Muslims as enemies. This had the effect of making their message appear mainstream and shifting the playing field against frames that depicted Muslims in a more favorable light. Bail suggests that media did this because the “Muslims as enemies” frame was deployed with displays of anger and fear, which were correlated with greater media influence. In an interesting contrast to Bail’s study, the opposition’s use of negative emotions like fear in marriage equality debates was successfully countered—particularly in the United States—by supporters’ use of positive emotions. A closer look at contests between different types of emotion-based claims could elucidate how or under what conditions such claims do garner increased media coverage.

Finally, the network methods I employed here could be used in other cases to further specify mechanisms and characteristics of discursive dominance. High-profile policy issues can be analyzed using mainstream media coverage, as I have done, but lower-profile issues might follow different paths. In those cases, analysis of legislative debates, special-interest media, or

other textual data would be more appropriate. By looking only at major media coverage, I also missed most of the debates happening *within* the movements; tracing these through gay and lesbian media, list serves, or social media, for example, we might gain insight into how those internal debates shaped the public claims movements made. Given the more dispersed nature of the battle in the United States, it would also be instructive to compare state-level discourse, which was represented in a much more limited way in my dataset. While I was able to capture the overall national debate, a lower-level analysis across a few states might further and in more detail uncover the origins of the feelings discourse and the shift away from rights.

Marriage equality activists in Argentina and the United States achieved a policy change that few thought realistic when they first launched their battles. But the struggle for full inclusion for LGBT people is far from over in either country, where other movements likewise continue to strive for recognition and full equality. This research shows that the terrain they face is marked by the language of marriage equality. By turning our attention to the interactive and contingent ways that social movements like the movement for marriage equality contribute to new constructions of citizenship, we can shed new light on the important questions of both how those constructions take shape and how they in turn influence—often in unintended ways—the battles that come in their wake.

## Appendix A: Data gathering and coding

### 1. LexisNexis search terms for article inclusion

US: ((Hlead(marriage w/p [gay or same-sex or homosexual]) AND NOT type(summary or list)) and Date(geq(04/01/2006)and leq(07/31/2007))))

Argentina: ((matrimonio w/p (igualitario or homosexual or [personas del mismo sexo] or gay)) and Date(geq(01/01/2005) and leq(12/31/2010))))

Note: I excluded all blog articles, which begin appearing on LexisNexis for the *New York Times* in the middle of the study period, for consistency.

### 2. Establishing time periods

Based on my LexisNexis searches, I made a graph of coverage for each country to identify peaks in coverage. Using these peaks in coverage and the historical record, I selected time periods in which major events, conflicts, and changes were happening around same-sex marriage that received media attention.

### 3. Rules for establishing article inclusion

I made a first pass through all articles in my time periods, in which I eliminated false positives according to the guidelines outlined below and coded each remaining article for setting.

1) Must include search terms in headline or first three paragraphs

2) Must be a) primarily about same-sex marriage or b) include at least one actor making two same-sex-marriage-related claims, or two separate actors making at least one claim each. (This ensures capturing only articles that presented at minimum either discursive interaction or claim elaboration, rather than a single utterance with no connection to the larger conversation about same-sex marriage. See the section 5b below for a description of what I considered a claim.)

3) Letters to the editor were not counted individually, but rather as a group; whether one letter or several on the subject were printed on a given day, that was counted as one article. I did this in order to not overly weight letters. The decision to print more letters is one that typically indicates both the editors taking the issue seriously and a strong response from readers; however, similar editorial decisions are made about how much space to give an article, which is then reflected in the content analysis rather than in the simple article count. Note: Between June and July of 2006, the *Times* changed its Nexis formatting so that all letters are combined in the same file, rather than each getting its own Nexis document. Therefore, I went through all earlier letters to consolidate them for consistency of counting.

### 4. Article sampling

Since I wanted sample sizes that were approximately equal in each country, adjusted for number of months sampled, I adopted a variable sampling strategy. In Argentina, my early time

periods contained sparser coverage, so all articles were included; in the final time period, which experienced an explosion of coverage, I set a sample rate to get an average of 10 articles per month in order not to skew my data toward that single time period. This gave me a total across all time periods of 112 articles.

