



HETERONORMATIVITY AND THE CONTROL OF SEXUALITY AND BODIES IN CHILEAN PUBLIC POLICIES ON SEXUAL DIVERSITY

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Abstract

This research analyzes recent public policy measures related to sexual diversity generated in Chile in the last five years. Power positions, versions of sexuality, normativity and gender stereotypes that remain present in this policies are reviewed. From a qualitative perspective, the Critical Discourse Analysis is used to analyze four initiatives generated in the health sector, in the education sector, and in the citizen rights sector. The results show the clear presence of the heteronormative frame and a strong control of sexuality in this policies and laws, something which would difficult the subjects achieving recognition from a position of agency and power.

Keywords : sexual diversity; public policy; critical discourse analysis; gender regulation

The topic of difference has been positioned as an area of study and sociopolitical concern in Latin America based on the contributions of postcolonial thought, postfeminism, theories of recognition, interculturalism, Queer Theory and theorists of postmodernity. but also the result of a constant struggle of organized groups of cultural minorities (Kozak, 2006). In this scenario, the particular problem of sexual diversity has become visible as an



unavoidable issue within the social and public agenda of our societies (Toro-Alfonso, 2012).

During the last five years in Chile we have seen a strong onslaught of social movements and groups that advocate for the rights of lesbians, gays, bisexuals, transsexuals and intersex (LGBTI). Thus, the latest Human Rights Report on Sexual Diversity recognizes advances in public policies and rights in the areas of health, gendarmerie, education, rights and laws, among others (Movement for Homosexual Integration and Liberation [Movilh] , 2014). However, these achievements are not without controversy, along the lines of questioning the place of the State in the institutionalization of sexuality (Rivas, 2014).

The studies reviewed criticize Ibero-American public policies regarding the inclusion of diversity, accusing them of being reductionist and minimizing the real social importance of the problem (Alfaro & Zambrano, 2009; Cunial & Palumbo, 2014; Esguerra & Bello, 2014; Flores, 2011 ; Forero & Hurtado, 2013; Kozak, 2006; Lahera, 2008; Rozas, 2014; Toro-Alfonso, 2012). Thus, it is reported that the logic of male heterosexuality prevails in these, with gender policies that have focused mainly on the dynamics of inequality and discrimination between heterosexual men and women (Forero & Hurtado, 2013; Lahera, 2008). The use of heteronormative frameworks in public policies in favor of LGTBI groups is also accused (Cunial & Palumbo, 2014) and the presence of new forms of discriminatory practices towards people with sexual diversity (Toro-Alfonso, 2012). In short, it is confirmed that LGT-BI people appear as otherness, from a logic of power and subordination that delegitimizes them as subjects of law (Esguerra & Bello, 2014).

How can we explain these resistances despite the greater awareness and apparent concern of our societies to open up to include diversity? Butler (2007)



suggests that subjects are constructed from norms that precede and exceed them, so it becomes complex to generate regulations that manage to break the regimes of truth, since this would imply calling into question the truths of the same subjects who try to fight against these norms. However, while standards provide a framework, they do not determine us; It is here that Butler advocates the possibility of agency that subjects have to generate openings or, since Braidotti (2000), to work for the construction of new desiring subjects.

These possibilities of generating transformations become more complex when, when viewed from a critical perspective, it can be stated that the normalizing principle usually remains implicit in the regulations, making it difficult to read the effects they produce, naturalizing the very notions that are sought to be questioned (Braidotti, 2000; Butler 2007, 2009a, 2009b).

Along these lines, critical community psychology has denounced that social policies in Latin America have preferably worked by disposing of their recipients as deprived and deficient, thus stripping them of rights and autonomy (Alfaro & Zambrano, 2009; Rozas, 2014). On the other hand, the widespread approach to multiculturalism is questioned, considering that it naturalizes relationships, making inequalities and conflict invisible. It is then proposed to work for interculturality and recognition (Rozas, 2014), building a counterhegemonic psychology, which allows readings and practices that challenge the structures of domination in order to reveal the oppressive, discriminatory and exclusive foundations protected by said regulations (Flowers, 2011).

What can we do, then, from the social sciences to make visible those elements of subjection and control that remain under the apparent openness and respect for certain freedoms of new progressive policies and discourses? This article is



oriented precisely within the efforts of a critical psychology that seeks to contribute to an itinerary that promotes the inclusion of difference, working from devices that go beyond the explicit and that, listening from suspicion, examine public policies in order to externalize the mechanisms of domination, discrimination and control that they carry tacitly and interwoven in their discursive networks (Stecher, 2010; Van Dijk, 2000).

