

## Dealing with the Margins of Law: Adult Sex Workers' Resistance in Everyday Life \*

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### Abstract

This article looks at the way sex workers in Córdoba, Argentina, have dealt with legal marginalization, focusing on their understandings and associated practices of resistance. Sex workers position in law shows the group is on the margins of law, which means that their activity is not considered to be legal but is not illegal either.

Since 2000 a group of sex workers started to organize to stop the constant detentions and humiliations by police officers. The organization called AMMAR (Asociación de Mujeres Meretrices Argentinas) implied a major shift from an oppression of consciousness to a consciousness of oppression, modifying in this process the terms of their resistance from mere tactics of survival to a struggle for redefinition of their position in law and society.

This article firstly explores the idea of margins of law, consciousness, power and resistance, and also describes the regulation of sex work in the city of Córdoba; secondly, it refers to sex workers experiences, perceptions and practices of resistance before the organization in relation to the police, the Judiciary, as well as with other institutions, and relates this experiences with their practices of resistance in that period; thirdly, it explains the process of organization and the way it has influenced their reflective awareness and practices of resistance, it describes as well the heterogeneity of understandings regarding law. Lastly, the *Conclusion* revisits the outcomes and literature to propose final reflections about dealing with the margins of law in everyday life.

### Key words

Sex work; Resistance; Legal marginalization; Consciousness

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“We are claiming for rights, we are claiming for legality, we are claiming to leave secrecy and have the same rights and duties as every other worker” (Eugenia Aravena-Secretaria General de AMMAR-CTA, Córdoba)

In 2000 a small group of sex workers started to organize themselves in Córdoba, Argentina, to stop the constant detentions and humiliations by police officers. Throughout these 10 years they have constituted what is now AMMAR (Asociación de Mujeres Meretrices Argentinas) in Córdoba. In this city with more than 1.300.000 inhabitants, there are around 2.000 sex workers -according to subjective estimation<sup>1</sup>-, and 427 of them are affiliated to AMMAR.<sup>2</sup>

A closer look to legal regulations and practices of legal institutions towards sex work in the city reveals that sex workers are on the margins of law. The concept of margins of law is developed in this article to designate the socio-legal position of an activity which is not considered to be illegal but is not legal either; this position is revealed by the interaction of regulations and institutional practices that claim legitimacy and are performed as valid. Therefore, this concept challenges the myth of closure that settles the binary legality/illegality.

This research looks at the way sex workers have dealt with legal marginalization, focusing on their understandings and associated practices of resistance. In this sense, the idea of consciousness -as meanings and understandings in a particular cultural schema- is transversal in the analysis. For this group of sex workers the organization implied a major shift from an oppression of consciousness to a consciousness of oppression, modifying in this process the terms of their resistance from mere tactics of survival to a struggle for redefinition of their position in law and society.

The research is based on qualitative methodology, and draws upon constructivist epistemology. The data was gathered through 18 in-depth interviews in which 20 adult and organized sex workers participated. The interviews were complemented with participant observation and secondary sources such as newspapers and videos. The analysis was made using Grounded Theory, and the outcomes stick to local causality (Huberman y Miles 1988).<sup>3</sup>

This article is divided in sections. The first section -*On the margins of law*- sets the “theoretical ground” from which the analysis will draw upon exploring the idea of margins of law, consciousness, power and resistance, and also describing the regulation of sex work in the city of Córdoba. The second section -*Oppression of consciousness*- refers to sex workers experiences, perceptions and practices of resistance before the organization in relation to the police, the Judiciary, as well as with other institutions, it also looks at the practices of resistance in that period. The third section -*Consciousness of oppression*- explains the process by which sex workers have organized themselves and how this organization influenced their reflective awareness and practices of resistance, it describes as well the heterogeneity of understandings regarding law. Lastly, the *Conclusion* revisits the outcomes and literature to propose final reflections about dealing with the margins of law in everyday life.

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<sup>1</sup> Since there are no official records of sex workers, the number is based on estimations made by AMMAR.

<sup>2</sup> This number is according to the records of affiliation AMMAR-Córdoba, updated on the 9<sup>th</sup> of September 2010.

<sup>3</sup> For a detailed explanation of epistemological, methodological and ethical considerations see Annex I.

## Chapter I. On the Margins of Law

### A- Margins of law and resistance

Law is not isolated. Law is not black or white. Myths of neutrality, universality and objectivity are based on and are the bases for law's mythical isolation from politics, economics, culture, gender, and so on. This statement has long been developed, in particular by the emphasis of socio-legal studies to de-naturalize the given set of legal logics. Once we see law as permeated by and in relation with social complexity, then a complexity within law arise. To look at the margins of law means to explore that complexity and therefore to de-naturalize the myth of "closure" sedimented in legal (dogmatic) thinking. This myth gives the illusion that everything is legal or illegal, there is nothing in between, no grey areas are supposed to emerge. This pretended holism is declared by a "closure" norm or rule or is made explicit in constitutional texts with phrases such as 'what is not forbidden is allowed'.

However, a closer look to legal and social complexities in a particular context shows a rather concentric image of law, where there is a core of legality and of illegality, but also a grey area in between. Certain activities, orientations or conditions are on the margins of law, they are not legal neither illegal. The idea of *legal marginalisation* is an analytical concept that looks at this particular facet of socio-legal relations, and was built up from the analysis of data gathered in the particular context under study.

This concept of legal marginalization is analytically distinguished from -at least- two situations: 1) when actors operate in the grey areas of law; 2) when the group under study is socially marginalized; even when these situations may coexist in reality.

On the one hand, being legally marginalized is not the same as operating in the grey areas of law by taking advantage of texts' vagueness. Both powerful and disadvantaged actors might operate in the grey areas of law taking advantage of indeterminacy. In this case it is actors themselves interpreting law in a particular way on their own behalf. On the contrary, legal marginalization means to be in a position when the activity, condition or orientation itself is not considered to be legal or illegal by texts and legal institution's practices. Being legally marginalized does not depend on the group's will; nevertheless, the group can decide to manipulate legal indeterminacy to re-define their position in law. Hence, even if legally marginalized groups do not use the grey areas of law as a *strategy*, their *position* in law may still be nor legal neither illegal.

On the other hand, the idea of legal marginalisation is analytically different from social marginalisation. Social marginalization is due to prejudices and stereotypes naturalized by a hegemonic point of view over the inferiority of a group. Legal marginalization is due to the vagueness of text and practices of legal institutions that do not consider legal or illegal the activity, orientation, or condition of a group.