To match the Argentine density across my US articles, I needed an average sample rate of 25 percent, which produced a total of 224 articles. However, because some time periods were much denser than others, I used a variable rate so that no time period averaged more than five or less than three articles per month. These differing sampling rates should help ensure that all frequently repeated claims are recorded but that claims during periods of lighter coverage are not overwhelmed in the data.

My sampling was not purely random within time periods, however, because I expected claims to differ depending on the institutional setting. Thus, rather than simply take a percentage of all articles per time period, I sampled per setting within each time period.

To choose articles randomly from within each pool, I used the Stattek Random Number Generator (<http://stattrek.com/statistics/random-number-generator.aspx>) set to "allow duplicate entries = false." I assigned each article in each pool a number, starting with 1. By inputting the number of articles in the pool and the number of articles needed in the sample, I was able to use the Generator to randomly draw those articles from each pool for me.

## 5. Coding

### a. Setting

The setting is the institutional location for a news event and encompasses things like state courts, elections, protests, and organizations. If the article is about an organization lobbying for a piece of federal legislation, the setting is federal legislature (code: FedLeg), which is the institutional location of the action. If the article is about the internal strategizing of an organization, however, the setting is organization (code: Org).

I used this information to determine my sample pools. I expect that similar voices and arguments will be heard in a given setting, but that they could be very different across settings. For instance, articles with a state legislature setting would be expected to skew towards state legislators, whereas articles with a federal court setting would be expected to give more space to judges and lawyers. Therefore, instead of sampling randomly across an entire time period, I sample proportionally from each setting per time period. This should ensure a more representative sample of claims.

### b. Claims

Claims were coded if they characterized an actor in the debate or explicitly positioned that actor with respect to another. I used open coding (Corbin and Strauss 2008, Charmaz 2006), in which I did not start with a preset list of actors or claims, but rather coded based on the data as I analyzed it. Statements could receive more than one claim code, if more than one claim was

discernible in the statement.

I ended up with five constructed actors: lesbians and gays, the state, society, the opposition, and children. Not all of these appeared in every time period. Lesbians and gays (coded with the letter G) could refer to individuals or lesbians and gays as a group. The state (S) included state actors as well as state institutions (such as Congress) and legal instruments that the state enforces, such as laws and constitutions. Society (C) included those in the polity, whether inclusive or exclusive of lesbians and gays; subjects inclusive of lesbians and gays were coded as society only if others were explicitly included in the construction. The opposition (O) consisted of those publicly speaking out against same-sex marriage; as with lesbians and gays, these could be characterizing individuals or the opposition as a group. In other words, if a spokesperson for the Catholic Church made a claim about the character of the Church and its allies, the claim was given the actor code “opposition.” Finally, in some time periods, children (CH) appeared as a subject, in relationship to the issue of adoption by gay couples.

Claims were coded first as short paraphrases attached to actor codes. For instance, the claim, “Whom, after all, would it hurt?” was coded as “C: not hurt by SSM.” If a claim included more than one actor, I coded it based on the dominant actor in the claim. For example, the claim “The court’s decision hurts gays and lesbians” would be coded as “S: hurts gays,” while the claim “Gays and lesbians will suffer as a result of the court’s ruling” would be coded as “G: suffer because of state.” If a claim included an implicit subject positioning, I noted that as well, so that a White House spokesperson’s claim that “the White House was having trouble enough preserving health and medical benefits for those now covered by them without trying to extend them to same-sex partners” was coded as “S: limited capacity” as well as given the note, “G/C competitors for state benefits.” These notes were also used in my qualitative analysis.

Sometimes a claim made by an actor was presented in quotes as well as described by the reporter for clarification. In these cases, I only coded the quote as the claim. However, if the reporter described an actor’s claim but did not quote the actor, I included the reporter’s description as a claim. (In these cases, I only included the claim if a clear actor was identified - in other words, an actor who could be given an actor code. “Some people,” for example, would not count as a clear actor, because I could not determine which kind of people were making the claim, while “Senate Republicans” would, because they could be coded as federal legislators.)