Along these lines, an analysis of the texts that support the main public policies related to the issue of LGTBI rights is presented, which were enacted in Chile between 2010 and 2015. For this, Critical Discourse Analysis is used as a method (ACD), precisely to carry out a reading of the hegemonic power that is installed in these texts (Stecher, 2010; Van Dijk, 2000), in order to transfer power to people and communities (Alfaro & Zambrano, 2009; Flores, 2011).

The objective of this study, consequently, is aimed at highlighting hegemonic, naturalizing and heterosexist elements that are present in the textuality of the aforementioned regulations and that could make it difficult for these policies to promote a real defense of the rights and inclusion of LGTBI people. Thus, the guiding questions are aimed at reviewing these plans and laws: How does power circulate? Who holds it? What places are assigned to the different actors? What level of agency/passivity is built for the people with sexual diversity?, Is heteronormativity overcome?, Are normalizations and binaries managed to be overcome to propose and include a new notion of sexual diversity?, How are the notions of difference, discrimination and inclusion worked?,

Untie the bodies

In Chile, there is a constant situation of homophobic and transphobic discrimination, both in private and public spheres; This indicates that 74.5% of the LGTBI population has been discriminated against at least once in their



lives; It is added that very few cases of homophobia and transphobia prosecuted in 2013 managed to achieve justice (Movilh, 2014). Violence towards LGBTI people is based on representations, stereotypes, categories and discursive repertoires typical of cultures, but it is also from public powers that the desires, aversions and actions of citizens are regulated, where heteronorm sneaks in through notions of established and institutionalized gender, which generates a social context that makes discrimination possible by legitimizing it (Butler, 2007; Toro-Alfonso, 2014).

In this same line, psychiatry stands as an unquestionable entity of power that operates as a normalist censor, performatively generating realities that act towards the exclusion of identities and limiting sexualities within categorizations instituted as acceptable (Butler, 2007; Martínez -Guzmán & Íñiguez-Rueda, 2010). These and other regulations subjectify and normalize through social practices that often operate in implicit ways that are difficult to read and discern (Butler, 2009a).

LGTBI groups have been positioning their demands for recognition as subjects of law, but Butler (2007) warns that when these groups attempt to construct an identification that is contrary to the oppressive one, they reproduce the same logic and heteronormative binaries that they seek to overcome. For this reason, if we seek to break the reifying hegemony that regulates bodies and regulates desires, it is necessary to open new categories and proposals that subvert conventional representations of subjectivity, suggesting new forms of bodily materialism (Braidotti, 2000).

Transsexuality ¹ appears as a space of transgression of gender norms, making it impossible to establish stable, coherent definitions based on natural foundations (Martinez-Guzmán & Iñiguez-Rueda, 2010). That subversion causes biopolitics



to punish them through the heterosexualization and normalization of these bodies; generating hatred and rejection towards their own genitality, achieving social acceptance only through surgical and hormonal intervention (University Coordinator for Sexual Dissidence [CUDS], 2011).

Postfeminists question the very concept of gender, in the process of breaking down the categories and their reifying effects, installing the notion of sexual dissidence. By appropriating another taxonomic language, the coercion of medical, psychological, legal and political transitions that cross out the ambiguities and fluidities of sexes, genders and desires could be overthrown (CUDS, 2011). In coherence, post-structuralism intends the construction of new desiring and nomadic subjects, without an essential unity and against it; seeking the disidentification of the phallogocentric monologism (Braidotti, 2000).

Social policies and regulatory practices

Public policies are discursive facts that support acts of power, since coming from a state source they are installed from a logic of obligation, where the affected person has to accept the existing social criteria (Díaz-García, 2013; Forero & Hurtado, 2013 ; Rozas, 2014). In this context, it has been indicated that public policies around gender have been oriented towards studying and describing situations of inequality but without asking about the social representations that they carry (Forero & Hurtado, 2013). Thus, the regulations of domination and exclusion that these regulations process are not made visible, making it difficult to reveal the effects of power that sneak beyond the explicit, where the discursive explosion becomes the mechanism par excellence of control (Forero & Hurtado, 2013; Mogrovejo, 2008).

On the other hand, it is reported that social policies have operated against the legitimation of the very people they are intended to help; The subject of these



programs has been defined and pigeonholed as deprived, disabled and deficient, further disconnecting them from their customs, history and cultural practices; thus stripping him of the possibilities of autonomy and agency that he could have as a social actor (Alfaro & Zambrano, 2009; Butler, 2009a; Rozas, 2014). From there, it is proposed that gender social policies be aimed at re-signifying and overcoming the binary gender scheme through the creation of alternative, inclusive categories and discourses that do not reproduce the existing social imaginary. restricting and delimiting the power of those who carry the mechanisms of social control and sanction the limits of the expressions of sexuality (Forero & Hurtado, 2013; García-Díaz, 2013). In this line, the initiatives promoted by a counterhegemonic psychology are inserted that demands respect for human dignity and the recognition of difference as a community principle (Flores, 2011; Rozas, 2014) and that "is committed to the analysis of the structures of domination and the ideological support of the system of oppression and social exclusion" (Flores, 2011, p. 70).

