Institutional Violence and Sexual Panic Directed at Poor Young Women and Trans Persons in Buenos Aires

by

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Abstract

This article analyzes some of the ideological effects and practices implicated in the current construction of "sexual panic" surrounding young women and "trans" persons as a form of sexual and gendered violence by specific public institutions involved in the assistance of adolescents experiencing homelessness, poverty, and prostitution in the City of Buenos Aires. In order to do so, it provides historical frameworks of experiences and struggles of gender and sexual social movements in Argentina from the point of view of gender and sexual rights in developing countries. All data and arguments submitted throughout the text are based on extensive ethnographic research that I have been developing since 2002 concerning gender and sexual violence, class, and discrimination in the context of increasing poverty and social exclusion in Argentina and Latin America.

Biography

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INTRODUCTION

Historically, and more strikingly during the last three decades, institutional violence directed against young people in Argentina has involved a specific dimension of sexual and gendered violence. Some of the impact of this dimension has been studied and denounced through the progressive consolidation of movements and organizations focused around human rights and what are known as "memory studies," beginning with Argentina's return to democracy in 1983 (Feijoo and Gogna 1985; Forastelli 1999; Rapisardi and Mordarelli 2000; Jelin 2002). However, more recent and less explored forms of violence have remained partially invisible and/or subsumed under the general frame of political, social, and economic violence directed at this sector by different realms of power. This article proposes to identify and analyze some of the ideological effects and practices implicated in the current construction of "sexual panic" surrounding young women and "trans"[1] persons as a form of sexual and gendered violence by specific public institutions involved in the assistance of adolescents experiencing homelessness, poverty, and prostitution in the City of Buenos Aires. Concretely, I will explore the dynamics of cultural regulation that take place in the temporary group homes devoted to "full protection" of the rights of girls, boys, and adolescents.

Older and Newer Forms of Violence Directed against Young People

There is consensus over the clear ideological intent of the National Security policy imposed by the de facto governments during the last military dictatorship in Argentina (1976–1983), based on (among other things) the specific strategy of coercively disciplining the bodies of thousands of men and women. In this sense, the forcefully repressive and "instructive" aims of the mechanisms of persecution, torture, and forced disappearance at the hands of the military, directed against those considered "subversive" or "internal enemies" of the established order (including students, young persons, leftists, etc.), have been recognized. The same is true for the perverse logic that upheld "special treatment" for pregnant women imprisoned in clandestine detention centers; in many cases, the strategy consisted of prolonging their lives just until they gave birth, only to rob them of their newborn babies, who were then handed over to military families or others who collaborated with the regime.

Quite a few texts have pointed out a certain historical, political, and cultural connection among those earlier repressive ideologies and some of the current calls for "order" and "controlling crisis" in some regressive and sexist discourses through actions to "neutralize" social conflicts, as part of the broader group of practices in the hegemonic construction of the Argentine state (Miguel Bru Association and Area Queer 2007; Delfino 1999). It remains clear, however, that thirty years after the military coup that inaugurated that regime and its policy of terror, the local context presents renewed complexities. Social and political exclusion produced by neo-liberal economic policies during the 1990s not only led to a transformation in the role of the state and its relationship with civil society, it was also a historic opportunity for the expansion and greater visibility of different movements and social collectives, among these the feminist and GLTTTBI[2] movements, which had been demanding their rights for many years. The actions of these movements generated new frameworks of demands for the political recognition of difference in the context of increasing social inequality. Many young persons were socialized into and included in the experience of struggle of these groups, with varying degrees of organicity, in a

new activism directed against repression and discrimination. This new activism took up the trajectory and successes of classic human rights organizations in Argentina, but also added new elements: the public struggle against sexist, homophobic, lesbophobic, and transphobic practices and discourses that, in articulation with racism and xenophobia, constitute oppressive ideologies clearly active in contemporary Argentine democracy. In order to illustrate the actual production of these discourses and their effects, I quote research produced by the Argentine National Institute against Discrimination, Xenophobia, and Racism (INADI) in late 2006. The results are clear: 36 percent of persons declare having suffered some kind of discrimination, 56 percent declare having witnessed many kinds of discrimination. Asked about the way these acts of discrimination were oriented to specific situations, they answer: 1) poverty; 2) social condition; 3) gender; 4) age; and 5) race (www.inadi.gov.ar: Mapa de la Discriminación). This research demonstrates that there are some perceptions of discrimination as a framework of everyday situations, but there is still a lack of consideration of the ways in which these actions affect the possibilities of excluded groups to change their social conditions. This is why the efforts of activist movements have focused on pointing out how such representations and performative utterances naturalize discrimination and justify various practices of fear, hatred, aversion, and repression directed at them.

In this respect, the contribution that GLTTTBI groups in the city of Buenos Aires have made has been particularly significant in documenting and repudiating the upholding of restrictive ideologies by different social, institutional, and hegemonic media spaces (Area Queer 2007). This contribution has allowed the movement for sexual diversity in the city to systematically condemn the tacit and widespread legitimation that such discriminatory discourses encourage regarding gendered and sexual violence directed at different sectors of the population (not only members of the GLTTTBI community, but also women and children engaged in prostitution, young people in poor neighborhoods, children who beg or recycle trash, etc.). This is the case of criminalization by reasons of gender and age that result in the imprisonment of vast groups. According to Juan Pablo Parchuc (2008), the proportion of young persons (age eighteen to twenty-four) that have been incarcerated during the last two decades has grown to 30 percent of the total population in prisons in Argentina. Among them, 70 percent of young women are accused of drug consumption or dealing.