Certain groups are at the core of legal protection while their social marginalization is still persistent, i.e.: homosexuals in Argentina. Moreover, a socially marginalized group can be directly illegal, i.e.: illegal immigrants. In addition, a legally marginalized group may not be socially marginalized, i.e.: environmentalist protesters who cut the road that links Uruguay-Argentina for more than a year. These examples and situations are highly contextual, and most probably a legally marginalized group will also be socially or/and economically marginalized.

It's highly relevant to reveal in the data if the group is also socially marginalized because, as stated before, law is not isolated and plays in juncture with power, gender, social, economical issues. Therefore, the social marginalisation of the group will most probably influence legal institutions' social spheres. Hence, there might be

a clash between different levels of social constructions: the social construction of law and the social construction of the group itself, both playing in juncture.

Notwithstanding that legal marginalization is highly contextual, groups that are or have been in this situation in certain countries or historical moments are for example sex workers, refugees, immigrants, ex prisoners, some religious groups, homosexuals, transsexuals, transgender, some political activists, beggars. These groups tend to be relatively stable and have to deal with this marginalization in their everyday life. In this sense, these legally marginalized groups may develop a particular interaction with and understandings of law that may challenge, contest, or accept that position.

Dealing with the margins of law may imply a variety of resistance strategies, some of which may even be within the legal discourse. This legal position gives certain flexibility when it comes to negotiate the terms of that marginality in everyday life<sup>4</sup>. Thus, legally marginalized groups may experience in their everyday life a juncture of both power and resistance to and through law.

Resistance is not understood here as opposed to power, but rather as operating in conjunction with it (Scott 2001, p. 25) (Mezey 1998, p. 147). As Scott explains "[t]he exercise of power and the possibility of resistance to it establish a dialectic of control and autonomy, a balance of power that limits the actions of the participants in their interplay with each other" (2001, p. 3).

The conceptualization of both power and resistance is a complex task; therefore, the notion of these two concepts that crosses the analysis below doesn't try to be incontestable or holistic.

*Power*<sup>5</sup> in this analysis will be understood as the possibility<sup>6</sup> to make a difference, which is spread and diffused throughout society being heterogeneous, unstable and contestable<sup>7</sup>. It operates in different levels conditioning its disposition to social actors according to structural constraints<sup>8</sup>. There is a hierarchy of power, different levels of power that makes it possible to differentiate oppression as based on the deliberate abuse or unwitting misuse of power (Thompson 2007, p. 10). Oppression operates constraining in visible and violent ways.

The notion of *resistance* emphasizes the role of consciousness in both practices and discourses. It is understood in this analysis as the "alternative account of social events"<sup>9</sup>, a "counter-hegemonic"<sup>10</sup> worldview that runs together with power, being also diffuse, heterogeneous, unstable.<sup>11</sup>

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<sup>4</sup> For example, the homosexual movement in Argentina has used current rules (equality close) to challenge other current rules (prohibition to get married).

<sup>5</sup> For a debate on the concept of power see Scott (2001), Hindess (1996), Cheater (1999) Thompson (2007) Egan and Chorbajian (2005), among others. Moreover, after a wide revision of different perspectives of power, Lukes states that "[i]t is more likely that the very search for such a definition is a mistake" (1986:4).

<sup>6</sup> Lukes states that "to have power is to be able to make a difference to the world" (1986:5). Nevertheless, in this analysis power will be considered as the possibility to make a difference since the idea of ability implies personal skills that can be used as will. Power as a possibility denotes that there are also external constraints at that influence the opportunities to exercise power.

<sup>7</sup> Authors such as Lukes, Giddens, and Foucault do not see power as confined to sovereign organisations, but rather as diffused throughout society (Scott, 2001:9) and as circulating among everyday practices. In this perspective, as Hindess states, power is manifested in the instruments, techniques and procedures that may be brought to bear on the actions of others, a ubiquitous feature of human interaction, remarkably heterogeneous, where some will be concentrated and hierarchically organized while others will be socially dispersed (1996:100).

<sup>8</sup> Thus, this notion doesn't imply that everyone has the same amount power or that to have power is just a matter of will. Power also depends on the place of the agent in the structure; power "may also involve the existence of enduring structured constraints over actions" (Scott, 2001:9).

<sup>9</sup> Scott (2001) uses the concept of hidden transcripts to talk about this alternative account of social events. Under his perspective the oppressed expresses through resistance a dissident worldview (Karatzogianni and Robinson, 2010: 134-135). This idea has been criticized for being quite simplistic, since it does not explore the interactions between class and non-class forces (Mittleman and Chin,

Nevertheless, resistance is not considered monolithic and not everything is considered to be resistance. Mittleman and Chin state that “[t]oo often, this term is used promiscuously, sometimes as a synonym for challenges, protests, intransigence, or even evasions” (2005, p. 17). This, so to speak, *fetishism* of resistance may imply a monolithic view over resistance where divisions within agents of that resistance as well as degrees and forms of resistance are blurred; as a result the conflict is set as a binary antagonism between those in power and those resisting to that power. On the contrary, in this research the different degrees and forms of resistance are not blurred but rather emphasized and linked to the role of consciousness.

In this sense, the margins of law are a particular space or setting where to see power and resistance play out. Law can be both resource and limitation, both a “domination” and “resistance” force (Sarat 1990) (McCann and March 2001) (Merry 1986) and the margins of law give a particular room for manoeuvre where law, rights and human rights become narratives, understandings (and therefore practices) for both power and resistance.

### *B- Oppression of consciousness and consciousness of oppression*

As stated before, this analysis emphasize on the role of consciousness in the reproduction or contestation of current social relations. Consciousness is not understood here as a mere product of mindless determination. Comaroff states that “reflective awareness is also never wholly free from structural constraint; for there is a reciprocal relationship between consciousness and context” (1985, p. 79). Thus, consciousness is understood here as a dynamic process “through which human actors shape their self-awareness by invoking (and resisting) ideologies and by drawing upon systems of cultural meaning in their daily experiences and struggles” (Engel 1998, p. 117). Therefore, meanings and understandings are not different but rather associated with social practices. Social actors construct, sustain, reproduce, or amend circulating (contested or hegemonic) structures of meanings (Silbey 2005, p. 334).

Resistance to oppressive situations is linked to the system of meanings that the actors who intervene might develop. Thus, it is possible to capture in different moments the relation between context and consciousness to explain the relation between consciousness and practice. The expression “oppression of consciousness” and “consciousness of oppression” shows the movement from one context-consciousness-practice relation to the other. This shift has been built in the case under study through a constant feedback between awareness and experiences. This dynamic process has encountered structural limits, but it has also have the potential to structure new social forms.

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2005:22-23). Karatzogianni and Robinson also state that one may be “dealing more often than Scott allows with (...) divisions within the agency of the oppressed and not simply with social antagonisms” (2010: 136).