Critical Discourse Analysis as a dissident strategy

It is possible to point out that discourse builds, constitutes, changes and defines social structures from everyday interactions. For this reason, it is relevant to demonstrate the power of the discourse that appears in the confrontation of the strategies that social and institutional actors use within a field. These words that link knowledge and powers have a double condition of power: subjection and resistance. So, although subjects can only generate and read texts available and historically legitimized in their social space, there are possibilities for innovation from the heterogeneity of the discourse orders and from the agency of the actors (Stecher, 2010; Van Dijk, 2000). .



Along these same lines, a (2009) indicates that forms of resistance and subversion can operate from the same normative logic; Thus, through acts of repetition (performative), subversions are allowed that advance the deconstruction of social norms. With this line of argument, Butler emphasizes not only the strength of hegemonic discourses, but also the capacity for agency and transformation of subjects.

In this context, CDA is inscribed, as a strategy and theoretical perspective at the same time; considering language as a social practice in its contexts of use and connection with power relations. Discourse is understood as a moment of social life that has effects and is affected by other non-discursive elements, which is why it is analyzed not by the discourse itself, but by the ideology and ways in which it maintains domination through installation of senses. Consequently, this investigative perspective entails an explicit commitment to the most disadvantaged social subjects; seeking from there to promote an opening towards possibilities of resistance (counter-discourses, alternative discourses) in the face of hegemonic cultural frameworks that contribute to the democratization and emancipation of society (De la Fuente García, 2004; Forero & Hurtado, 2013; Martin Rojo, 2003; Stecher, 2010; Van Dijk, 2000).

Method

Considering the research problem, a case study design and a qualitative methodological approach have been chosen (Krause, 1995). From a discursive perspective, we work with the device of Critical Discourse Analysis (CDA), which proposes the non-existence of neutrality of the speeches and recognizes that these are inscribed in the context of who the characters are who enunciate the speeches, to what groups represent and what is the load of meanings they bring. This is how, through CDA, we have sought to demonstrate the effects of

power in the texts of these policies (De la Fuente García, 2004; Forero & Hurtado, 2013; Martín Rojo, 2003; Stecher, 2010; Van Dijk, 2000) .

Corpus textual

To choose the sources, an intentional sampling of public policies was carried out, whose selection criteria were: a) that they were intended directly or indirectly to intervene in favor of the rights of people of sexual diversity; b) that they had been enacted in the last five years and c) that they belonged to sectors of social relevance, evident because they were proposed or supported by organizations belonging to LGTBI groups (Movhil, 2014). Within this framework, the following documents pertaining to health, education and civil rights were chosen:

1. Clinical pathway for body adaptation in people with incongruence between physical sex and gender identity (VCAC). It refers to the strategy of care and intervention in situations of body change for transsexuals, published by the Disease Prevention and Control Division of the Ministry of Health in 2010.
2. Discrimination in the school context, guidelines to promote an inclusive school (DCE): the Ministry of Education published and distributed it in 2013 as a suggested text for schools and high schools in Chile.
3. Non-Discrimination Law (NLD). In 2012, Law 20,609 was enacted, which "establishes measures against discrimination through anti-discrimination" and integrates defense against various situations of discrimination.
4. Civil Union Agreement (AUC). It is the law that allows a contract to be made between two people of the same sex, who share a home, which



seeks to regulate the legal and property effects. It was approved by Congress in January 2015.

Analysis procedure

Within the framework of ACD, we worked from the three-dimensional model proposal of Stecher (2010), who in turn made the original matrix of Fairclough (1989 cited in Stecher, 2010) more complex. The first textual level of it is aimed at differentiating and distinguishing the main meanings and representations. The second dimension of discursive practices seeks to account for how and through what discursive strategies readings are opened and closed, conveying different orders of discourse. And the third dimension is the explanatory social analysis of the discursive events that participate in the production processes, sustaining or transforming the forms of domination prevailing in a certain domain (Stecher, 2010).

The analytical work was carried out by applying the matrix adapted to each of the documents separately. In each case, the relevant discursive strategies were chosen in order to answer the guiding questions of the model; However, as in all discourse analysis, the analytical work is carried out with the text as a whole, which is why the texts were always considered as complete and not fragmentary objects.

Results

Below is a synthesis of the main findings from the extensive material generated with the ACD; This integration was built in light of the objectives and guiding questions.

To identify the documents, in this presentation the acronyms of the sources are used: VCAC, DCE, LND, AUC. The levels (NT, ND, NPS) and discursive strategies that are being used at different times are indicated; in the attempt to

overcome the shortcomings of opacity that some investigative communications with a qualitative approach have, assuming the rigor criterion of transparency as a correlate of reliability (Krause, 1995). Also, segments of the documents are introduced (in quotes) in order to support and generate a dialogue with the examined textuality.

