

Summary of the paper

Lesbian, gay, bisexual and transgender (LGBT) rights in Spain have undergone several significant changes over the past decades. Since the 2020s, Spain has been considered as one of the most culturally liberal and LGBT-friendly countries in the world. This uniqueness is linked to the country's history, the influence of political parties and the strong evolution of society's views.

When the Iberian Peninsula was overrun by the Romans (3rd century BC), they brought not only aspects of their culture but also their sexual morality to the conquered area. Among the ancient Romans in conquered Spain, sexual relations between men were seen as commonplace, and marriage between men took place in the early Roman Empire. Laws against homosexuality were promulgated by the Christian emperors Constantius II and Constans, and Roman moral norms underwent significant changes.

In 1483, the Spanish Inquisition began. Sodomites were stoned, castrated and burned. Between 1540 and 1700, more than 1,600 people were accused of sodomy. The turning point in this trend was the Enlightenment movement, during which individual freedoms began to be recognised and the „crime of sodomy” was removed from the Spanish penal code in 1822. The 20th century continued not to be kind to non-heterosexuals in Spain. During the era of General Franco's dictatorship, homosexuality was illegal, laws against homosexual activity were vigorously enforced and homosexuals were even imprisoned. The 1954 reform and the „Ley de vagos y maleantes” („Vagrancy Law”) made homosexuality illegal. However, the way the law was applied was clearly repressive and arbitrary: the police often used the vagrancy laws against suspected political dissidents, using their homosexuality as a way to circumvent judicial guarantees. This law was only repealed in 1979.

Essentially, however, the harassment of gays, lesbians and transgender people was explicitly directed at their sexual mores, with homosexuals (mainly men) being sent to special prisons called „deviant galleries”. This was common practice until 1975, when the Franco regime fell and the era of the current constitutional democracy dawned. Public attitudes in much of Spain began to change after Franco's death through a cultural movement known as La movida. This movement, along with the growth of the gay rights movement in the rest of Europe and the West, was an important factor in making Spain one of the most tolerant societies in Europe.

The equalisation of gay and heterosexual marriage rights was introduced in Spain in 2005, following the Netherlands (2000) and Belgium (2003). However, legal protection in Spain has

covered the right to homosexuality since 1979. Anti-LGBT discrimination legislation was adopted in 2005. Earlier, in 1995, employment discrimination was addressed. Transgender people can change their legal gender without the need for sex reassignment surgery or sterilisation, LGBT people can serve in the military and donate blood since 2005.

In an opinion poll on homosexuality in Spain in 2013 88% of respondents supported homosexual rights and only 11% were against it. Spaniards are one of the most LGBT-friendly societies in the world. Spain has a large homosexual community in its main urban centres such as Barcelona, Madrid, as well as numerous organisations related to their rights, including FELGBT (Federación Estatal De Lesbianas, Gais, Transexuales Y Bisexuales), Colectivo Gay De Madrid (COGAM), FLG Familias LGTBI, among others. Homophobia has been neutralised in society by breaking down previously negative stereotypes attributed to the LGBT+ community. There are many LGBT-friendly cafés, bars, clubs and restaurants in the cities, and the local government has even introduced neighbourhood signs with same-sex couples holding hands. While Spain has made significant progress in ensuring equality for LGBT+ people, this does not mean that Spain does not face challenges today. Therefore, I wanted to trace the phenomenon of Spain as a country in which non-heteronormative people are accepted by contemporary society, in which political parties include the equal rights of LGBT people in their programmes when seeking the votes of voters.

I therefore asked myself the following research questions:

1. how has the legal and political situation of LGBT people in Spain changed throughout history to the present day?
2. how do LGBT+ people perceive their situation and rights in Spanish society?
3. how are LGBT+ people currently perceived by Spanish society?

Tracing the main changes in the perception of LGBT+ people and the changes in their legal situation in Spain from the time of General Franco to the present day, the influence of politics but also culture on this image will help to answer further research questions:

4. how did it come about that such a radical transformation of views was possible in conservative Spain?
5. Can this example provide a basis for drawing conclusions in relation to other European countries, including Poland, whose perception of LGBT people is quite different?