<sup>10</sup> This dissident worldview also has an important place in Gramsci's account of resistance as counter-hegemony. This author emphasizes the crucial role of consciousness as the starting-point of critical elaboration. “For Gramsci, hegemony is as much economic as it is “ethico-political” in shaping relations of domination and subordination (...) Common sense that is held and practiced in everyday life is neither linear nor unitary; it is the product of an individual's relationship to and position in a variety of social groups ” (Mittleman and Chin, 2005:18-19).

<sup>11</sup> Foucault's idea of resistance runs together with his idea of power, as also multiple, situated, mobile and transitory. On his perspective, the division between domination and resistance, rulers and ruled, is unclear and ambiguous and therefore his notion of power has implications on the conceptualization of resistance (Amoore, 2005: 15). Sousa Santos (2002) stands that Foucault goes too far in stressing power dispersion because it doesn't leave room for emancipation, in Foucault account “[e]mpowering people is always a way of intensifying their participation in the mechanisms of subjectivity/subjectation that subjugate them” (2002: 356-357). Foucault uses the term “esquiver” to describe the tactics of resistance which “are a sort of anti-discipline, which, like the disciplinary power they oppose, are dispersed and invisibly distributed throughout everyday life” (Ewick and Silbey, 1992:748).

### *C- Legal marginalization of sex workers*

Sex workers in Córdoba are on the margins of law. As developed before, this means that their activity is not considered to be illegal but is not legal either, and they would not/could not stop doing it.

According to the Argentinean system, the federal level is exclusively in charge of regulating crime, and therefore of the penal code. However, each Province has the authority to regulate what are called "minor offences" through an infringement code which is only valid on the territory of that Province.

"Prostitution"<sup>12</sup>, is not a crime in Argentina. The criminal actions are sexual corruption, promotion, facilitation or exploitation of prostitution, and human trafficking for prostitution. All these actions are considered a crime when the victims are children or at any age if they are done with coercion or intimidation (art 125 to 127 ter of the Argentinean Criminal Code). Therefore, voluntary interchange of money for sex is not a crime.

However, the Infringement Codes of most Provinces have some rule that makes explicit mention to prostitution<sup>13</sup>. The Infringement Code of Córdoba, Argentina (ICCA, from now on) sanctions in its article 45 "scandalous or disturbing prostitution".

Art 45: those who engage in prostitution making public offer or incitation disturbing people or causing scandal shall be punished with detention of up to twenty (20) days. This case also involves those offers made from inside a building but in view of the public or neighbours. In all cases the medical examination and detection of venereal STDs shall be compulsory and, where appropriate also curative treatment.  
-Law nº 9444 (2007) Infringement Code of Córdoba<sup>14</sup>-

This normative vagueness is per se problematic when referring to sex workers position in law. It may seem that prostitution is not what is being penalized but the scandal or disturbing offering. Nonetheless, there is another rule that punishes public scandals (art 52). This regulation opens a wide space of discretion to officials (in particular the police) to decide what is and what is not included in the normative.

This norm operates in the context of the obscure proceedings of the ICCA, which has been highly criticized for its unconstitutionality. In the proceeding the Police carry out both the preliminary proceeding and the judgment<sup>15</sup> of the alleged offender in cases when the sanction could be up to 20 days arrest (art 114 sub. 1). Furthermore, once the Police made the sentence for the case the eventual intervention of a judge must be required by the alleged offender within 48hs from the condemnatory sentence<sup>16</sup>. Moreover, the whole process can be carried without legal assistance<sup>17</sup> (art 15).

Thus, officials have a wide space of discretion derived from the vagueness of the infringement and the obscurity of the proceeding, which then will be fulfilled by the officials' social spheres, which is the sphere "in which meanings and

<sup>12</sup> I use the word "prostitution" since it is the word used within the legal system in Argentina to refer to sexual work.

<sup>13</sup> Two Provinces in Argentina abolished this normative, Entre Rios in 2003 and Santa Fe in 2010. Both abolitions were the outcome of specific struggles held by sexual workers.

<sup>14</sup> Last reform made on 2007.

<sup>15</sup> Etchichury (2007) points out the Police cannot be considered independent or impartial as the principle of due process stands for judgments. The author emphasizes that the Police are part of a highly hierarchical institution where due obedience is the rule (no independency), and the police themselves make the preliminary proceeding (no impartiality).

<sup>16</sup> This unreasonable deadline is shorter than any other administrative proceeding (Guiñazú, 2010).

<sup>17</sup> Guiñazú explains that in the everyday practice "lawyers hardly ever participate in this proceeding since the alleged offenders do not know about this possibility, or they do not have the possibility to call one, or even if they ask for one, the police do not proportionate one" (2010:10 own translation).

understandings, conventions and values, practices and procedures about the nature and purpose of the activity, are settled and powerful" (Galligan 2007, p. 105).<sup>18</sup>

The vagueness of certain norms is clearly a space where the meanings and understandings of official's social sphere operate more effectively and influence further practice; that vagueness gives a minimal guidance and that degree of liberty is discretion (Galligan 2007, p. 317)<sup>19</sup>. Sexual workers position in law situates them in place of dependency on the discretion of officials. Consequently, the myth of closure that sets every action as legal or illegal, without margins or grey areas is blurred. The text vagueness allows practice to be what finally define the borders of that legality.

Their position on the margins of law is also determined by the silences of law. Apart from this norm there are no other regulations that would consider or refer to voluntary sex workers. This group has been historically left aside of public policies, and legal regulation in other areas of law that would not be related to their control.

Thus, voluntary sex workers have historically been and still are on the margins of law. Their activity is not illegal, is not criminalized by the penal code, and may even not be an infringement (depending on official's discretion). But it is not legal either; and still has no regulations that may consider their civil, labour and social rights. Next chapter will focus on the way sex workers relations to legal institutions has been also shaping their position in law as well as their consciousness.

## Chapter II. Oppression of Consciousness

As stated before, the relation with legal institutions will define in practice the degree of legal marginalization sex workers will experience; therefore if the group is over-policed, distrusted or systematically ignored by legal institutions the concrete legal protection might be erased and the criminalization in practice may increase. Those practices influence meanings and self-perceptions, and vice versa. As Silbey states, "[i]n institutions cultural meaning, social inequality, and legal consciousness are forged. In institutions law both promises and fails to live up to its promises" (2005, p. 360).

The oppression was also sustained and reproduced not just by legal actors but also in juncture with other social institutions; sex workers incorporated the stigma and that made them naturalize the oppression. The interviews and secondary data revealed systematic experiences of humiliation, violence and denigration, and the way their understandings were shaped in relation to that. Even though the practices of oppression continued after they have been organized, their consciousness changed and therefore also did their resistance.