TABLA 1
Matriz tridimensional de ACD adaptada

Nivel del discurso Operación analítica	Elementos y estrategias con los que trabaja	Preguntas orientadoras
<i>Textual (NT)</i> (Descripción, análisis lingüístico)	<i>Significados presentes:</i> Conceptos, informaciones presentes y ausentes, representaciones sociales, sujetos y contextos implicados.	¿Qué sentidos y significados (nociones, sujetos, representaciones, contextos) son distinguibles como elementos que propone y moviliza el texto?
<i>Discursivo (ND)</i> (Interpretación, análisis intertextual)	<i>Estilos, géneros y discursos de un orden del discurso:</i> Repertorio interpretativo, reificar, sujetos y sus posiciones de poder, implicaturas, reportes factuales (discurso empirista), consenso tácito, tensiones discursivas, contradicción performativa.	¿Qué y cómo utiliza las estrategias discursivas para construir el texto? ¿Cómo tramita el poder desde los recursos discursivos? ¿Qué voces son posicionadas desde lugares de poder? ¿A través de qué recursos abre y cierra posibilidades de lectura y acción?
<i>Práctica social (NPS)</i> (Explicación, análisis social)	<i>Efectos de poder social:</i> Legitimaciones, agencia y precariedad de sujetos, efectos de poder, regulaciones de género y normalización, reificaciones.	¿Cómo contribuye a reconocer o deslegitimar a las diversidades sexuales, desde las hegemonías y actores que moviliza, y desde las tensiones discursivas que sostiene?

Fuente: Stecher (2010)

The meanings of sexual diversity

Although several definitions are explicitly presented in the texts, these meanings are crossed by the discursive fabric that carries other regulations.

Diversity refers to "the others"

In the school textbook (DCE), when talking about difference and diversity in people (NT), it is noted: "talking about differences, knowing and listening to others, are experiences that help to get closer to the unknown"; This is how one speaks to a supposed interlocutor who recognizes himself as a we the similar to invite and persuade him to open himself to the unknown: the diverse. Indigenous, homosexual and disabled children are not spoken to

directly; It is addressed to a reader who refers to the hegemonic subject (ND) of the norm, with which the alliance of conjugating the we is established; the diverse remaining like the others, the abject. Thus, (NPS) is excluded in the same discursive attempt to include.

Being trans as a pathology

The VCAC indicates that to access body adaptation treatment, the mental health team must diagnose and "Establish the presence of incongruence between gender identity and physical sex and degree of affectation." Then, it is reified as a diagnostic category (ND) as a truth that determines what is normal or abnormal. The feeling towards your body, the identity towards a gender are defined as incorrect.

Low category patients

Although there is now a procedure and regulations (VCAC) so that trans people have access to achieving the body that they feel is their own, it is also indicated that given the low prevalence of this condition there is no adequate provision of equipment prepared to provide this attention; Therefore, what remains is that the transsexual person (NT) "will have to compete with the demand for Urology beds" and "they will also have to compete with the demand for breast pathology." Thus, an implicature or inference (ND) shows us that this diagnosis occupies a low place within the hierarchy of the health sector, placing trans people as "low-ranking" users (NPS). Transsexuality is then constructed as a "questionable" disease, different from "worthy" diseases.

The most different within the diverse

Although the AUC law allows two people - regardless of their sex - to become civil cohabitants, it is striking that in the presentation of this project from the same Congress it is indicated that it is a "Civil Union Pact [which] puts an end



to a logic of exclusion of de facto couples, both homosexual and heterosexual, giving them social recognition." Thus, this framing of the AUC (NT) is not inclusive of all LGTBI people, but only of homosexual subjects; thus falling into a binary logic (ND) that only admits a recategorization that includes heterosexuals and homosexuals: new hegemonies are generated within the same LGTBI group.

The places of power: passivity and agency at play

Public policies emanate from the Government and its different levels, therefore every program or guideline is determined to be a standard of control or, at least, of institutionalization of a certain form of regulation of people's lives. However, the State also has the role of recognizing and delivering rights to the subjects and groups of society.

The owners of power

In the Clinical Pathway document (VCAC) it is the subject that states and from which the instructions of the Ministry of Health emanate. Among the personnel described for this task are psychiatrist, psychologist and other health professionals; However, it is indicated that for the decision of "Confirmation of eligibility criteria and availability for other interventions: Psychiatrist...", it will be the team doctor who decides whether the trans person can access their right and who decides whether these users should receive psychotherapy or not. Power (NPS) is centralized from the dominant and one-person hierarchy.