These movements have also pointed out how these stigmatizations reinforce social exclusion by upholding the argument that exclusion is a problem of individual responsibility and therefore requires permanent vigilance and control on certain subjects and groups.

SEXUAL PANIC

In this paper, I define sexual panic as one of the complex forms in which sexual and gendered violence is currently exercised against women and youth due to their identity and gendered expression and/or sexual orientation, and the complex intersection of these differences with class, age, ethnicity, and nationality. With this concept, therefore, I allude to the ideological operation that involves the restriction of gender experience to a biologized label of "alarming" sexuality. In this paper I address certain representations, such as "women who are alone," "young women who live on the streets," or "transvestites who are minors," that are made visible as permanent and intrinsic signs of "promiscuity," "a threat to morals," "sexual deviation,"

"prostitution," and/or "crime." These kinds of associations legitimize and reinforce the stigmatization and isolation suffered by these groups at the hands of numerous public institutions and discourses, framed as "preventative" measures in light of the "constant activity" and "lack of control" of their sexualities.

This is the problem I formulated in my doctoral thesis, in which I explored the relationship between gender, class, and age in the configuration of images of impoverished youth as "dangerous" or "at risk" through the institutional, political, and mass media production of concrete forms in the regulation of exclusion and repression (Elizalde 2005). In order to examine the problem, the exploration and contrast of these regulations with the conditions of poor young women—both how they practically and discursively formulated their experience, and the concrete, daily, and institutional situations that they traverse—was fundamental. In addition, I analyzed these processes in specific contexts, focusing on the different spaces of ideological struggle through which subjects locate themselves in the existing range of structural positions, while they simultaneously redefine this range through practical interventions. In the case of institutions assigned to help youth considered at risk, I verified a complex process of tensions and contradictions between the stipulated defense of the rights of young people, and its uneven and erratic implementation. These kinds of tensions, which constitute part of the institutional double standard affecting young people, cannot be attributed solely to the professional behavior of institutional workers when I conducted field work, but rather must be situated within the broader relationship between the state and civil society in Argentina.

This can be observed in the way in which the implementation of programs designed to focus on specific groups crystallize young people into univocally "problematic" identities (for example, young girls living on the streets, victims of violence, teenage mothers, transvestites detained for misdemeanors, youth "in trouble with the law," etc.) and decontextualize their demands. In contrast, and as I will also point out here, in order to analyze the specificity of youth experiences, we need to take into consideration the varying status of age difference vis-à-vis other forms of difference—including class, gender, ethnicity, nationality, and sexual orientation—through which age is constantly articulated. The relevance of these other forms is not previous to, but rather materially and historically constitutive of, the concrete experience of these youths.

The implications of the concept of sexual panic that structures the present argument form part of the debates with which theories and practices of materialist feminism, rooted in a Marxist approach, early on engaged with the interactionist sociology of the "labeling approach" (Becker 1963); the study of youth subcultures (Young 1971; Cohen 1972); and British cultural studies in the late 1970s. In the context of the crises in the economy and in political legitimacy in first-world countries during this period, the concept of "moral panic" developed by these perspectives accounted for emergent modes of the construction of images of "juvenile delinquency" by institutions and the mass media. In general terms, the ideology of moral panic is considered to consist of defining a condition, episode, person, or group as a "threat" to the values and interests of society. These threatening practices and subjects tend to be presented by the media and other dominant discourses in a stereotyped manner, becoming a phenomenon invoked by politicians, opinion makers and, in general, those sectors that represent conservatism and right-wing tendencies.

During the 1980s, this concept of moral panic became richer and more specific with the help of materialist theories of culture that placed ideology at center stage. Thus, moral panic was no longer considered as exclusively produced by the media and agents of control—as a "distortion" of social problematics—and began to be defined in terms of a larger network of the construction of meanings, transversal to the institutional fabric of society. In this sense, Stuart Hall, et al.'s *Policing the Crisis: Mugging, the State and Law and Order* (1978) constituted a turning point in the analysis of these processes. The text proposes a reading, situated in concrete social contexts, of the ways in which the discourse of moral panic surrounding certain young, poor, and migrant men created the social, political, and ideological conditions that led to the construction of a generalized understanding of a society organized under the slogan of law and order, which operated as a justification for the demand of increased social control. Furthermore, it justified the formulation of distributive politics founded in discretional criteria of singularization and social and cultural differentiation, rooted in the logic of the market. The base argument was that *only* with a growing policy of control and coercion would it be possible to effectively manage the social and moral gap.