### A- The Police

Police in Argentina is characterized by official's tense relation with citizens<sup>20</sup>, therefore it is not suggested in this analysis that experiences of oppression have been exclusive of sex workers, nor that these conditions have changed.

Sex workers' interaction with the Police is persistent and dynamic, and influences their trust, actions and perceptions in various ways. Different interactions sustained for a period of time revealed two models of control upon sex workers.

<sup>18</sup> A social sphere is an "area of activity in which the participants share understandings and conventions about the activity, and which influence and guide the way they engage in it" (Galligan, 2007:104).

<sup>19</sup> Other examples of vague norms in ICCA are: "public scandals" (art 52), "scandalous drunkenness" (art 62), "prowl" (art 98), "tumultuous public meetings" (art 99), among others. As Etchichury (2007) states these norms violate not just the legality principle but also the presumption of innocence.

<sup>20</sup> Conser argues that "[t]he traditional and current police-citizen relationship is often characterized by mutual suspicion, hostility, resentment, distrust, and fear" (1980:51). The situation in Argentina is not an exception on this matter. In Argentina, there is no systematic official data record of police abuse or violence. Some data are collected by NGO's; however those outcomes are contested by the Police and political institutions when they become part of a formal claim (Martinez and Elibaum, 1999:6).



On the one hand, a *positivist model* was carried to control sex workers as threats of epidemics. Compulsory medical examination was perceived as a social need and - still is- part of the sanction in the legal text. Conversely, the implementation and the institutional practice combined this idea of preventive health care with a strong social control over the visibility of sex workers. They were detained whether or not they did scandal or inconvenience, whether or not their health card<sup>21</sup> had expired. Once detained, they were fined and detained for the day, or they were tested. ITS' test were done on the hospital or in jail. Some of them were released after having compulsory penicillin shot, and some were sanctioned and had to stay anyways.<sup>22</sup> After a fashion, medical controls were abandoned in practice, apparently because doctors were tired of making exams to sex workers whose cards had not expired.

On the other hand, a model of *control over visibility* was left after medical examination was abandoned in practice. By that time detentions increased and their time in jail clearly exceeded the time on liberty. Detentions were constant beyond the scandal or the nuisance. Thus, it was neither the scandal nor the medical treatment what justified the detentions. Additionally, the over-policing differed in the different solicitation spaces, downtown has always been and still is the space of over-policing per excellence.

#### Forms of oppression

The data collected reveal that their situation was characterized by abuse, violence and humiliation, as well as offers of "arrangements" for money or sex to police officers in exchange of their freedom. They experienced constant detentions, obscure ICCA proceedings, denigrating conditions of detention, corruption. These forms of oppression influenced their perceptions, fears and consequently future relations with the police.

The *frequency of detentions* was extremely high, in certain periods more than others. The reference in the interviews to "before" makes it hard to determine exactly the years when the over-policing was higher, and it can even be a research in its own to look for the causes of those changes. However, for the sake of this research it is important enough to point out the extreme frequency of the detentions, since it was one of the main situations that drove them to organize.<sup>23</sup>

"I was off to work and they detain me; as soon as I was leaving the precinct they took me back in" (Alejandra, 12, PM, 18/06/10)<sup>24</sup>

"they released me from jail at noon, I went to work, and by 3 in the afternoon I was already in the police station (...) it was hard for everyone to be in jail so much time, because you were in longer than you were at home" (Claudia, 06, AM, 28/05/10)

Their narratives show that *conditions* inside jail were inhuman, with situations of abuse, violence, and denial of basic rights such as phone calls, considerations for breastfeeding babies, or pregnant women, and even police officers stealing their personal belongings inside the jail. It is not suggested here that those conditions have disappeared or that were or are exclusive of sex workers. Inhuman conditions inside jails are still one of the major human rights' violations in Argentina<sup>25</sup>.

<sup>21</sup> After the first medical examination sex workers received a health card that they must show when the police detained them.

<sup>22</sup> Interview fragments related to this topic: see Annex II, fragments 1 to 6.

<sup>23</sup> See Annex II, fragments 7 to 14.

<sup>24</sup> The interview references in order of appearance are: name of the interviewee (real or changed depending on her choice), number of the interview, active or passive member of the organization (AM/PM), date when it was made. For further explanation see annex I.

<sup>25</sup> The last United Nation's report on Human Rights in Argentina shows a particular concern about: violent actions of the police, legal frameworks that allow the police to detain people (including children) without judicial warrant or control, and the profuse information about torture and cruelty at the police stations; and a bigger concern states for the impunity on which these actions are held (Comité de Derechos Humanos, 2010).

Interviewees witnessed violence against other inmates, and that also influenced their fears.<sup>26</sup>

"they used to humiliate you (...) they used to tell you 'hey, show the ID fucking nigger' (...) as they drove you on the patrol car they turn around shouting 'shut up fucking nigger!' and spit you on the face. They are the worst!" (Laura, 09, PM, 14/06/10)

"cops began hitting those boys they had detained right in front of us (...) you can't imagine the way they were hitting them, such a way that he almost makes him, the one detained, land on top of the other girl" (Gladis, 01, AM, 21/05/10)

A way to avoid detentions was through *corruption*. Their experiences showed them that the consequences of not 'paying' the bribe could be even worse than the detention conditions; according to their accounts children were taken away while the mothers were detained after not paying the bribe, and even a sex worker was killed after saying no to sexual "agreements".

"they requested 'agreements' to us, they asked for money too, the cops (...) they always arranged 'agreements', it meant to work just for them." (Estela, 03, PM, 27/05/10)

"my friend was working when the cop offered to trade her freedom for sex. When she said no she was detained. The pig asked her 'so who are your children with right now babe?' she said 'they're alone because I was going to work a couple of hours and headed back to my place'. So the flatfoot made a call to the courts on the spot. And they took her children away." (Julia, 17, AM, 18/06/10)

As explained previously, the infringements' *proceeding* is obscure in the text itself; notwithstanding, the officials' practices make it even more obscure. This obscurity represented for sex workers a gap of uncertainty about how to behave, what to expect, or even how to defend themselves. The only certainty seemed to be that the detention is inevitable no matter what, and the proceeding is built at the official's will. The main perception is that there was not much they could do about it.<sup>27</sup>

"once I was just standing by the door when two men came in, they headed for the kitchen and I told them they couldn't go in there; one of them turned, pulled out a gun and said 'shut up and get in there' (...) it turns out they were cops and it was a search " (Norma, 08, PM, 11/06/10)

"The cops don't tell you 'these are your rights'. No. They just say 'sign' and so the fellow girls signed each day they have been given" (Ana, 15, AM, 24/06/10)

### B- The Judiciary

Interviewees' experiences with the Judiciary are rare in comparison with their encounters with the Police. When they did go to court it was to appeal the ICCA sentence, or to claim for other legal issue.