Medical knowledge is also sustained by another dominant source of power: science. "To establish the presence of incongruence between gender identity and physical sex and its degree of involvement, the use of specific parameters is recommended. The criteria mentioned in the DSM-IV or the International Classification of Diseases tenth version (ICD) can serve as a reference. -

10)". Thus the enunciator uses science as an "external and unquestionable authority" (ND), from which decisions and procedures are based; Through the use of scientific technicalities and grammatical forms typical of empiricist discourse and using tacit consensus, a social agreement is imposed that makes dissent impossible (NPS).

Another high place of power in our society: the judge. Obviously in the text of the LND it is the judge who must determine a series of actions. But this is increased by the existence of many undefined or vaguely described aspects: "For the purposes of this law, arbitrary discrimination is understood as any distinction, exclusion or restriction that lacks reasonable justification (...) in particular when they are based on such reasons. such as race or ethnicity, (...), sexual orientation, gender identity (...). The categories referred to in the previous paragraph may not be invoked, in any case, to justify, validate or exonerate situations. or conduct contrary to the law or public order". Here, although a series of situations are listed as grounds for discrimination, The expression "in particular" is also used at the beginning, a formula (ND) that relativizes what has been said, leaving everything as mere examples. Then, the possible negation of said categories is pointed out, if they conflict with other laws, lowering the power and strength of the same regulations (NPS).

Vulnerable children, responsible adults

In the anti-discrimination plan (DCE), when identifying which subjects are included (NT), adults, students, teachers, psychosocial team, family, educational community are mentioned. However, the text mainly talks about teachers and students. Thus "it is adults who must translate respect for diversity into concrete actions and attitudes", adults/teachers appear (ND) as subjects of duties but not rights. Adults act both to generate discrimination and to take actions to



overcome it. There is no possibility that adults may be subject to discrimination, even less so as students. For their part, students (children and young people) are only shown as subjects of rights and not of duties and in need of protection. Students are marked as vulnerable,

When talking about situations of discrimination, in the DCE text it can be seen that some subjects are named, while others are denied. It is noted (NT): "habitual victims of discrimination", "the hostile attitudes that occur in the face of this diversity", "the manifestations of discrimination". Thus, the victim subject is mentioned, but in the sentence (ND) the subject is supplanted as another student who acted with bullying against this classmate, due to the actions that are named as attitudes and manifestations, conferring agency to the latter. The place of the discriminating subject remains empty, which prevents the possibility of generating awareness of one's own behavior (NPS); Students remain victims or subjects of precariousness.

The various stripped of agency

The VCAC states: "The initiation of hormonal management in people with incongruence between gender identity and physical sex is conditional on compliance with the eligibility and disposition criteria." The trans person must demonstrate that they meet a series of predefined criteria in order to generate the change in their body and meet their gender. This is how we enter into a paradox (ND): "if it subdues it is liberated." From a biopolitics of bodies, the message is clear: the body is a territory of power of the State and science. The trans person is emptied of agency (NPS).

Homogenize or differentiate to include

By working on programs and laws that promote the inclusion of diversity, apparently we would be betting on the value of the heterogeneous, on respect



for what is different, on the defense of the rights of minorities as well as majorities.

The utopia of the society of equals

The DCE text aims to work for the inclusion of difference, however, throughout the document it operates with the logic of homogenizing and denying diversity. Thus, when talking about education it is indicated that: "Improving the quality and equity of education in our country is an aspiration on which there is consensus (...) that allows them to contribute to society as responsible, respectful, supportive and peaceful." At first glance, (NT) it seems easy to accept that there is consensus on these points, which is why the fact that this is not delivered as a proposal, but as a standard, passes without further reflection. The discourse is worked with the empiricist strategy of tacit consensus (ND), where it is assumed that all Chileans share the same vision of society, of desirable subjects (citizens) and that the way to achieve this is education. This forced agreement seeks to homogenize expectations, denying the existing social conflict; thus masking the political tensions (NPS) existing in Chile due to the dissimilar and contrasting visions regarding what is expected from education and how it should be achieved. We play the brave new world, where there is no dissent. Furthermore, it is possible to infer (implicature) that this denial carries a connotation of dissent and conflict as something negative, unpeaceful and clearly undesirable (ND); Therefore, a performative contradiction is generated since it is declared that it is committed to including difference, at the same time that it seeks to abolish and deny differences of opinion. denying the existing social conflict; thus masking the political tensions (NPS) existing in Chile due to the dissimilar and contrasting visions regarding what is expected from education and how it should be achieved. We play the



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On the other hand, we can read in various parts of the DCE text phrases such as: an educational system that must transform and evolve to include this diversity, valuing it as a wealth that strengthens the learning and development of the



entire educational community." They are mentioned (NT) to the school and the educational community as a generic, without nuances or references to different places, communes, cities, regions. The strategy of decontextualizing (ND) is used to reify the notion, generating an absolute that allows unification; denying again precisely the diverse realities that are experienced in the different schools and communes of Chile (NRS).