Sometimes reporters made claims themselves. For instance, if a reporter claimed that a lesbian couple had been together for 36 years, I coded that as “G: long-term relationship.” If a reporter claimed that society’s views on same-sex marriage were shifting, I coded that as “C: shifting views on SSM.”

I included as claims such statements such as, “The court ruled that the ban on SSM was unconstitutional,” “The senator denounced the court’s decision as judicial supremacy,” and “The bishop argued that homosexual acts were against natural law.” I did not include “The state legislature passed a ban on SSM” because a vote is an action, not a claim, whereas a court ruling is itself a stated opinion.

As I worked, I started to repeat codes when claims were very similar. After finishing a time period, I went through all my codes again and consolidated them into a smaller number of recodes. So, for example, all codes characterizing the state's relationship to majorities versus minorities (e.g., "S: favors minorities over rights of majority," "S: should respect majority," and "S: should prioritize majority over minority") were recoded as "S: prioritize majority." Some of these codes appeared across time periods and countries, and some did not.

### c. Speakers

Speakers were recorded by name and identified by their title, affiliation, or type (e.g., Pope, senator, Human Rights Campaign). They were then given two codes: one for speaker category (e.g., citizen, advocate, federal legislator, religious spokesperson) and one for position with respect to same-sex marriage (for, against, or neutral/mixed). The first code was used for the network analysis, and both were used for the content and qualitative analysis.

## Appendix B: Aggregated structural equivalence matrices

### Key: Claims

C = society

CH = children

G = gays and lesbians

O = opposition

S = state

### Actors

Adm = State administrative workers

Adv = Marriage equality advocates

AdvOpp = Opposition advocates, non-religious

Celeb = Celebrities and entertainers

Ctzn = Citizens (not affiliated with advocacy groups)

FedCo = Federal courts

FedEx = Federal executive branch

FedLeg = Federal legislative branch

ForN = Foreign civil society

ForS = Foreign state

Jour = Journalists

Law = Lawyers (not affiliated with advocacy groups)

Pol = Politicians

Poll = Pollsters

Rel = Representatives of an organized religion

StCo = State courts

StEx = State executive branch

StLeg = State legislative branch

Uni = Professors or university institutes

### Argentina 1: April - September 2005

Column Block Members:

-----

1: ForN Rel

2: ForS

3: Jour Poll

4: Adv

		2	6	3	4	5	1
		Fo	Re	Fo	Jo	Po	Ad
		-----					
26	O: isolated			1			
32	S: oppose SSM			1			
3	C: conservative			1			
4	C: diverse			1			

5	C: helped				1					
16	G: feeling				1		1			
27	S: follow world				1					
8	C: progressive				1					
29	S: improve C				4					
10	CH: deserve rights				1					
33	S: politicking				3					
37	S: protect marriage				1					
35	S: progress		2		8					
14	G: different		2		3					
34	S: principled		2		2					
38	S: protect rights				6					
23	G: unnatural/defective				1					
40	S: uphold law		1		2		1			
25	O: hurting rights		1		1					
-----										
21	G: respectable						3			
1	C: against adoption								1	
7	C: neutral						1		1	
12	G: choice								1	
19	G: loving/committed						1			
6	C: hurt						1			
30	S: lead C						1			
15	G: don't want M									
20	G: mainstream						2		1	
-----										
2	C: against SSM		3		1		1			
11	CH: need father/mother		1							
9	C: supports SSM		1						1	
28	S: hurt C		11		5		1			
31	S: no right		1		1					
22	G: threaten children		3				2			
13	G: deserve rights		3							
24	O: anti-democratic		2				1			
17	G: help society		1							
36	S: protect M		1							
39	S: undemocratic		3				2			
18	G: impossible to marry		2				1		1	
-----										

Densities:

	1	2	3	4
-----	-----	-----	-----	-----
1	0.211	2.105	0.053	0.000
2	0.000	0.000	0.722	0.111
3	1.625	0.500	0.167	0.000



## Argentina 2: May 2007 - May 2008

Column Block Members:

-----		4	5	1	7	2	3	6
		F	J	A	R	F	F	P
-----		-----						
1:	ForN							
2:	Adv Jour Rel							
3:	FedEx							
4:	FedLeg							
5:	Pol							
-----		-----						
9	G: deserve rights			2			2	1
18	S: decisive						1	
3	C: indifferent						1	
22	S: harms G						1	
25	S: opportunist						1	
14	G: mainstream						1	
7	G: already exist						1	
11	G: don't need SSM		1				1	
31	S: supports SSM						1	
19	S: go slow						1	
23	S: protect rights						3	
27	S: progress	1	1	1			1	
-----		-----						
28	S: respect gays		1					
32	S: uphold constitution/law		5	2	3			
2	C: defend marriage/family		4					
30	S: stupid		2					
13	G: impossible to marry		2					
15	G: undemocratic		1					
-----		-----						
24	S: no right/capacity to change M				1			
10	G: different				2			
6	C: threatened				1			
21	S: harm society				4			
1	C: benefited by marriage				1			1
29	S: respect marriage		1		2			1
-----		-----						
12	G: harmed			1				
8	G: confident	1						
16	O: regressive	1						
5	C: supportive	1		2				

4	C: ready for debate				1			
26	S: priority				1			
17	S: CU						1	
20	S: guarantor of rights						1	

Densities:

	1	2	3	4	5
1	0.083	0.139	0.000	1.250	0.083
2	0.000	1.111	0.000	0.000	0.000
3	0.000	0.667	0.000	0.000	0.333
4	0.750	0.250	0.000	0.000	0.000
5	0.000	0.000	0.500	0.000	0.500

### Argentina 3: October 2009 - January 2010

Column Block Members:

1:	FedCo	FedEx	Law	Rel	StCo	StEx								
2:	Adv	FedLeg												
3:	Poll													
4:	Uni													
5:	Jour													

		6	2	3	9	10	8	4	1	7	11	5
		La	Fe	Fe	St	St	Re	Fe	Ad	Po	Un	Jo
1	C: against SSM						1			1		
39	S: no right		5	2			10					4
28	O: principled						6					
29	O: progressive						1					
30	S: cautious						1					
18	G: impossible to marry						1					1
7	C: need marriage		1				3					2
33	S: follow Church						1					
12	G: different						3		1			1
22	G: threaten C						1					
36	S: hurt C						13		4			3
24	G: unnatural						3					
50	S: wrong						1					

23	G: threaten children					1	1					
48	S: undemocratic	2				3	1				1	
49	S: uphold law	4	1	1	8	3	14	2				
47	S: surprising					2					1	
-----												
34	S: follow world						1					
41	S: politicking						3				1	
2	C: diverse						1					
46	S: some rights	1										
44	S: protect diversity			1			1					
31	S: decisive			1			2					
38	S: lead C	1					3				3	
5	C: helped						1					
-----												
20	G: mainstream										1	
13	G: don't need SSM										1	
35	S: grant SSM				3	1						
32	S: follow C					1						
8	C: supports SSM										1	
3	C: equal				1	1				1		
21	G: some rights										1	
6	C: immoral										3	
-----												
17	G: help society							2				
15	G: good parents							1				
4	C: evolving					1		1				
27	O: no right							1				
26	O: bigoted							1				
14	G: feeling							4			1	
40	S: out of order	1		1	1	1		3				
16	G: harmed	1						1	1			
42	S: principled				1	2		2	2		1	
43	S: progress							3	3		1	
19	G: loving/committed					1		1			1	
45	S: protect rights	1			2	4		6	8			
9	G: activist							4			2	
10	G: confident							1				
11	G: deserve rights							2	3			
37	S: hurt G							1	1			
25	O: anti-democratic							1				
-----												

Densities:

	1	2	3	4	5
1	0.902	0.265	0.059	0.000	0.765
2	0.083	0.750	0.000	0.000	0.500
3	0.146	0.000	0.000	0.125	0.875
4	0.167	1.559	0.000	0.000	0.353