#### i- Appeal the sentence under ICCA

Within 48hs from the condemnatory sentence made by the Chief of Police, the alleged offender can appeal to the Infringement Judge. That is the first opportunity to take the sentence to court. The interviewees were -and some of them still are- suspicious about the outcomes of appealing, and that worked as a deterrent because of the uncertainty about their freedom. This fear has been developed after their own firsthand experiences or also by words of mouth among sex workers. The other major deterrent to appeal was threats of police officers' to add more days to their detention if they appeal. Nevertheless, one of the interviewees said she appealed anyways almost every time she was detained.<sup>28</sup>

<sup>26</sup> See Annex II, fragments 15 to 21.

<sup>27</sup> See Annex II, fragments 22 to 24.

<sup>28</sup> See Annex II, fragments 25 to 27.

"on most of the occasions they took me, I've appealed, I reached for the judge " (Beatriz, 07, PM, 07/06/10)

"the Police gave you a sentence of 30 days at the precinct, you appealed and the judge gave you 60 days. We now know, of course, that the judge cannot give more days than what the deputy had already given you. But at the time they did it anyways. When we thought about appealing, we just said 'no way'. " (Ana, 15, AM, 24/06/10)

## *II. Going to court for other legal issues*

As an effect of their experiences or by words of mouth, the general perception is that the fact of being sex workers influenced any other encounters with the Judiciary. This happened in cases related to children's custody or even in the division of assets in a divorce case.<sup>29</sup>

"[when trying to evict her ex partner] I felt absolutely... I mean ABSOLUTELY abused. I said 'I built that shack by working on the streets' I think it was then when they thought 'This one is a whore' (...) I had all the proofs, all the receipts. The girl working in the court told me 'if you got all this it will be all in your favour'. But then I said I built it by working on the streets and that was it" (Gladis, 01, AM, 21/05/10)

One experience can be enough of a deterrent, even if it has happened decades ago. An even more powerful deterrent is when the experiences are shared by a number of other sex workers and the words of mouth circulate as narratives that shape their consciousness sustaining their marginalization from law's protection.

### *C- Other institutions*

As argued before, power -and therefore oppression- is not exclusive of sovereign organizations. It is diffuse and slices through several social institutions, all of which converge to sustain an oppressive situation. As Banakar explains "[i]nstitutions are social constructs, which permit and entail concentrated reflexive monitoring of social relations across indefinite time/space distances, thus constituting highly dynamic expert systems of social control" (2000, p. 276). Family, religious, social institutions were then constructed and reproduced in juncture with legal oppression of sex workers.

This is relevant for their legal marginalization in two ways: on the one hand, the discourses and practices in relation to sex workers that come from other institutions influence their self-perception as "the worst in the classroom" and therefore oppression is then justified, or at least naturalized; on the other hand, the circulating codes of those other institutions also slice through official's social sphere and influence their understandings and practices.

Sex workers deal with this discourses and practices in different ways, some may feel ashamed, some may contest them, some may believe them, some may challenge them without feeling proud. Nevertheless, they are all aware of the content of the discourses and have to deal with their practices; that kind of awareness is the sediment of social control.<sup>30</sup>

"I don't like it; it's horrible, being on the streets, horrible, people pointing fingers at you... 'look at that one, look at this one'... it's awful, awful" (Estela, 03, PM, 27/05/10)

"when that woman was on charge of the Women's Secretariat they didn't want to receive us. No, she has her religious position; we were the sinners, the prostitutes." (Claudia, 06, AM, 28/05/10)

<sup>29</sup> See Annex II, fragments 28 to 31.

<sup>30</sup> See Annex II, fragments 32 to 37.

#### *D- Reinforcing marginalization*

The experiences described before have worked as a deterrent to conceive legal institutions as a source of rights' protection or security. The distrust on police prevented them from making formal claims when they were victims of crime (violence, abuses, robberies, etc). Nevertheless, some interviewees had contradictory statements over this issue. Some of them declared they distrusted police officers, but they would and did call the police in any of those situations. Some of them believed that police officers would and should make a difference when they were being detained as offenders and when they were victims of crime. Some even said that after so many years working on the streets they knew police officers by their names and those did not confuse the two situations.

When their consciousness as subjects of legal protection is erased they tend to look for protection from different sources, such as their peers, or the hotel where they go to work, or they would even take the law into their own hands.<sup>31</sup> The pimp is also a figure of protection for the ones who do not work independently.

"[E: would you ask the cops for help? Do you trust them?] No, not the cops. I would go to the media because the cops... I saw the way they assault on inmates" (Alejandra, 12, PM, 18/06/10)

"let's say someone tries to abuse me...I call the cops" (Beatriz, 07, PM, 07/06/10)

#### *E- Resistance as tactics of survival*

"They always made you believe you were the whore, the cheap prostitute, or that you were the worst in the classroom. Because that's the truth, you were the worst of the universe. And I think that somehow you feel like that yourself, because everyone tells you that and you actually believe it." (Ana, 15, AM, 24/06/10)

Under oppression of consciousness the resistance developed was individual and short-lived. Those resistances were in fact reactions that worked as tactics of survival. The data revealed that those practices were mainly the result of the satiation of being continuously detained under denigrating conditions. Resistance as tactics of survival had different forms, mainly reactions such as fleeing or hiding, or even individual confrontation with the officials. That resistance was framed in the interviews as tactic to preserve a margin of freedom, to be able to stay in the street as much as possible, but not as strategies based on a reflective awareness of their oppression.<sup>32</sup>

"For your freedom you resist many times. For example, I resisted in many ways, when a patrol car came I ran away, or I had lots of quarrels with the cops because I wouldn't get into the car. I was so tired, so tired of being thrown in jail so much. I got to the point of slapping, pushing a cop (...) the jitters, I was blind (...) because it comes a point when you are so fed up with it, you are fed up with the cell, with cops discriminating you. You became fed up with it, fed up" (Claudia, 06, AM, 28/05/10)

"they called you *dirty nigger*, 'look what you're doing', they humiliated you, the cops humiliate you from head to toes. You feel impotent, you feel angry, I was one of those wild cats that jumped over you and if I had to scratch I scratched. They cannot call you dirty because you're working in such a job" (Laura, 09, PM, 14/06/10)

Nevertheless, they knew those tactics of desperation were not going to change their situation in the future, and may not even have any impact in the same moment they did them. Moreover, the conditions of their imminent detention may even be worst and therefore, for some of them the idea of resisting in any way did not exist.