b) The empire of heteronorm

In the Clinical Pathway of the Ministry of Health (VCAC) interesting and almost reflective approaches are made: "The use of diagnostic criteria from the DSM-IV or ICD-10 does not authorize the stigmatization or deprivation of rights of the affected people. The classification in these manuals (DSM-IV and ICD-10) of people who express a feeling of incongruence between physical sex and gender identity, has been strongly questioned since it is associated with the stigmatization of the condition." Here we can see the presence of a discursive tension (ND); since a discourse is presented that accepts and recognizes the difference, but at the same time we go through an entire health action program that is based on a diagnosis and adaptation to standards.

In this same health plan, it is indicated that: "although all the reviewed standards recommend performing the EVR ²(see methodological report), it is necessary to keep in mind the existence of elements specific to the national context that could hinder the successful realization of this." We find another discursive tension (ND), since although it is indicated that the context must be taken into account cultural, later a demonstrable progress in the consolidation of gender identity is requested as a requirement. Thus, the trans person must demonstrate that they are capable of achieving a satisfactory adoption of the gender role with which the person identifies in order to access interventions and hormonal



treatment. Therefore, the circularity (ND) in which the transsexual person is trapped is appreciated: (NPS) must consolidate an identity to have the operation, and the operation is carried out to consolidate said gender identity. Finally, the social and family difficulties that these people must face are denied.

Based on the new law that allows the union of couples in a condition other than marriage (AUC), which was promoted and highly valued by the LGTBI liberation movements, it can be thought that a broader spectrum of forms of couples is opening up, of family forms, of acceptance of diverse sexualities, of greater inclusion, of overcoming heteronormativity. When reviewing the document, although some of these expectations are validated, most of them are truncated. New forms of couple are legitimized: "The civil union agreement is a contract entered into between two people who share a home, with the purpose of regulating the legal effects derived from their emotional life together, of a stable and permanent nature. The parties are will be called civil cohabitants and will be considered relatives". By talking about people and not about men and women, the possibility of different couples that can become a family opens up. But the multiplicity of families is limited, when it indicates that those people who: "between themselves the ascendants and descendants by consanguinity or by affinity, nor the collaterals by consanguinity in the second degree". It is thus indicated (NT) that there are ties that are permitted and others that are not, in order to celebrate this pact. Although in the body of the text of the law itself it does not speak of couples or bonding or love or sexuality, this restriction of consanguinity ties appears here as an implicature (ND). Sexuality is established as the element that must unite, and from a dyad, to any union that wants to apply for the family category. Heteronorm sneaks in not only in this interpretative reading of the pragmatic applications of this pact, but also in



vindicating atavistic traditions of patriarchal domination: "When a civil union agreement has expired, the woman who is pregnant will not be able to marry a different man." nor enter into a new agreement before childbirth, or, if there are no signs of pregnancy, before two hundred and seventy days following the expiration of the agreement." Thus, the domination of the State over women's bodies and the defense of men's rights is highlighted again in this context of openness. but also reclaiming atavistic traditions of patriarchal domination: "When a civil union agreement has expired, the woman who is pregnant will not be able to marry a different man or enter into a new agreement before childbirth, or, if there are no signs of pregnancy, before of two hundred and seventy days following the expiration of the agreement". Thus, the domination of the State over women's bodies and the defense of men's rights is highlighted again in this context of openness. but also reclaiming atavistic traditions of patriarchal domination: "When a civil union agreement has expired, the woman who is pregnant will not be able to marry a different man or enter into a new agreement before childbirth, or, if there are no signs of pregnancy, before of two hundred and seventy days following the expiration of the agreement". Thus, the domination of the State over women's bodies and the defense of men's rights is highlighted again in this context of openness.

The inclusion of civil cohabitants is marked by adding them to many laws, while clearly differentiating from spouses, in the same articles. The civil union agreement is linked to marriage, but at the same time it seeks to emphasize their differences (NT). This is how (NPS) seeks to reassure those who fear that these types of regulations will break the family and marriage as a traditional institution.

Differentiate to exclude



The law against discrimination (LND) raises an internal contradiction or denial of the law: "Distinctions, exclusions or restrictions will be considered reasonable that, despite being based on any of the criteria mentioned in the first paragraph, are justified in the exercise legitimate of another fundamental right". A differentiation is thus established between first and second category rights; Although it apparently prevents the violation of a fundamental right, what the text does is generate an argumentative and performative contradiction (ND), since it limits a right that it seems to be granting by adding that condition, and consequently it can be considered in practice that there are other rights more relevant than being a subject of law as it is not recognized as such.