Feminists took up the materialist (social, historical, and political) imprint of these studies, emphasizing the dynamic character of ideological mechanisms as forces that are constantly at work through the mobilization of common sense, connected to the larger process of the production of hegemony (*inter alia* Barret 1982; Watney 1987; McRobbie and Thornton 1991). However, they took the critique a step further by focusing their analyses on the specificity that these operations assume with respect to sexual and gender differences. In this way, they instated the issue of the ways in which certain identities, expressions, and practices associated with non-hegemonic genders and sexualities end up being inscribed in maps of meaning that structure a heterogeneous grouping of institutional forms. As Simon Watney (1987) affirms, the permanent creation of representations of danger such as "folk devils" (Cohen 1972) surrounding youth—as described by the theorists of moral panic—can be extended also to representations that weigh heavily upon, for example, gays, lesbians, or people living with HIV/AIDS. This means, simultaneously, that these subjects are represented through significations that reinforce permanent efforts to control and regulate the extensive terrain of "disobedient" sexual and gendered performances. For this reason, it was essential for feminist and queer perspectives to make a conceptual and political shift allowing them to take up materialist arguments regarding moral panic in order to rearticulate them critically and politically through a notion of sexual panic capable of making explicit and of denouncing the tacit support—when not the outright celebration—of heterosexuality as a norm, as well as sexism and patriarchy[3] as organizing structures of the androcentric and homo/lesbo/transphobic contemporary capitalist system, enacted daily by numerous institutional discourses.

In this framework, to speak of sexual panic thus implies the registering of the concrete impact that these ideological operations have on the lives of those who remain excluded, not only from the "admissible" representations of genders and sexualities (and in their conflicted links to other distinctions), but also from the possibilities of acting and transforming their very conditions of existence and the full exercise of their rights. In addition, analyzing the concept of sexual panic implies complicating current processes of the production of violence, exclusion, and discrimination. It affirms that many of the interventions that treat the prescription and regulation of "politics of desire" do not stem solely nor principally from centralizing agencies of social

control (such as the police or the press) but rather, on the contrary, are both part and the result of the very conditions of possibility of these and other broader institutional discourses and practices.

In what follows, I will analyze some of the institutional dynamics that regulate differences of class, gender, age, and sexual orientation around young trans persons who lived in a group of mixed-gender group homes in southern Buenos Aires. All of the evidence has been collected during ethnographic work I have been developing since 2002 with young women, men, and trans persons who are housed in the city's public institutions after they live in the streets and/or engage in situations of prostitution. The article is also based upon interviews with and participant observation of institutional agents in charge of attending to this population. My concern with the ways in which these experiences of violence, discrimination, and social exclusion are perceived, resisted, and/or reproduced by the subjects and groups affected in their daily lives, guides my research. Similarly, in my dual role of researcher and activist for issues of gender, sexuality, and human rights in my country, I am interested in critically revising the contributions that this kind of study can offer for the intervention into and struggle against these harmful situations—for example, the creation of specific political practices that stimulate changes in the institutional, cultural, and/or political character of these realms through strategies that link an emancipatory perspective on gender and sexuality to the interaction with young people.

GROUP HOMES: "DANGER" UNDER CONTROL

In Argentina, institutions of protection and legal guardianship of minors have their ideological roots deep in the juridical and moral conception that rendered hegemonic the action of the Argentine state with respect to "minority politics" for more than eight decades, under the reign of the Patronato institution.[4] Founded in 1919 and repealed in 2005, this established Judges of Minors as custodians of the "interests" of children and young people, being able to determine what was "best" for them, as true "fathers," exercising the state's *patria potestad*, or custody. This authority meant the legitimization for nearly a century of the separation of girls and boys considered "problematic" from their families and contexts of socialization and their internment in spaces regulated directly or indirectly by the state. The precedents of this doctrine date to the late nineteenth century, when in the name of "rehabilitation and redemption" of "difficult" minors, the state put into place a politics of the institutional seizure of bodies as a strategy of the control of delinquency and youth "excesses." Yet, it also served as the guarantee of the perpetuation of the hegemonic values of unity and domination through which a restrictive conception of "national community" was upheld during those years (Guy 2000). In this space, both the institutions of the state as well as other agencies of order and morality fulfilled their function. In particular, the Catholic Church and wealthy families who represented the status quo during this era exchanged guardianship for cheap labor in domestic work, and the exploitation and/or restriction of rights, in the name of a necessary "moral recuperation" of young people (Guy 1993).

In this context, now at the beginning of the twentieth century, many young poor girls, without family, and those who were part of networks of prostitution, were identified as paradigmatic signs of "vice," "degeneration," and "deviant" practices that were "corrupting" the country. They were subjected to the stigma of being labeled "whore," "easy girl," or "tramp," whose salvation

could only be achieved through the paternal hand of the state, through pedagogical orientation. This implied both the "nationalization" of these subjects as well as the regulation of their sexuality and gender diversity, reordering these in a system of exclusionary legality. In this sense, Donna Guy's pioneering study (1991) on the regulation of legal prostitution[5] in Buenos Aires between 1875 and 1955 shows how the debates on sexual morality here have historically hinged upon a political economy of bodies both as a national issue—and metaphor—articulating in its realm economic, political, and hygienic interests, as well as preoccupations regarding ethnicity, class, age, gender and, of course, sexual orientation and practices. With these precedents, it is not surprising that a preoccupation with gender and sexual performances and identities of young people living on the streets and/or involved in prostitution involves demands of intervention and control on the part of those institutions charged with "watching over" them.