The aim of my dissertation is therefore to present the evolution of the social and legal situation of LGBT people in Spain. I will present the changes that have taken place in these respects in different historical periods, and I will particularly highlight the current situation of non-heterosexual people in Spanish society in comparison with other countries.

It seems that the situation of LGBT+ people in Spain legally, politically and socially has not only been stable since 2005, but continues to improve. Spain „from the outside” is perceived as a highly tolerant society towards LGBT+ people, having one of the best legislations in the world on this issue, protecting against any discrimination and giving everyone the same rights.

Therefore, it was an interesting research topic to see, on the other hand, what the people directly concerned, namely LGBT+ people living and working in Spanish society, think about their situation. I hypothesised that the daily life, work, education, health care of LGBT+ people, legislation are free of prejudice which makes this minority in the current political situation perceive their life in Spanish society positively.

I pursued the aim of the thesis using various methods including the historical method, the institutional-legal method and the comparative method. I have used the historical method to base my study on the literature from 1990-2020. Due to the fact that the topic is still topical, I have used academic articles, books, but also information from websites, legal acts, and I have used the official websites of NGOs and associations. On the basis of the comparative method, I have made a comparison of the legal and social situation of LGBT+ people throughout different historical periods.

In my work, I have presented my chosen political institutions in order to explain the impact of their functioning on changes in the legal and political situation of LGBT people (institutional-legal method).

In addition, I conducted my own research (survey) to present the most current situation of LGBT+ people in Spain. I used the methodology of inductive (empirical) sciences I applied the empirical technique of developing and sending a questionnaire to LGBT+ people in Spain. I performed an analysis and interpretation of the results of this survey obtaining scientific information.

The paper contains four chapters. Chapter 1 deals with theoretical and methodological issues. In Chapter 2, I have presented the situation of non-heterosexual people in the period from antiquity to the beginning of the twentieth century in what is now Spain and the Iberian

Peninsula. In the chapter, I have presented the influence of the Roman Empire, more specifically Roman morality and law (including the Code of Theodosius, the Justinian Code), on the lives of homosexual people. With the conversion of Emperor Constantine I the Great to Christianity and the issuing of the Edict of Milan proclaiming the freedom to practice this religion, Christianity played a significant role in the situation of heterosexuals. The Reconquista era in Spain after the period of Muslim rule reintroduced Catholic morality into Spanish society, which proved dramatic over the centuries for non-heteronormative people. In the chapter I traced the influence of the Christian religion up to the 1930s on the legislation of the time concerning homosexuals. I also outlined the socio-political situation of the Second Spanish Republic, the time of General Francisco Franco as a backdrop to the legal system.

In the third chapter, I described the legal, political and social situation of LGBT people as it currently exists in Spain. I traced the changes that have taken place since 1975, i.e. from the death of General Francisco Franco to the present day, against the background of the transformation of Spanish society and the political system. I have outlined what the influence of political parties has been in changing the situation of LGBT people, especially the legal situation after 2004 during the government of Louis Zapatero . I have also described the discourse of political parties in Spain towards LGBT rights. I have outlined the Spanish legislation that completely equated non-heterosexuals with heterosexuals, which has been introduced by successive left-wing governments in Spain. In this chapter I described the current constitutional and legal provisions that protect this social group from discrimination. I then highlighted the public policies pursued by the government towards LGBT people and local governments, as well as NGOs and social organisations. I have also extensively introduced organisations representing non-heterosexual people such as COGAM and AEGAL.

In the fourth chapter, I assessed the living conditions perceived by non-heterosexual people in Spain. Here I used an empirical research technique - a survey. The purpose of the questionnaire sent out to LGBT people in Hishapania (and posted on Facebook) was to obtain information on the current living conditions of non-heterosexual people in the country. The questionnaire contains 36 questions from areas concerning their daily life, work, law, education or medical issues.

In the fifth chapter, I made an illustrative comparative analysis of the situation of LGBT people in Spain with that of LGBT people in Poland.