"I frequently even had the cell key with me in there. Yeah, it was almost as if I lived there, I never thought of escaping the precinct because I figure, why am I

<sup>31</sup> See Annex II, fragments 38 to 43.

<sup>32</sup> See Annex II, fragments 44 to 50.

going to break out if tomorrow I may be in again and they are going to beat the crap out of me. No, I wouldn't do it" (Gladis, 01, AM, 21/05/10)

"after a while, to avoid being nicked we were running all over the place. We used to stand each on every corner and warn each other. If the cops had to run after you, they did, and they dragged you to the car and gave you even more days" (Laura, 09, PM, 14/06/10)

The experiences described show the sedimented practices that influenced their consciousness as well as their self-perception, the associated practices to those meanings were tactics of survival. Their narratives of the past show the shift of awareness in the present.

"it was torture but because you knew nothing about the rights we had, nothing. You behaved as a puppy because you were depending on their will, see?" (Claudia, 06, AM, 28/05/10)

### Chapter III. Consciousness of Oppression

This chapter describes how adult sex workers in Córdoba, Argentina, organized themselves, and analyses the process through which they constructed a reflective awareness of their oppressed situation. Therefore, it develops the shift from an oppression of consciousness towards a consciousness of oppression.

#### *A- Starting of the organization*

Back in 2000, the juvenile police have contacted a traditional nun's congregation called "Adoratrices" to organize a meeting between the police, the nuns and sex workers to gather information about juvenile prostitution in Córdoba. These nuns were in touch with sex workers since they offered them dressmaking and hairdressing courses, and also visited them in jail with religious purposes, to talk and to bring food when they were in the prison cell.

"whenever we were busted they [nuns] would visit, once they brought me a small statue of the virgin to my cell. They came, they had you released, they talked to the deputy (...) But you had to stop working, repent of being a sex worker, never work on the streets again, that's why they held educational workshops" (Claudia, 06, AM, 28/05/10)

Then, when the juvenile police convened for a meeting, the adoratrices nuns managed to gather in around 40 sex workers. The deal was that if they answered police's questions they would give them food or goods, but only if there were many sex workers in the meeting. During the meeting the main claim was about constant detentions, violence, humiliations, and abuse from the police. The juvenile police answered that they were not responsible for that; still, the claims were so persistent that the meeting could not fulfil its original goal. However, there was a clear intention among those sex workers to protest about this situation. In that occasion, two sex workers representatives of AMMAR in Buenos Aires where by coincidence in that meeting. They explained that they were organized since 1995 in the capital of the country and that they have stopped repression there, and also said that sex work is a job, that the infringement code sanctions the scandal and not the activity itself, and also that in Buenos Aires they were part of the Argentinean Worker's Union (CTA).

"we used to go like this [surprise gesture], meaning 'Ok', because we didn't know about anything they were telling us" (Eugenia, 18, AM, 27/08/10)

Those two organized sex workers from Buenos Aires were knowledge brokers<sup>33</sup>, in the sense that they gave information that encouraged the others on their claim. These representatives went to the meeting with one representative of CTA, and one

<sup>33</sup> The idea of 'knowledge brokers' was mentioned by Angela Melville in a course on qualitative methodology in the master's program on sociology of law of the IISL, Oñati Spain 2009-2010, in relation to a research on claimants of medical malpractice. (Melville, 2010).

of Rawson Hospital, with whom they were having meeting during that week to see if it was possible to reproduce the experience of organizations of Buenos Aires in Córdoba.

After the meeting they decided to keep gathering up, however the process was slow and full of obstacles. In a moment the nun's congregation did not agree to be part of these meetings anymore and they did not have other place to meet up. By then, they contacted again the CTA representative who offered them an office in the Union.

The oppression even increased when they started to organize and meet up. They would be constantly threatened to be detained for 20 days or more if they went to the meetings. That caused participation to decrease due to the fear of imprisonment.

"at the time we were organizing repression was at its highest point (...) a cop told me one day when he was arresting me 'so, the whole union' (...) he said 'now we will give all the days that these bitches deserve to the member of the union' (...) he said 'we'll see if you want to keep on being a member'" (Claudia, 06, AM, 28/05/10)

Three of those women were still convinced that they should organize and therefore kept meeting in CTA to study the ICCA, to make copies and give them to other sex workers, to make the agreement with the hospital to supply condoms and have guaranteed medical care, and also to start learning and listening to other discourses in relation with sex work but also with other political issues.

"we began to learn why it should be called a job, that we don't sell our body. I had troubles getting that too. We used to attend workshops together with AMMAR Buenos Aires, we used to travel to learn, a week, 7 days learning in the workshops" (Claudia, 06, AM, 28/05/10)

"we started listening to other discourses, other debates, other issues, and saw we were part of an exploited class. It wasn't just against sex workers, there were other organizations suffering either evictions or repression, and if they spoke up they risked prison as well" (Eugenia, 16, AM, 28/05/10)

By 2001, they raised funds to make an HIV prevention program and more than 20 health promoters were involved, however once the funds were cut the number of sex workers still organized went down to six. Even if the number of participants decreased, they continued with the organization; they started to be known, to go to solicitation spaces to supply condoms. They talked about their rights and about the organization and constantly invited other sex workers to the assemblies. Throughout the years many other sex workers would join them.

#### Becoming stronger: the fight against impunity

Few years after sex workers organized AMMAR-CTA Córdoba, the repression and impunity of abuses got to its higher point. The most grievous situations were the murders of two sex workers, Susana and Andrea, in Córdoba in 2003; as well as the murder in 2004 of Sandra Cabrera, the leader of AMMAR Rosario<sup>34</sup>.

To contest these murders and their impunity they organized demonstrations, burnt tires, and protested on several ways both in Córdoba and in other provinces with the support of the delegations. With signs that said "Our Life Also Has Value", organized sex workers encountered their biggest struggle so far to have their voice heard and respected. These events and contestations got media coverage and also opened up channels of dialogue with the government in different levels.<sup>35</sup>

<sup>34</sup> AMMAR (2008) has made a record of the crimes against sexual workers in Argentina, which counts at least 27 sexual workers killed in 12 years. Many of these cases, the organization claims, have directly involved police or political officers. Only one of those 27 murders has been punished.

<sup>35</sup> See Annex II, fragments 51 to 53.

"we were raising voices and being heard, whether they liked it or not, we were rising" (Eugenia, 18, AM, 27/08/10)

"I think I became stronger with all this: learning about our rights, speaking about everything we lost, or about the things they made us believe" (Ana, 15, AM, 24/06/10)

AMMAR became stronger, respected and a social referent when it comes to sex workers. Moreover, they recall the impunity of sex worker's murders on the time when they were not organized and realize the fears they broke down and the awareness they built by building a network with their peers.