For its part, a relevant distinction also appears in the VCAC with respect to the application of the program that this regulation defines. Thus it is indicated that: "The low incidence of this health problem could hinder the adequate activation of the set of benefits indicated in this Clinical Pathway, especially from the mental health services of the secondary levels of care." First, (ND) it is prescribed in advance how difficult it will be to carry out the regulations that the same document defines must be carried out, that is, the same regulation is deactivated before being implemented. And a supposedly consensus value in the medical world (ND), prevalence, is used to support why this treatment is likely not viable. So, the demands of minorities are of less importance,

Conclusions

The objectives and questions posed in this study were mainly oriented to review the positioning of power and the statements about diversity that appear woven into the textuality of the four public policy documents analyzed. It is possible to propose, then, that heteronormativity is not overcome, since although progress is made in some inclusions and opportunities, these policies have been made



from fragile limits where the hegemony of sexualities is not put into play and heterosexism is left intact. , binarisms, control over bodies and the conception of the heterosexual family as the articulating center of all State policy.

Thus, in the documents of the Clinical Path for bodily adaptation and the Civil Union Agreement it is evident that when trying to include "the others" within its programs and actions, the public power only grants them third and fourth category places. By introducing the existence of "the diverse" they recategorize, establishing a new hierarchy that must be accepted in order to obtain the promised rights. This confirms what previous studies have already pointed out, indicating the permanence of heteronormative frameworks in public policies in favor of sexual diversity (Cunial & Palumbo, 2014). As Butler (2007, 2009b) points out, generating regulations that manage to go beyond the regimes of truth that regulate the LGTBI subjects themselves is very difficult; for the same, The hegemonic normalizations against which we are fighting sneak into these new programs and agreements. Even those who seek to propose new identifications fall into the same binary and oppressive game.

Thus, although transsexuality appears as a space of transgression of gender norms that would make it impossible to establish stable and coherent definitions, this fiercely contradicts the procedures that the Ministry of Health defines so that trans people can carry out a modification of their bodies. , since although it opens a door from the rights to intervene on their sexual bodies, at the same time it processes this modification through the most extreme and controlling uses of hegemonic biopolitics. To obtain medical help, they must isolate themselves from the last of the pathologizations maintained by mental health diagnostic manuals, surrendering their desires and bodies to the judgment



and evaluation of a system that forces them to prove themselves to be the most adapted of the object.

This price, although it may be worth it for many people who suffer from living in the midst of rejections and contradictions that come from their own materiality, also appears as a betrayal of those precisely who would seem to demonstrate one of the greatest disobediences against the intentions of domesticating the sexualities (Martínez-Guzmán & Íñiguez-Rueda, 2010). Therefore, as has been pointed out by the defenders of sexual dissidence, this same subversion causes biopolitics to punish them through the heterosexualization and normalization of these bodies, generating hatred and rejection of their own genitality, to be achieved only through intervention. surgical and hormonal social acceptance (CUDS, 2011).

For its part, the Civil Union Agreement continues to regulate the type of ties that people can declare and the rights to which they can aspire; Thus, by generating a new category of civil status, the legitimacies are expanded and the prerogatives are confirmed to delimit and impose the place of sexuality and the possible family formats. By asking for a right, greater control is also given to the State; The institutionality and values of heteronormativity are imposed, as several authors have pointed out (Butler, 2007; Martínez-Guzmán & Íñiguez-Rueda, 2010; Toro-Alfonso, 2014).

Nor in the attempts that LGTBI groups have introduced into education have they managed to attack the sphere from which social patterns of interaction are produced. In the attempt to include difference, the lack of protection of diversity is strengthened by repositioning it from an otherness, since it is not possible to install the idea of a we that includes the diverse, only partial respect for another



is achieved, but not the acceptance and appreciation of difference (Butler, 2009b).

With respect to the circulation of power, it is possible to state that the places of power remain, in general, in the traditional hegemonic positions of society. The discursive strategies analyzed showed that the doctor and the judge further reaffirm their prerogatives to define the lives of these subjects (Butler, 2007; Martínez-Guzmán & Íñiguez-Rueda, 2010).

For their part, the non-discrimination law and the program for schools show the difficulty of operating with a diffuse notion of discrimination, at the same time that they testify to the presence of the loopholes inherent in institutionality, to strip power from the subjects who They submit to it. The school, with the saving intention of providing a safe space for discriminated students, places them in the greatest of passivities, blurring the spaces and autonomies that these same subjects have already conquered. The legal institution once again uses the strategy of covering its eyes in order to be fair, generating ambiguities and contradictions that now prevent it from appealing to more inclusive international regulations, which are denied with this new legal advance (Díaz-García, 2013). Added to this,

Consequently, these policies only enable a certain subject in hegemonic subordination, where the diverse are placed in precariousness (Butler, 2009a) and maintain their exclusion despite renormativization. Thus, these initiatives accommodate only some sectors of sexual diversity, those that feel recognized from the same logic, but it opens the gap between the debates at the extremes of dissidence. Thus, those who do not manage to "fit" within the spaces that tolerant heteronormativity opens up continue to be nominated as the abject, that



which provokes us and invites us, from outside the margins, to unleash the bodies (Braidotti, 2000).