The origin of contemporary group homes can be found in the founding in 1990 of the National Council of Families and Minors (Consejo Nacional del Menor y la Familia)[6] during the era of the country's institutional and political redemocratization. Since then the group homes have undergone various changes[7] aimed at their progressive incorporation into the framework of human rights and children's rights, although at this time the changes are more rhetorical than concrete.[8] A glance at the national legislative situation adds new evidence to this claim. With the reform of its Carta Magna in 1994, Argentina established a constitutional hierarchy (Art. 5º, Inc. 22) in ten previously ratified international treaties of Human Rights.[9] This implies that no act of government can deny these treaties and that the state's responsibilities to fulfill them are a priority. The International Convention on the Rights of the Child was included among these treaties. The country also has a Law Against Discrimination (23.592) and a National Plan Against Discrimination (decree 1086/2005), which place emphasis on the concrete effects that discriminatory practices have on people and collectives, and not on the intentions on which they are socially or individually based. In addition, since late 2005, Argentina has a new national law (26.061) for the Full Protection of the Rights of Girls, Boys and Adolescents, which repealed the anachronistic *Ley de Patronato*[10] and promotes the deinstitutionalization of impoverished youth.

In spite of this progress, numerous *Códigos de Faltas*, *Edictos Policiales*, and *Contravenciones*[11] that violate the National Constitution—by legislating penal issues, explicitly prohibited by the latter[12]—continue in effect. Currently, these codes "are used throughout the country to repress protests and public meetings, but also to persecute on the basis of age, skin color, genders, non-normative sexual orientations and practices, class, and 'bearing a face' *(portación de cara)*,[13] in an open criminalization of poverty and of protest" (Area Queer 2007:12). In the case of young people, the application of these sanction instruments naturalizes their persecution and control in different spaces (including the street, school, and night clubs), while simultaneously making invisible the economic oppression and sexual and gendered violence linked to child labor, the prostitution of young girls and boys, and the systematic violation of rights from which trans persons suffer. As INADI indicates, "the situation of children and adolescents in Argentina is characterized by a profound setback in the access to and enjoyment of economic, social, and cultural rights" (2006:84).

Coupled with this reality, organizations devoted to denouncing repression by police forces on groups that are labeled by sexual panic and therefore targeted for social control, have pointed out the link between social conditions and age in the naturalization of persecution. In this regard, the

practice of "happy trigger" ("*gatillo fácil")*[14] by law enforcement officers persists to this day in numerous cases, with young people as the main focus. According to the last report of the Coordinator against Police and Institutional Repression (CORREPI), these actions have claimed in Argentina during the last twenty-five years—since the return to democracy—a total of 2,334 victims. These victims present a clear profile: "our dead are young, poor, unemployed, and excluded;" "in only the last five years, more than two-thirds of the victims were between the ages of fifteen and twenty-five, and belonged to marginalized social sectors" (CORREPI 2007). In this sense, my aim is to analyze the articulations between age and gender in the case of girls and young trans persons that are countermanded from the point of view of sexism and/or transphobia and, simultaneously, from the criminalization of young people as dangerous.

In addition to institutions of confinement, where young people convicted of penal crimes end up, there also exists in the City of Buenos Aires and its greater metropolitan area a large variety of state and non-governmental institutions that exercise public custody over, and are devoted to temporarily housing and assisting, young men and women. They are admitted as much for reasons of social assistance resulting from conditions of poverty as for petty crimes (that is, for example, different forms of street robbery without the use of arms, not punishable by privative measures with respect to their liberty). Practices of institutionalizing poor young girls and boys based on the predominant use of criminal law *(judicialización)* imply a lack of distinction between those young persons who are victims of crimes (abused, forced to beg or to prostitute themselves), those who are accused of crimes (ranging from misdemeanors to robberies, assaults, homicides), and those who simply do not have their basic needs met (living in poverty and/or on the streets, abandoned, without family) and, for that reason, require state protection and assistance.

Among these institutions are temporary group homes—today also referred to as "full attention" homes—which are living spaces for "boys, girls, and adolescents in situations of high social vulnerability." That is, girls and boys under the age of eighteen, "living on the streets, in conflict with the penal code, victims of crimes, with additional problems, and pregnant adolescents," whose family networks have been temporarily or permanently weakened. The principal institutional objective is to "overcome or revert those conditions that led to their being sent to the homes," with internment understood—at least officially—as an "exceptional measure and for the briefest amount of time possible" (Consejo de los Derechos de Niñas, Niños y Adolescentes, Gobierno de la Ciudad de Buenos Aires [Consejo] 2007). To this end, they offer "lodging; help with medical and dental care; assistance with the process of applying for documentation;[15] workshops and recreational, cultural, and educational activities; steps to reunite and strengthen familial ties; and personalized attention and assistance with the construction of a life project" (Consejo 2007). Given the availability of beds and infrastructure, each group home generally does not exceed twenty young persons living there at any one time, and each is assisted by a technical team made up of social workers, psychologists, and *convivientes* (caretaker-wardens), in addition to the custodial staff and the director of the shift. It is important to point out that there are no standardized internal regulations in these institutions, nor is there a specific legal framework that would place limits on their discretion, guarantee a minimum level of services, or assure the fulfillment of the legal standards set forth in current national and local normatives.[16] In this way, the group homes tend to be self-regulated, ensuring that, in the majority of cases, those who are interned spend their days in the home; that is, they should sleep, eat, and remain within

it with the exception of attending school, recreational workshops, medical care, field trips, or previously arranged and authorized visits.