7	C: loving				1			
56	S: protect rights		1	3	7 4 8 1 2			
15	G: deserve rights				1 1		2	
30	O: immoral				2			
29	O: hurting rights				1			
53	S: progress				2 1		1 2 2	
13	G: activist				1			
-----								
3	C: divided						1 2	
5	C: hurt					1	2	
22	G: hateful					3		
1	C: against adoption							1
40	S: grant SSM				1 2 1			
49	S: out of order							1
44	S: improve C				1			
-----								
17	G: don't need SSM		1	1				
36	S: divisive			1 1		1		
57	S: recognize reality				2		1	
9	C: not harmed by SSM				1			
35	S: democratic				2			
14	G: already exist				2			
20	G: good parents		3		1		1	
31	O: isolated						1	
-----								

Densities:

	1	2	3	4	5
-----					
1	0.059	0.890	0.171	0.186	0.029
2	0.038	0.154	0.754	0.333	0.000
3	0.000	0.000	0.143	0.286	0.357
4	0.250	0.094	0.225	0.125	0.000

## United States 1: March - September 1996

Column Block Members:

-----

- 1: Adv Ctzn FedLeg Jour
- 2: Rel ForS
- 3: AdvOpp FedEx StLeg
- 4: Law StEx


2	C: conservative	1					
8	G: committed/loving	4	2	4	1		
4	C: lead S	2		1			
5	C: not harmed by SSM	1	1		1	1	
26	O: principled	1					
27	O: regressive	1					
38	S: principled	1	2	1		1	
19	G: threaten children	1					
10	G: deserve rights	1		1	1		
31	S: follow C	1	1				
22	G: want SSM	1					
28	O: threat	1					
14	G: harmed	1	1	2			1
15	G: mainstream	2	1	4	2		
36	S: out of order	1	3				
17	G: some rights	1					1
40	S: promote stable relationships	2	1				
24	O: bigoted	1	5				
37	S: politicking	2	1	1			
25	O: misleading	1	1				
30	S: democratic	1					
-----							
21	G: unnatural				1		
3	C: immoral				1		
18	G: threaten C		3		1		
34	S: hurt society				1		
12	G: don't want SSM	1					
6	C: threaten C		1				
11	G: different		2				
32	S: follow world		1				
7	CH: good with gay	1					
-----							
13	G: feeling						2
9	G: contributing				1		
29	S: cautious				1		1
23	O: anti-democratic				2		1
16	G: no rights				2	1	
35	S: not discriminating				2		
33	S: grant SSM			1			
39	S: prioritize majority				1		
20	G: undemocratic					2	
-----							

Densities:

	1	2	3	4
-----	-----	-----	-----	-----
1	0.739	0.068	0.045	0.045
2	0.250	0.222	0.000	0.000
3	0.000	0.056	0.444	0.222

Column Block Members:

				1					
1	4	9	7	8	0	6	3	2	5
A	J	S	S	S	U	R	C	A	L

141

7	C: moral				1		
6	C: lead S				1 2		
3	C: conservative					1 1	
13	G: don't want SSM				4		
16	G: like black	1					
10	C: supports SSM	2					

Densities:

	1	2	3	4	5
1	0.769	0.038	0.000	0.308	0.115
2	0.889	0.125	0.083	0.167	0.000
3	0.222	0.917	0.333	0.000	0.000
4	0.167	0.000	0.000	0.667	0.167

### United States 3: November 2003 - July 2004

Column Block Members:

-----

- 1: Adv ForS Law StCo StEx
- 2: ForN
- 3: FedCo FedLeg StLeg
- 4: Poll
- 5: Ctzn Jour
- 6: AdvOpp FedEx Pol Rel
- 7: Uni
- 8: Corp