"there were plenty of cases in which there was no struggle, not even condemnation. Why? Because she was prostituting herself." (Julia, 11, AM, 18/06/10)

"we weren't organized, we didn't even know that word existed (...) we gathered at the park, then cops arrived and got us into the car as if we were cattle, you know violent they can be. Everyone was busted and no one talked. We knew who had murdered her, they intended to keep us silent, and due to repression we did nothing, back then they frightened us. So they forced us to shut up, to bow and scrape. We were so afraid of them." (Claudia, 06, AM, 28/05/10)

### *B- Organized resistance: a struggle for redefinition*

"now you won't be just another whore killed in a ditch, another unsolved crime, on the contrary now they'll say 'let's hold a trial because otherwise the other whores will protest' (...) being more organized changes it all" (Julia, 11, AM, 18/06/10)

Worldwide sex workers have joined to resist<sup>36</sup>, these actions have been supported - among other things- by the legal discourse. Law is then a tool for material changes and even a symbolic area where sex workers struggle to modify social stigmas. They claim -and also get- legal victories that have an impact on the redefinition of the perception of society and on material relations.

Resistance is a particularity of this group in comparison with other legally marginalized groups which do not have a strong network among their peers. Adult sex workers have built bonds of trust that work as a source of knowledge, contention, protection and contestation. This network with their peers has different degrees, being its most sophisticated form the sex workers union (AMMAR), which is also connected to the national network (there are 15 delegations of AMMAR throughout the country) and to the Latin-American network of sex workers unions (Red Tra-sex).

The data collected reveals the dynamism of power and resistance throughout 10 years of existence of the organization. Organized resistance of sex workers in Córdoba has been changing, growing and becoming more complex throughout a decade of struggle since AMMAR started. The original goal to stop systematic detentions is still part of their concerns; however the scope of their resistance is much wider. Organized sex workers are carrying on a persistent struggle to redefine their position in law and in society.<sup>37</sup>

Their resistance has encounter also circulating influent discourses that minimize or ignore the activity as a matter of personal choice and a form of work, and some of them even erase their image as agents of resistance. These discourses operate in a global level and are the basis for international policies and funding grants in places

<sup>36</sup> Such as COYOTE in USA, AMMAR in Argentina, Davida in Brazil, EMPOWER in Thailand, DURBAR in India, STELLA in Canada, Red TRASEX, Latin-American and Caribbean network, Asociación La Sala in Costa Rica, GIRASOLES in Nicaragua, MODEMU in Dominican Republic, AMEPU in Uruguay, ONAEM in Bolivia, Sindicato Angela Lina in Chile, REDTRABSEX in Ecuador, Orquideas del Mar in El Salvador, Mujeres Unidas in Honduras, Asociación Miluska Vida y Dignidad in Peru, Hetaira in Madrid, and so on.

<sup>37</sup> The distinction of their struggle in social and legal fields is just analytical. They are both part of the same resistance and enrich themselves in practice and consciousness.

considered to be "third world countries". As Kempadoo states, "[i]deas have been constructed of, on the one hand, liberated Western "whores" who are free to choose their professions, and on the other, forced, trafficked Third World victims (...) young, innocent women forced into prostitution by poverty, traffickers or age, need to be rescued" (1998, p. 30).<sup>38</sup>

In Argentina, silences in law to protect sex workers' rights show that their legal marginalization means more than to "forget" this sector; it implies to reinforce this dichotomy of forced *as victims* and voluntary *as guilty*. The marginalization of sex workers from law's protection opens up the possibility of abuses of all kind without major legal consequences. Organized sex workers developed a reflective awareness of these highly influential discourses and struggle against them. They vindicate sex work as a job and as an option.

This struggle for redefinition compromises different areas of action. The development of each area has been strongly linked to the way they have been building a consciousness of oppression. The organization itself, the debates, their connections with other organizations and all their experiences throughout these 10 years of struggle have incorporated elements to their understandings of their social and legal position that constructed a reflective awareness of the areas they want to work on.

"we began educating ourselves on different subjects, for example the fact that we had a right to education, a right to healthcare, to bunch of stuff we ignored. So our goals were expanding more and more and the issue of police repression stopped being the only goal" (Eugenia, 16, AM, 28/05/10)

#### i- Resistance regarding law

"you start appreciating your rights when you know about them. Because we didn't know about them when they put us away, we didn't know we had rights (...) but as you begin organizing and knowing what your rights are (...) to say I have a right to do something, I have a right to this and that (...) then you start using your head, knowing the rights you have" (Claudia, 06, AM, 28/05/10)

The organization has strongly resisted in order to revert constant detentions, and police violence and humiliation of sex workers. They have had several meetings with the Human Rights Secretariat, and other governmental areas. They organized demonstrations, got support from CTA, went to the media, and produced different strategies to make the situation visible. They have also used legal strategies such as requests for official data, in order to have information about how many sex workers have been detained, how many of them were pregnant, etc. They have claimed for each sex worker who has been detained. The first reaction to these strategies was oppressive.

"we went to a meeting, and two hours later there was a raid on us, they snatched every girl, and they said 'this is because the girls from AMMAR are busting our balls'." (Eugenia, 16, AM, 28/05/10)

They finally started to meet up with the Chief of the Police Department, and got an agreement by which sex workers affiliated in AMMAR will not be detained by the police for being working; moreover, in case they are detained there is an open channel of communication with the police department to release them.

"cops stop them and don't nick them if they show the AMMAR ID, that's a triumph long fought for" (Eugenia, 16, AM, 28/05/10)

<sup>38</sup> Notwithstanding, there are some contemporary discourses that re-frame sex workers activities, positions and practices. Some authors frame sex workers as women who choose their job and moreover who subvert dominant relations between men and women by being paid for sex (see Zatz, 1997). Other authors have emphasized their struggles for resistance and gave relevance to sex workers own voices (see Kempadoo and Doezema, 1998).



Nevertheless, this change of practices from police officers was due to many contextual factors. In many solicitation spaces detentions were already decreasing by the time they made the agreement, the party elected for the government showed better predisposition towards sex workers. In the organization they bear in mind that this agreement is contextual and things may quickly change. Therefore, they have been struggling to change the legal text of the ICCA, claiming for its modification in the Provincial Parliament.