Young People at the "Border," Sexuality at the Crossroads

In such contexts, we can consider the many cases of young trans who are compelled to prostitute themselves and, in order to escape cycles of sexual exploitation and abuse, seek refuge in group homes. As we shall see, in these institutions they tend to be the object of new discriminations and specific forms of sexual violence: the segregation and sexual panic constructed around their bodies, practices, and identities. For their part, young trans—the majority from Northern Argentina, some possessing the ethnic features of natives of that region—tend to be admitted to these spaces after being found offenders of Buenos Aires' *Código Contravencional*. This normative penalizes prostitution, which contradicts the National Constitution and the law. Since 1936, Argentina has subscribed to an abolitionist perspective with respect to prostitution, penalizing pimps and not those who exercise this activity. At the same time, since 1954 Argentina has been signatory to the Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others, adopted by the General Assembly of the United Nations in 1948, which means that the practice of prostitution will not be sanctioned, only exploitation on the part of pimps and trafficking rings. Various feminist organizations in Argentina[17] have firmly upheld the need to consider as harshly as possible pimps and traffickers and to not distinguish between victims who are minors and those who are not, as this is always the result of a situation of coercion, subjection, or extreme necessity. They also consider invalid the eventual consent of those who are prostituted or sexually exploited.[18]

In addition, recent years have revealed a new pattern: many young trans persons explicitly ask to be housed temporarily in these group homes in search of protection, food, shelter, and medical attention, as a way of escaping oppressive networks of prostitution, looking to have their basic rights honored by a state that tends to exclude them from its public policies and stigmatize them for their gendered and/or sexual condition (Lipszic 2005; Torres 2005). Instead of responding positively to these requests, juvenile institutions of asylum enact a de facto policy of dissuasion, delay, and discrimination against these persons, thinly veiled by arguments based on the lack of space, resources, or experience in dealing with sexual diversity. These systemic failures indicate the gravity of the situation; these negative responses are unacceptable as more poor young men and women in Argentina enter this governmental institutional network.

This is the conclusion reached in a recent diagnostic produced by the Program for the Attention and Accompaniment of Girls, Boys, and Adolescent Victims of Sexual Exploitation, Experiencing Prostitution and/or Situations in Conflict with the Penal Code and/or Buenos Aires City's Código Controvencional, together with the Area of Queer Studies of the Faculty of Philosophy and Literature in the University of Buenos Aires (of which I am a member), and the Argentine Association of Transvestites, Transsexuals and Transgender Persons (ATTTA), among others organizations. The document condemns the unjustified obstacles faced by young persons who identify with a non-normative gender, appearance of gender, and/or sexual orientation, to be admitted into group homes. This situation is "especially serious in the case of young trans, who are repeatedly discriminated against due to their gender identity and appearance, and stigmatized as promiscuous, deviant, sick, and as prostitutes" (Area Queer et al.

2007:2). The report also indicates that "these processes are also verified equally in the policy of segregation in terms of identity to which these trans are subjected to, and in the control and/or punishment of particular practices linked to their identity, by considering them signs of disorder or cause for alarm" (Area Queer et al. 2007:1). These practices include, for example, styles or ways of dressing linked to the gender to which they identify, which present obstacles for their access to and stay in these group homes.

The practical operation of this kind of violence and sexual panic can be found, among other practices, in adopting measures like segregating these young persons in separate bedrooms and bathrooms from the rest of the residents, but also employing only men, when most of these trans prefer women employees, as they refer to themselves using feminine expressions or dress in feminine clothing. These practices constitute limits and restrictions that engender discipline within the institution and produce normalized representations with respect to which these young persons frame their historical and material experiences with gender. The implicit argument of the group home is that such segregations permit a "better institutional control" over the potentially "uncontrolled" activities and practices of trans residents. Along the same lines, it is common for transvestites to bunk with pregnant adolescents, or the latter with young gay men. The institution considers this entire population "special" in terms of its gender and/or sexual condition, categorized as "vulnerable" in the case of teenage mothers, or "deviant" and "promiscuous" in the case of gays, lesbians, bisexuals, and trans persons, under the extended argument that those who are most dispossessed are more "prone to" commercialize their bodies, an assumption that blatantly ignores the class-based nature of inequality.

Based on these assumptions, which are never called into question, each group home constructs classifications of compatible and incompatible cohabitation among these groups of young people, based on a prejudicial reading of their morality and sexual and gender identity. To make matters worse, in addition to the lack of recognition of the specific identities of these impoverished young persons, many of these group homes "do not guarantee the physical safety of residents, nor their access to adequate medical treatment with respect to their gender" (Area Queer et al. 2007:3).