		1	11	16	15	9	8	5	7	17	13	4	10	12	14	2	6	18	3
		Ad	La	St	St	Fo	Fo	Fe	Fe	St	Po	Ct	Jo	Po	Re	Ad	Fe	Un	Co
17	G: committed/loving											6	7						
38	O: bigoted			1								1							
35	G: threaten children											1							
36	G: unnatural			1								4	1		3	2			
37	G: want SSM											1							
30	G: not like black											1			1	1			
23	G: feeling	4										7							
24	G: good parents											1	1						
9	C: not harmed by SSM				1							1							
22	G: don't want SSM											1							
11	CH: good with gay											1							
12	CH: hurt				1							4							
13	CH: need father/mother											1							
16	G: choice											1							
19	G: deserve rights	3		2	2				1			3	2		1				
48	S: hurt C						1					1		1					
25	G: harmed		1									3	1						
27	G: mainstream	1		1	2							12	2						
59	S: prioritize majority											1				1			



[illegible]

	1	2	3	4	5	6	7	8
1	0.211	0.053	0.018	0.000	1.711	0.132	0.000	0.000
2	0.025	0.000	0.042	0.000	0.188	0.813	0.750	0.000
3	0.400	0.000	0.083	0.000	0.250	0.000	1.250	0.000
4	0.200	0.000	0.056	0.083	1.542	0.167	0.083	0.083
5	1.500	0.000	0.167	0.000	0.625	0.188	0.000	0.000

6	0.050	0.000	0.000	0.000	0.000	0.125	0.000	0.500
7	0.050	0.000	0.417	0.000	0.000	0.125	0.000	0.000
8	0.220	0.000	0.800	0.000	0.250	0.250	0.300	0.000

# United States 4: April - November 2006

Column Block Members:

-----

1: Poll StLeg Uni  
2: ForS  
3: Adv Ctzn Jour Pol  
4: FedLeg Rel  
5: FedEx StCo  
6: AdvOpp FedCo Law StEx

		1	1	1		1		1		1		1		1		1	
		1	6	5	7	0	8	1	3	6	2	5	3	2	4	9	4
		P	U	S	F	P	J	A	C	F	R	F	S	A	S	L	F
13	G: confident						1								1		
2	C: ambivalent						1										
3	C: equal						1	1									
10	G: already exist						1										
35	S: harms society						1										
42	S: politicking					3	3	1	1						1		
15	G: feeling						1	1			2						
12	G: committed/loving						2	1									
36	S: hurt G						1										
7	C: neutral		1	1	1			1	1								
5	C: follow S			1													
28	S: decisive			1													
17	G: like black							1									
19	G: misleading			1													
29	S: democratic			1													
22	G: respectable										1						
32	S: follow church														1		
24	G: threaten C						1	1			1				2		
1	C: against SSM										1				2		
26	O: represent majority														1		
25	G: unnatural										2						
44	S: protect marriage					1						3	1		2		1
31	S: follow C												1		3	2	1
11	G: born										1						
49	S: wrong														2		
33	S: grant CU															1	

27	S: cautious				1							
30	S: divided										1	
47	S: undemocratic										1 3	
37	S: improve C						1					
-----												
21	G: not like black								2			
14	G: deserve rights		1				3				2	
9	CH: need father/mother								2			
16	G: harmed						1				1	
8	CH: hurt						1				1	
6	C: lead S		1						3		1	
4	C: evolving		1				1				1	
38	S: no right								1			
39	S: not discriminating								4			
34	S: grant SSM								1			
41	S: out of order						1				2 3	
18	G: mainstream						1		1		1	
40	S: oppose SSM						1		1 1		2	
20	G: no right								4			
45	S: protect rights						1 2 2				2 2 1 1 2	
46	S: some rights		1								1	
23	G: some rights										1	
48	S: uphold law				1		1				1 1	
43	S: principled						3				1 2 1 1	
-----												

Densities:

	1	2	3	4	5	6
-----						
1	0.000	0.000	0.556	0.111	0.000	0.056
2	0.389	0.000	0.125	0.000	0.000	0.000
3	0.000	0.000	0.075	0.300	0.250	0.425
4	0.000	0.000	0.050	0.100	0.000	0.300
5	0.070	0.053	0.237	0.079	1.000	0.145

## United States 5: May 2008 - June 2009

Column Block Members:

-----		-----	
1:	StCo StEx StLeg		
2:	Adm Adv Celeb Ctzn		
3:	Rel		
4:	FedEx ForS Jour		
5:	Corp Pol Uni		
6:	AdvOpp FedLeg ForN Law		
7:	Poll		

1 1 1 1 1 1 1 1

		8	7	6	2	1	6	4	5	1	0	7	5	3	9	9	2	8	3	4
		S	S	S	A	A	C	C	R	J	F	F	C	P	U	F	L	F	A	P
<hr/>																				
40	S: hurt C	1					2							1				1		
15	G: contributing				1		2						3	1						
6	C: homophobic													1						
4	C: follow S						1							1						
23	G: mainstream	1	1				6			1										
37	S: follow church						1		1											
<hr/>																				
2	C: equal						1													
21	G: like black						1													
54	S: uphold law		1	2			2			1										
1	C: ambivalent	1					2	1											1	
5	C: helped						1													
18	G: harmed			1			2	2												
20	G: lead						1													
41	S: hurt G	2					3				1									
31	O: misleading						1													
17	G: feeling						6	2	4	1										
<hr/>																				
43	S: not discriminating			1							1			1						
48	S: prioritize majority										1									
14	G: activist															1	1			
44	S: oppose SSM																	1		
24	G: respectable								1											
<hr/>																				
39	S: grant SSM	3	2	2			1													
3	C: evolving		1											1						1
38	S: grant CU		2																	
46	S: politicking	1																		
33	S: cautious	2	2																	
51	S: protect marriage		2																	
<hr/>																				
7	C: lead S															1	2			
27	G: unnatural	1							1							1	3			
12	C: threatened								1	1							2			
9	C: oppose SSM				1	1				1							3	1		
26	G: undemocratic	1														1	2			
13	CH: need father/mother																1			
53	S: undemocratic	1															1			
19	G: impossible to marry																	1		
45	S: out of order	2	1				3										1	1	4	
25	G: threaten C																	2		
<hr/>																				
30	O: isolated									3										
36	S: follow C	1	1							2				1						
8	C: not harmed by SSM									1									1	
10	C: progressive									1				1						
42	S: improve C									1										
16	G: deserve rights	3			2	2				2				1						
29	O: immoral									1										
32	O: represent majority									1										
34	S: decisive	1			3					3				2	2					
22	G: loving/committed								2	5										
35	S: democratic									1										
49	S: progress	1			1					5	1	1								
50	S: promote stable relationships									1										
11	C: supports SSM	1			2	1				2										
52	S: protect rights	2	1		2					5	1						1			
47	S: principled	3	1		1	1				5										
28	O: bigoted				1					4										

Densities:

	1	2	3	4	5	6	7
1	0.167	0.542	0.167	0.056	0.389	0.042	0.000
2	0.233	0.750	0.000	0.067	0.000	0.000	0.100
3	0.067	0.000	0.200	0.133	0.067	0.150	0.000
4	0.944	0.042	0.000	0.000	0.056	0.000	0.167
5	0.200	0.125	0.200	0.067	0.000	0.650	0.100
6	0.294	0.235	0.118	0.902	0.137	0.015	0.059

## United States 6: February - July 2012

Column Block Members:

1:	2:	3:	4:	5:	8:	1:	0:	7:	4:	6:	4:	5:	2:	3:	2:	9:	1:	3:	5:
L	A	P	J	S	F	C	F	S	S	A	P	R	C	U					
20	G: confident			1															
15	C: supports SSM			2	3	1	1											1	
16	CH: deserve rights			1															
36	O: evolving			1															
50	S: protect rights			1		1						1						1	
35	O: bigoted			3		1													
34	G: weak			2															
23	G: feeling			2		2			1										
1	C: against SSM			1	1	1	2								2	2		1	
38	O: principled															1			
4	C: equal								1							1			
18	CH: need father/mother															1			
29	G: not like black															1			
33	G: unnatural						1									4			
41	S: follow church															1	3		
31	G: threaten C						1										1		
11	C: loving															1	1		
8	C: hurt															3	1	1	
39	S: cautious						1		1							1			
49	S: protect marriage						1									1			
40	S: decisive			1		1	2												
47	S: progress						1	3					1						
30	G: respectable							1											
45	S: politicking						1						1		1				