Sources used in the paper

In the presented dissertation, I have relied on the works of such authors as Roman Backer, Lucyna Czechowska, Grażyna Gadomska, Joanna Gajda, Karolina Gawron-Tabor, Maria Giedz, Dominika Kasprowicz, Magdalena Mateja, Bartosz Płotka, Joanna Rak, Aleksandra Seklecka, Wiktor Szewczak, Maria Winclawska, Jagoda Wojciechowska "Metodologia badań politologicznych", Andrzej Jan Chodubski, "Introduction to political science research", "Methodology as a special value of political science research", Tomasz Jan Chodubski, "Orientation to contemporary political science research", "Methodology as a special value of political science research", Andrzej Jan Chodubski, "Introduction to political science research", "Directions and specifics of contemporary political science research", "Methodology as a special value of political science research", Tomasz Pawluszko "Introduction to the methodology of political science research", Iwona Janicka and Marcina Kwiatkowski, "Male and female homosexuality in psychological perspective", Manuel Tunon De Lara, Julio Valdeon Baruque and Antonio Dominguez Ortiz, "History of Spain", Krzysztof Tomasik "Gejereł-sexual minorities in the People's Republic of Poland". I have also used the Spanish Constitution, the Polish Constitution, numerous academic articles, newspaper articles in Spanish and Polish, information provided on websites, legal acts, official websites of NGOs and associations in Spanish and Polish.

I also prepared a questionnaire that I sent to LGBT organisations in Spain. I received responses from members of these organisations that enabled me to analyse it fully and make a comprehensive study.

GENERAL CONCLUSIONS

1. Spanish society is very tolerant towards LGBT people. This means tolerance towards those who publicly profess beliefs or religions different from our own. It is a concept related to accepting other people's actions or opinions when they differ from one's own or contradict one's personal framework of beliefs. Tolerance is a core value of harmonious and peaceful coexistence. It is not just about acquiescing to what others say or do, but about recognising and accepting everyone's individuality and differences. This is exactly the case in Spain. It is a society that is one of the most tolerant in the world in terms of tolerance of sexual minorities and has made a radical transformation in this regard over the last few decades from a homophobic society to one with a high degree of tolerance towards others. Spain has been

recognised as one of the most culturally liberal and LGBT-friendly countries in the world, and LGBT culture has played a significant role in Spanish literature, music, cinema and other forms of entertainment, as well as in social and political issues. Interviewers note that public opinion on homosexuality is overwhelmingly positive, and a 2013 survey by the Pew Research Center found that more than 88 per cent of Spanish citizens are accepting of homosexuality, making it the most LGBT-friendly of the 39 countries surveyed.

2. The focus group survey I carried out on LGBT people living and residing in Spain shows that the people themselves are mostly (because not all) positive about their social and legal situation. This applies broadly to work, medical care, education, but also to relations with neighbours, housing, etc. They have the same rights as heterosexuals do not notice differences. They do not see threats, they have confidence in public institutions.

3. It seems that this great change in law, but also in morals, is a consequence of the earlier political situation. After the civil war, General Franco's dictatorship, the diminishing role of the Franco-supporting Church and the persecution of homosexuals that is still remembered, Spanish society and politicians have matured to accept equal rights for homosexual and heterosexual citizens.

4. Public attitudes in most of Spain also began to change through the cultural movement known as *La movida*. This movement, along with the growth of the gay rights movement in the rest of Europe and the West, was an important factor in making Spain one of the most tolerant societies in Europe. LGBT themes have played a significant role in Spanish literature, music, cinema and other forms of entertainment, also in social issues and politics. Spanish film directors such as Pedro Almodóvar have raised awareness among international audiences about LGBT tolerance in Spain. The beginning secularisation of society may also have had a significant impact.

5. In Spain, the percentage of Catholic Church members in the total population has been declining steadily since 2011. CIS data shows that in late 2010 and early 2011, Catholics accounted for more than 74% of the Spanish population, in 2015 the percentage had fallen to 70% and in 2018 to 66%. There have been extremely strong secularisation processes, supported for several years by state legislation. It seems, therefore, that the social situation of LGBT people in Spain is not free of a religious thread.

6. In Poland, there is no legislation analogous to the Spanish one. This makes the social situation of LGBT people also completely different. A big challenge for a non-heteronormative person

is to disclose their non-heteronormativity. Lack of tolerance, discrimination in the living environment cause reluctance to come out. It seems that the reason for this situation in Poland is the strong conservatism and role of the Catholic Church.