Of the multiple dimensions of sexual and gendered violence directed institutionally towards trans and other young persons with non-normative sexual orientations, one of the most effective and naturalized forms of oppression is the psychological violence exercised by institutional agents who demand from them a definitive identification within gender and sexual identity parameters. The practice is so deeply rooted that, for many of the authorities whom I have interviewed, the goal of this identitary fixation constituted an indispensable requirement and a major goal of their work with these groups. In many cases, adults' anxiety over the organization of sexual and gender differences within an established order is the result of prescriptions implicated in a double-standard ideology, as in the repressive power of heteronormativity. In this way, the propensity to include in an abstract or rhetorical way non-normative gender and sexual differences of youth sexuality within a prior hegemonic ordering responds to the typical operation of *double standard*, which uses the principle of human rights and "tolerance towards diversity" in order to maintain intact the ideological, material, discursive, and institutional bases of the order that upholds it. For its part, the search for the symptom that would reduce and explain the "case," "conflict," or "inability to fit in" of the young person, as part of this anxiety

over fixing identity, points to the powerful force of normative sexuality. This indicates that, even when located on the "edges" of the law (as gay, lesbian, male or female prostitute, etc.), all subjects have a localizable and culturally legible place in the eyes of those who consider themselves "unquestionably included" in the dominant norm of cultural and political intelligibility.

What is certain is that for many of the young gay, lesbian, bisexual, and trans persons who enter these group homes after living in the streets, this insistence that they define themselves in terms of sex or gender means receiving constant advice from institutional agents to "come out," or being subjected to the conclusive diagnoses of doctors, psychiatrists, and psychologists, even when this process does not correspond to their desires or current circumstances. The violence implied in these actions hides a worrisome truth: many of those in charge of "recruiting" these young persons from off the streets in order to include them in programs of social assistance and residency at these group homes confuse gender with sexual orientation, and sexual practices with sexual identity. An example of the first case is the interpretation that these institutions produce around the behavior of some young women living in *ranchadas,* that is in groups of fifty to one hundred young people who live together under bridges or as squatters in abandoned houses, with the purpose of protecting one another and sharing food and shelter. Several of these girls dress and behave like men and, in the eyes of the institutional agents, this behavior indicates a "disguise" of their "lack of femininity" in order to hide their lesbianism, rather than a strategic response to the frequent rapes and abuse from which they suffer at the hands of their male peers or other adults.

An example of the confusion between sexual activity and sexual identity is the generalized presupposition of homosexuality with respect to those young men who, living in the street, prostitute themselves as part of their survival strategy. Once again, both of these interpretations respond to naturalized definitions of gender and sexuality that never call into question the existence of two—and only two—forms of organization of sexual practices, which are made to coincide with two identities that are mutually exclusive while operating unequally: man and woman. Judith Butler's critique of this binary conceptualization of the link between gender and sex, which is based on a conception of heterosexuality as a priori unproblematic, is well-known. For Butler, this dominant discursive/epistemic matrix operates as a model that "assumes that for bodies to cohere and make sense there must be a stable sex expressed through a stable gender (masculine expresses male, feminine expresses female) that is oppositionally and hierarchically defined through the compulsory practice of heterosexuality" (1990:151). As she has also pointed out, a more flexible conception of gender consists in thinking of it, in contrast, as "a complexity whose totality is permanently deferred, never fully what it is at any given juncture in time" (1999:16).

Gender, Age, and Poverty: Sexual Panic and Violence Directed towards Girls

Statistics, both at the national level and within the City of Buenos Aires, show that, due to poverty, women make up the greatest number of young people institutionalized in this type of group home, allowing us to note the existence of "distinct thresholds of tolerance towards certain conducts or, likewise, different definitions of 'deviant' according to gender" (UNICEF 2000). Urban poor young women represent the majority of the juvenile population institutionalized for

reasons of social assistance in group homes in the City of Buenos Aires. Nearly all enter into these institutions because they have been abandoned by their families, beaten, abused, and/or find themselves in the street. The majority come from shanty towns and the poorest and most densely populated parts of the city and greater metropolitan area. They represent the "other half" of the statistics on juvenile crime for, in contrast to their male counterparts (who lead the ranking of offenders), and in spite of the low index of police reports, these young women are the principal victims of sexual crimes and gendered violence among minors (Consejo 2007). In consideration of the conditions mentioned before, the situation of gender performances, such as in ranchadas, that are interpreted as fixed identities are, in fact, strategic responses to rape or abuse.

These vulnerable conditions are not necessarily alleviated when young women move into state-sponsored group homes. There, many of them suffer the clearly violent effects of being, on the one hand, made invisible in terms of their gender specificity, by being subsumed in the dominant and masculine representation of "troubled youth"; and, on the other hand, "spotlighted" in restrictive ways because of their sexuality, constructed a priori as "disturbing," "unrestrained," or "provocative." In institutional discourses, for example, warnings circulate about the "dangers" implicated in the "precocious eroticization" of poor girls, or the display of "exacerbated sexuality" in young women who have lived on the streets. These prejudices are especially directed at poor young women who "get pregnant," not only tacitly calling into question their skills as mothers, but also their morality, socially punishing the "imprudence" of bringing children into the world without the support of a father/provider (McRobbie 1991).

In the field of concrete institutional practices, these processes of invisibilization and demonization form part of operations that, on the one hand, make poverty a criminal condition and, on the other hand, displace gender and convert it into a label of biologized sexuality. Through these associations, a type of "concern" and simultaneous "fear," which we define as sexual panic, is institutionally legitimized. This sexual panic is registered both in the discourse of institutional agents and in specific practices and norms. Among these, we can include the universal prohibition to maintain sexual relations within the group homes. This is a controversial issue among authorities and technical personnel in these spaces, because it is based on a contradictory policy. On the one hand, these institutions promote the sharing of information about sexual and reproductive health, even receiving boxes of condoms to be distributed among the residents. On the other hand, however, all sexual contact within the institutions is severely sanctioned, and young persons are punished morally by being constantly suspected of eventual promiscuity. "If we let them have sex, this place is going to seem like a *telo*" (motel for sexual encounters), the director of one of the group homes I researched stated in an interview.