3	C: conservative			2					
10	C: lead S			1	1			1	
-----									
32	G: threaten children				1				
22	G: deserve rights				5	2	1		
12	C: moral						1		
42	S: follow society		1		2	1	1	1	
51	S: uphold law			1	1	1	3	1	6
24	G: good parents				1				
-----									
26	G: help society								1
14	C: progressive				1			2	1
9	C: immoral								1
7	C: homophobic		1						2
21	G: contributing			1	1	1		1	
48	S: promote stable relationships								1
-----									
2	C: ambivalent		1		1	2	4		
27	G: loving/committed			1	2	1	2	1	
6	C: helped				1				1
13	C: not harmed by SSM				2				
5	C: evolving			1	2	9	2	1	
44	S: out of order				2	1		1	1
19	G: already exist				1				
46	S: principled			1	4	4		1	
28	G: mainstream			1	2	2			1
17	CH: hurt				1				1
43	S: hurt G			1	2				
37	O: misleading				1				
25	G: harmed				2				
52	S: wrong				1		1		
-----									

Densities:

	1	2	3	4	5
1	0.000	0.688	0.050	0.000	0.125
2	0.000	0.175	0.020	0.800	0.050
3	0.000	0.500	0.075	0.167	0.000
4	0.167	0.125	0.833	0.056	0.000
5	0.167	0.167	0.033	0.000	0.917
6	0.071	0.964	0.100	0.071	0.143

## United States 7: February - August 2013

Column Block Members:

1:	Pol Uni
2:	Rel
3:	FedCo
4:	Adv Ctzn FedLeg Jour StEx
5:	FedEx StCo

6: Celeb  
7: ForN ForS  
8: AdvOpp Law

		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
		2	6	3	5	7	0	5	4	1	6	4	3	9	8	1	2
		P	U	R	F	F	J	S	C	A	F	S	C	F	F	L	A
25	O: bigoted												1	1			
2	C: equal												1				
18	G: immoral			1													
9	C: progressive												1				
35	S: politicking												1				
28	S: decisive										1						
5	C: helped										2						
33	S: no right				1												
4	C: follow S				1												
37	S: prioritize majority					1											
45	S: wrong															1	
34	S: out of order					1	1	1			1			1		1	2
8	C: not harmed by SSM															1	
24	G: unnatural																1
40	S: protect marriage																1
27	O: no right																1
29	S: follow C						1	1		1						3	1
7	C: hurt																1
17	G: harmed						4		6	1							
10	C: supports SSM	1	1				1	1									
21	G: mainstream						5						4				
44	S: uphold law						1				1					1	
1	C: against SSM						1										
14	G: deserve rights					1	9		2		2		1				
20	G: loving/committed					2	2										
26	O: misleading						1		1								
16	G: feeling					1	3	2	5	2							
11	CH: hurt						3			1							
19	G: like black					1	1										2
3	C: evolving					2	1			3							
31	S: hurt G				1		9			1							
32	S: improve C						1								1		1
38	S: progress					1	6	1		1	1				2		
12	G: already exist						1										
41	S: protect rights						1		1	3	1	2					1
36	S: principled						4			2					1	1	1
15	G: different						3										
13	G: contributing						2		1	1							
42	S: shapes C						1										
39	S: protect children's rights														2		
30	S: follow church														1		1
6	C: homophobic														1		
43	S: undemocratic														1		
22	G: threaten C														1	1	

23

G: threaten children

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Densities:

	1	2	3	4	5	6	7	8
	-----	-----	-----	-----	-----	-----	-----	-----
1	0.000	0.200	0.000	0.000	0.000	0.800	0.100	0.000
2	0.000	0.000	0.400	0.040	0.300	0.000	0.000	0.000
3	0.000	0.000	0.000	0.150	0.063	0.000	0.063	0.813
4	0.048	0.000	0.048	0.981	0.167	0.238	0.119	0.143
5	0.000	0.000	0.000	0.033	0.000	0.000	0.750	0.083



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