



When Social Movements Meet Their Moment: How LGBTQ+ Rights Get Made

*New Rutgers SPAA Research Shows How LGBTQ+ Rights Advance More
Where Collective Action Meets Political Opportunity*

Practical Takeaways

- **Use the courts, but don't stop there:**

Litigation can deliver, somehow, fast wins, but pairing them with legislation is what makes them stick.

- **Watch for political windows:**

Transitions and elections reshuffle the agenda. Movements that are organized when the window opens capture the most.

- **Build broad coalitions:** South Africa's gay-rights and anti-apartheid movements won together; fractured movements stall.

- **Don't mistake a law for a culture:**

Legal recognition is necessary but not sufficient; lasting social acceptance takes sustained work.

SOURCE:

Galego, D. (2026). Empirically testing the queering process framework. In *Queering Public Policy: A Disruptive Yet Inclusive Framework for Policy-making*. Springer Nature Switzerland AG.
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EXECUTIVE OVERVIEW

How do marginalized communities win rights in political systems built to exclude them — and how do they hold onto those rights once won? A new book by Dr. Diego Galego from Rutgers University takes up that question with his “queering process framework,” testing it against 101 LGBTQ+ rights decisions in Brazil, Mexico, South Africa, and the United States from 1831 to 2024. The puzzle driving the book: even where decriminalization came early, legal change has rarely guaranteed safety or acceptance in everyday life for queer individuals.

One pattern repeats across all four countries. Rights advance when an organized movement seizes a moment of political opening — often a democratic transition — and presses its case through every channel: legislatures, executives, and, again and again, the courts, the most reliable path to victory. But Galego ends with a warning that lands hard today: what a court grants, politics can take back.

A Law on the Books Isn't Safety on the Streets

Brazil struck sodomy from its penal code in 1831. Mexico did so in 1871. Yet today both rank among the most dangerous places in the world to be an LGBTQ+ individual. Legal change, Galego argues, is only the opening move — homophobia and violence routinely outlive the laws that once enabled them.

And progress is not a one-way street. Recent examples prove it. Uganda re-criminalized same-sex relations in 2023; Trinidad and Tobago followed in 2025. The lesson for advocates is sobering:

a law on the books guarantees neither safety nor permanence without effective implementation.

Why It Matters for New Jersey

New Jersey is a diverse state where LGBTQ+ rights remain an active area of law and policy. For practitioners here, the questions Galego examines are familiar ones: how do protections for marginalized communities get established, and what makes them endure?

Although the book's cases are national and international, the dynamics it traces travel across contexts — the

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Across four democracies and 101 policy decisions, a new framework shows LGBTQ+ rights advancing where collective action meets political opportunity — with the courts often the decisive venue.



interplay among courts, legislatures, and executives, the role of organized advocacy in shaping decisions, and the gap between a right that is formally recognized and one that holds up over time. For those working on equity and inclusion in New Jersey, the empirical chapter is a useful reminder that legal recognition and lived protection are not the same thing, and that durable policy rarely rests on a single decision.

Key Findings

- Courts were the most effective path-

way. Across all four countries, judicial decisions emerged as the single most reliable route to LGBTQ+ rights. The dynamic was clearest in Brazil and the USA, where the Supreme Court advanced rights — including same-sex marriage and the criminalization of homophobia — that had stalled in Congress.

- **Collective action met political opportunity.** In every case, progress came from sustained, coordinated organizing that seized moments of political change — Brazil's 1985 democratization, Mexico's 2000 turnover, South Africa's post-apar-

theid founding — to push long-ignored issues onto the policy agenda. Galego stresses it was not democratization itself that delivered rights, but the political opening it created.

- **Court wins are fragile.** Because judicial victories rarely came with legislative backing, they remain vulnerable to reversal — a risk Galego underscores by pointing to the overturning of *Roe v. Wade* in the *Dobbs v. Jackson Women's Health Organization* decision.

Bottom Line

Winning rights in a hostile system isn't about a single breakthrough — it's about an organized movement seizing the right moment and pressing wherever it can win.