SOME REFLECTIONS

The situations and practices reviewed in this paper refer to different forms of sexual and institutional violence in group homes that house poor young people in the City of Buenos Aires. They are not, however, extraordinary situations or limited to these kind of spaces. In Argentina, as in many other liberal democracies, policies geared towards impoverished young persons are based upon a concept of *minor* that refers to the circumstances of legal tutelage prior to obtaining full citizenship rights. In this sense, it implicates the overwhelmingly legal character of the

definition of young people, through which the state (and its agents) try to legitimate their control through precise interventions. These practices have the ideological effect of ensuring that certain subjectivities only exist in the public arena as a "problem," "threat," or "danger". From this perspective, the diversity of juvenile subjectivities is reduced to the application of a standard of differentiating attributes that crystallize subjects in certain positions, practices, and features. In this way, the ideological mechanisms that enable control are woven into the fabric of laws, social programs, etc. While we can point to more and less systematic efforts to articulate a special form of justice for juvenile "delinquents" in terms of other dimensions involved in the production of transgressive practices (the structure of the labor market or the situation of the education system), the relationship between material inequality and cultural differences still needs to be problematized.

In the same way, and as I noted at the beginning of this article, situations of sexual and institutional violence within the institutions in charge of protecting these young women and trans cannot lay the blame, in reductionist fashion, on the individual responsibility of institutional workers. Rather, these forms of violence are part of a group of regulatory strategies inscribed in the larger field of the politics of normalizing desire, bodies, and gender and sexual identities, located in numerous institutions and hegemonic discourse. This reveals the cross-cutting repressive character of the state, for each time it delineates an imprecise regulatory field for the concrete practices of its institutions, it confirms the "problematic" or "unclassifiable" conditions of certain groups.

In the group homes that I studied, the "disturbing" sexual and gender condition of these young women and trans persons is not so much a problem of social control over these differences, but rather the fear that these will remain outside of their control. In this sense, and beyond what is seen from the perspective of the normative framework of various laws in effect, the repetition of situations of sexual and institutional violence in these types of institutions reveals the two sides of the same ideological fabric. On the one hand, it shows the persistence of a more or less active stratum of reactionary ideology with respect to "unexpected" practices, non-hegemonic sexualities, or young bodies that "disobey" the "desirable" or "expected" ideal of youth. On the other hand, it shows how these institutions locate their work in a fixed representation of these poor girls, boys, and trans—defined as vulnerable subjects, in the streets, or prostitutes—even as it keeps the representation of its own practices of control and violence open. We are no longer dealing, then, with a lack of institutional reflection on the dynamic of gender and sexuality among young people within these kinds of spaces, but rather a specific regulation of these differences that, in the naturalizing frame of patriarchy and sexism, moralizes sexuality as a parameter in order to uphold social inequalities and settle various situations that escape normativity.

In light of this situation, I would like to encourage us to imagine critical alternative readings that work against the grain of the illusion of identitary transparency that persists in numerous institutional spaces and is expressed in different forms of sexual and gendered violence, as well as in strategies of the subalternizing inclusion of poor youth. In this respect, I believe that feminist, queer, and social research more generally confronts today one of its most urgent challenges: that of being able to transcend the display of these experiences as mere "confirmation" of violence, discrimination, or exclusion towards women and collectives of

sexual diversity in contemporary societies. It is essential to move forward in an authentic political engagement that includes the concrete activation of social research's critical capacity in order to affect debates and proposals that would allow these young people to live and experience their identities with basic rights and living conditions.

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NOTES

[1] I use the term "trans" to designate broadly transvestite, transsexual, and transgendered identities. In Argentina, the more common term *travesti* also includes political collectives and forms of organization. In addition, members of the trans community in Buenos Aires, especially those who are politically organized, identify themselves using feminine grammatical designations ("nosotras," "las," etc.) that have no precise equivalents in English.

[2] GLTTBI: gay, lesbian, transvestite, transsexual, transgender, bisexual, and intersex.

[3] By patriarchy I refer to the power of the father, sustained through the distribution of social roles in marriage and society through the inequality of gender, with economic roots that naturalize specific forms of exploitation and oppression (Rowbotham 1984 [1979]). For its part, sexism implies the segregation and legitimization of violence against women and, as a consequence, against any group that does not respond to biological patterns of sexual differentiation. It acts ideologically by automating supremacy on both the institutional and economic levels, and also operates as a threshold of non-reflexive subjectivization when it comes to resolving situations that include the critical condition of sexual differentiation. It is in this sense that the feminist movement demands a reflection on the ideological functioning of sexism in a wider sense (from language and daily life to extreme forms such as hate crimes) and, in a specific way, in the institutions that I treat in this article.