Without prejudice to the above, it is important to state that this work did not attempt to carry out an "evaluation" of these policies and their achievements. For this reason, no work was done to show the advances and contributions that these regulations do bring, both by having fostered a discussion and a social debate around the rights of sexual diversities, and the impact that implementation can bring. and application of these policies. This limitation is mentioned to make visible that the contribution of this study is not in line with evaluating in global and broad terms the work of the Chilean governments regarding the recognition and protection of the so-called sexual minorities, but precisely the contribution sought propitiate is linked to the claims of the ACD device. You bet, then, for making the vision of sexual diversities more complex, advocating an escape from the naivety of knowledge as a neutral production (Stecher, 2010; Van Dijk, 2000). Thus, an attempt is made to move towards a counter-hegemonic psychology that generates new discourses, propitiating new categories that stress the exclusive and controlling heteronormative logic. In this context, we agree with Flores (2011) that psychology must assume its commitment to the excluded and to everyone and "(...walk in the opposite direction to the power structure that degrades and tramples human dignity" (p. 64). An attempt is made to move towards a counter-hegemonic psychology that generates new discourses, propitiating new categories that stress the exclusive and controlling heteronormative logic. In this context, we agree with Flores (2011) that psychology must assume its commitment to the excluded and to everyone and "(...walk in the opposite direction to the power structure that degrades and tramples human dignity" (p.



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As final reflections and in line with opening up new questions and possible avenues of inquiry, it is pertinent to raise some understandings that have been generated from this study, and that seem fertile to leave open various discussions.

Could there be a recognition that overcomes the tension between the universal and the singular? Are there public policies that from this hegemonic place can break the taxing and oppressive destiny that every act of institutionalization entails? Can we fight for rights and recognition of the LGTBI if the same acronym carries a closure and anchors in an identity logic that usually betrays itself? Is it necessary to take a step aside, to reconstruct the possibilities from the provocations that the path of dissidence proposes?

It seems that within the attempts to generate openings to diversity, it is observed that new practices and discourses have been produced that only become more sophisticated and mutate, but remain within the logic of discrimination; This would be based on the force of a kind of naturalized homogenization that persistently seeks to eliminate the signs of difference (Toro-Alfonso, 2012). From there, it is possible to point out that apparently there would exist in our societies a permanent construction of an "otherness" where the monstrous, the abject and the feared are deposited that we possibly do not want to recognize



in the same "us." Therefore, it will always be possible to establish a new other that becomes a receptacle of exclusion.

The need then appears to work on the notion of otherness and place ourselves on the path of the ethical question, as necessary and helpful ways. For this, it is proposed to take elements proposed by Butler (2009b) and dialogue with Spivak (1998). When asking ourselves about "how should I treat another?" We are, according to Butler (2009b), immediately trapped in the framework of social normativity. In the attempt to seek protection and legitimation of the rights and dignity of others, we become an instrument of the agency of the norm; That is, by fighting for new norms we end up being used by these norms. Likewise, questioning the current norms of recognition opens up the possibility of also falling into the sphere of the non-recognizable.

Spivak (1998), for his part, criticizes identity politics and, in contrast, proposes a notion of a decentred subject, which could never be trapped in a logic of identity. Along these lines, the author proposes evaluating the strategic use of these identity categories in political action. On the other hand, as a postcolonialist, he emphasizes the need to trace an itinerary of silence, a path of inclusion in the discourse of the subaltern subject so that he can access a place of enunciation that allows him to position himself from a space where he can be recognized and heard. .

Taking these contributions, it is possible to think that the struggle of LGTBI people can and should always move within a disbelief of belonging to this category; In order not to focus on an identity that by itself limits your possibilities as a subject, it is defined from the heteronorm and means being installed in the place of otherness, a more dignified or less discriminated otherness, but always an other. Likewise, assuming that only these bodies carry



subject desires brings with it the attractive promise for conservative hegemonies of being able to extirpate other desires from the materialities located in the we.

Footer

¹ The transsexuality category refers to people who would feel identified with the opposite gender to their genital sex. Within this group, transgender people can be distinguished, who do not seek to modify their body so that it corresponds to the gender with which they identify. This distinction is scarcely recognized and used. Although transgenderism provides nuances of relevance, for this article the notions transsexual, transgender and trans person will be used interchangeably and as similar.

² The RVE corresponds to Real Life Experience, where subjects must demonstrate that they can lead a normal life with the gender with which they feel identified. This is a mandatory criterion for eligibility to undergo surgery.

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