[4] Law 10.903, or the *Ley de Patronato*, based on what is known as the "doctrine of irregular situation", has been in force in Argentina since 1919. This doctrine considers children and young people in "moral or material risk" as "minors," subjects who lack rights and who are therefore in need of tutelage by the state. This consists of putting the young person under the absolute power of the judge, who takes the measures he or she deems advisable for an undetermined period of time. The most common decision is to place these young people in institutions of confinement. The term *patronato* derives from *patrón:* someone with the power or authority to make decisions regarding the life or fate of others.

[5] Until the 1930s, prostitution in Argentina was considered a crime only in those cases when the woman who practiced it was not registered in the *Dispensario de Salubridad* (official health clinic). In 1937, police control of prostitution entered into effect throughout the country, and only sexual exploitation of a third party was declared in violation of the Civil Code (Guy 1993).

[6] Established by presidential decree 1606/90, under the jurisdiction of the Ministry of Health and Social Action (*Ministerio de Salud y Acción Social*), the Council of Families and Minors (*Consejo Nacional del Menor y la Familia*)—renamed the Federal Council on Childhood, Adolescence and the Family (*Consejo Federal de Niñez, Adolescencia y Familia*)—was conceived as the executive agency of custodial measures applied by the judicial power of the nation. Its function was to put in place the institutionalization of minors considered the objects of guardianship and, until its repeal in 2005, functioned in such a way that it upheld and was upheld by the Patronato system (see also note 4).

[7] Beginning with the passing of Law 26.061/2005 and its regulating decrees, a new phase has recently begun in group homes' decentralization and a shift from the realm of the Consejo Federal de Niñez, Adolescencia y Familia to the different administrative agencies created for the treatment of childhood and adolescence in each jurisdiction in the country. In the case of the City of Buenos Aires, the homes are dependent now on the Council of Girls, Boys and Adolescents' Rights of the Government of the City of Buenos Aires (*Consejo de los Derechos de Niños, Niñas y Adolescentes, Gobierno de la Ciudad de Buenos Aires*).

[8] Since the legislative reforms in recent years in Argentina, the state agencies charged with caring for children and young people are obligated to frame their politics around a population that is no longer defined as "incapable" and "the object of guardianship and protection," and to consider them "right-bearing subjects" who, as they are currently in a state of growth—or because they suffer from mental health disturbances—deserve greater support from the state.

[9] All of these treaties remained in effect as they had been in the international sphere and were not modified when incorporated into the National Constitution. They are: American Declaration on the Rights and Duties of Man; Universal Declaration of Human Rights; American Convention on Human Rights; International Covenant on Economic, Social and Cultural Rights; International Covenant on Civil and Political Rights (and their Optional Protocol); Convention on the Prevention and Punishment of the Crime of Genocide; International Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Elimination of All Forms of Discrimination against Women; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and Convention on the Rights of the Child.

[10] See note 4.

[11] These are jurisdictional norms that sanction minor infringements of the law—among them, those linked to the use of public space, as in the activity of street vendors, street prostitution, public protests, the gathering of young people on corners and town squares, etc.—which, in practice, function as "parallel legal systems" with respect to the Penal Code (CORREPI 1994). From a political-institutional perspective they are also unconstitutional because they give police the power to act directly on people without the mediation of the judicial system, and they apply this power over groups and subjects stigmatized as marginal, thereby transforming them from excluded to dangerous (Salomón 2005).

[12] In Argentina and throughout Latin America more generally, the legal system is based on Roman and continental European law, which considers the law as the principal source of rights, above judicial jurisprudence based on verdicts. In this sense, the National Constitution has priority over any other national or state norm.

[13] The expression *portacion de cara* alludes to the discriminatory profiling of groups, used mainly by law enforcement officers and government agencies, that singles out certain persons or groups as "criminals," "drug addicts," or "gay male prostitutes" on the basis of their look or facial features. This is a stigmatizing practice similar to racial profiling and widely denounced by organizations advocating against criminalization that links crime, profiling, and discrimination.

[14] The term *gatillo fácil* (translation of the notion of "trigger happy" in English) has been frequently employed since 1990 in relation to distinct repressive practices by the police, armed forces, or prison system against different groups and social sectors. For example, the term refers to deaths caused by the police's irresponsible use of weapons; shootings during social protests or in poor neighborhoods, disguised as confrontations between civilians and the forces of law; torture and other illegal acts that take place in police stations and jails.

[15] Poor youth are frequently undocumented. Some of them have never been recognized by their parents, some of them lost touch with the guardian or person responsible for them, and many others have not had a chance to renew their lost identification card.

[16] At the time of this writing, the City of Buenos Aires is debating a law that would, for the first time in its history, propose the establishing of a regulatory framework for those institutions that provide shelter and lodging for young people through a model of cohabitation. The initiative includes the specification of the characteristics this type of institution should contain and the juridical framework that would uphold them, as well as the regulation of its objectives, functions, and forms of intervention of technical and support staff.

[17] In particular, the organizations grouped under the inter-institutional network, *No a la Trata* ("No to Trafficking"), which emerged in 2003, are currently the driving force behind the national campaign, *Ni una mujer más víctima de las redes de prostitución* ("Not one more woman as victim of prostitution rings").

[18] In particular, the organizations grouped under the inter-institutional network, *No a la Trata* ("No to Trafficking"), which emerged in 2003, are currently the driving force behind the national campaign, *Ni una mujer más víctima de las redes de prostitución* ("Not one more woman as victim of prostitution rings").

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