"we have a deal, but it's only our words and that's why the change of the Infringement Code is on the table (...) hearings are being requested to every congressman (...) we've been summoned, we've held meetings on the subject" (Claudia, 06, AM, 28/05/10)

"our goal is that we want no more women behind bars. But not only words, we want regulations abolished. Every provision condemning us, condemning a comrade only for being a free sex worker, one that chooses to be so, must not endure" (Ana, 15, AM, 24/06/10)

Nevertheless, this contextual agreement and consequent change on practices have had an impact on their everyday conditions when working. Not only detentions decreased but also police officer's way to treat them and refer to them changed. Interviewees expressed that now police do not treat them 'as bad as before'.<sup>39</sup>

"they don't nick us as much as they used to. Of course if we are messing around they will take us, that's fine for me." (Beatriz, 07, PM, 07/06/10)

"since we have the ID, members weren't bothered any more (...) like they said the last time they stopped me 'you don't bother us, and we won't bother you'" (Laura, 09, PM, 14/06/10)

Other important contestation to law and legal institutions comes hand in hand with the dichotomy forced/voluntary that has been described before. Under the motto 'We Are Not the Problem, We Are Part of the Solution', sex workers relate the complex situation of trafficking and exploitation as linked to their secrecy. They state that many women perceive that it is "safer" to be working or even exploited by a pimp than to work independently without anyone else in charge of dealing with the police. Sex workers' secrecy feeds trafficking, slavery and exploitation in many ways, therefore their claim for legality is framed as part of the solution, and not part of the problem.

Therefore, adult and organized sex workers claim for labour rights and duties. They claim for legality.

"Sex work must be acknowledged as a job. If not, a 60 years old comrade comes along and we notice she doesn't have anything, you still see her standing on a street corner. She worked all her life, and it comes a time when she should retire and can stay quietly at home. But we see them still there." (Ana, 15, AM, 24/06/10)

"the ones who work in private places, in flats or brothels...they say 'well, we have a boss, an employment relationship and no labour rights' (...) they have shifts, if they don't meet the schedules they are fined, if they miss working days they charge them, not even if they're sick and even if they have a medical certificate to show, they have to pay anyways \$ 80 to \$100 fine per absentee day." (Eugenia, 16, AM, 28/05/10)

This claim for legality, to leave secrecy and have the same rights and duties as any other worker goes hand in hand with the shift in their understandings of what their activity is. Before the organization, many of them believed what they were doing was a crime, and then it was 'easier' to justify or naturalize constant detentions, and even abuses. Ever since you believe you are 'deviant' then 'deviant treatment' (or the imaginary of it) seems to be what you deserve. Sex workers re-configured their self-perception when they moved it from the place of 'deviants' to the place of

<sup>39</sup> See Annex II, fragments 54 to 56.

'workers'. This reflective process is highly individual, not all organized sex workers think alike and there is a clear difference between those who are active members and those who are not. During the participant observation for this research I saw that process of awareness in two of them who are nowadays much more active members.

"all those years they made you believe you were committing a crime. So obviously if you believe such a thing, it means you're doing something wrong, that you were in the wrong path. Because they made you believe so. But when you start organizing, you start seeing, you begin to understand the world around you and the fact that you belong to a working class, you learn, you realize (...) that you have the same rights as any other worker" (Ana, 15, AM, 24/06/10)

Furthermore, a transversal issue throughout the interviews was the comparison with crime, or criminals. They compare their activity with crime and perceive the "injustice" of being treated as criminals. Even the interviewees who were still not sure how law regulates their activity separate themselves from 'the real criminals'.

"you're killing no one, the only thing you're killing is your children's hunger" (Julia, 11, AM, 18/06/10)

"we are not stealing or killing anyone" (Gladis, 01, AM, 21/05/10)

"if I'm not cursing, I'm not spitting, I'm not hitting, I'm not abusing anyone" (Beatriz, 07, PM, 07/06/10)

#### ii- Resistance regarding their social position

"Society, or the ones in power in society, has always portrayed sex workers as lazy, chewing gum eaters, junkies, sinners. So people have made up a stereotype, the one that AMMAR tries to take down all the time" (Eugenia, 16, AM, 28/05/10)

Organized sex workers resistance regarding their position in society tries to contest their image as "whores" and also the image as "poor victims". Social science literature on sex work<sup>40</sup>, as well as workshops and conferences worldwide have tended to generalize and even equate sex work, children's prostitution, human trafficking, corruption, or exploitation. Sex workers organized in AMMAR vindicate sex work as a matter of personal choice; notwithstanding, they also acknowledge their socio-economical situation: many of them are illiterate, could not finish primary school, do not have basic tools and have scarce economical resources.

"we all come from a place of vulnerability, a place of poverty, a place of having quit primary school, having children or being by ourselves, we come from a poor socio-economical context" (Eugenia, 16, AM, 28/05/10)

Therefore, from the organization they have been making different activities to incorporate tools to overcome this situation. As one of the members explains:

"they're not tools meant for our comrades to stop working, they're tools meant to bring them awareness and help them defend themselves" (Ana, 15, AM, 24/06/10)

Moreover, the courses and workshops are opened to the whole community, and therefore it is common to see non-sex workers men and women in the organization taking the courses.

<sup>40</sup> Literature on sex work/prostitution has been prolific. As Vanwesenbeeck (2001) explains throughout time the image of "prostitutes" has been as pathological deviants or as victims, or emphasizing on their survivor skills, however their image as workers and entrepreneurs has been underrepresented. This issue has been studied from different approaches: feminism (MacKinnon, 2005) (Leidholdt, 1994) (Scoular, 2004) (Zatz, 1997) (Pendleton, 1997) (Alexander, 1997) (Razack, 1998) (Koureskas, 1995) (Childs, 2000) (Perkins, 1991) (Nicolson, 2000) (Edwards, 1996) (Bongard, 1994) (Thompson, 2000), resistance (Jenness, 1990) (Kempadoo, 1998) (Deozema, 1998); criminology (Godden, 2001) (Phoenix, 2007) (Arella et al, 2006) (Shuster, 1992) (Lucas, 1995) (Davis, 2006) (Scibelli Pasqua, 1987) (Rubio, 2009) (Miller and Haltiwanger, 2004); anthropology and sociology (Camarma y Gonzalez, 2006) (Piola, 2008) (Hart Angie, 1998) (Weitzer, 2000) (Sanchez, 1997) (Järvinen, 1993). This list is not meant to be exhaustive, but just to show the vast literature that has been produced over the topic from different approaches.

There are three main areas in AMMAR: educational, health, union or political. The *educational* area started in 2003, is opened to the community, and involves: literacy course, official primary school (supported by the Provincial Education Ministry), kindergarten, nursery, theatre course, library, as well as training workshops on computer skills, hairdressing, dressmaking, and also on legal issues.

Moreover, a "daily glass of milk", which is provided to children in a disadvantaged neighbourhood of the city's outskirts; is an activity from AMMAR to the community. This has two implications: on the one hand it redefines the stereotype of sex workers, and on the other hand it situates them as actors of social transformation. It is part of their reflective awareness of socio-economical conditions in a wider context. This consciousness has been built with their work with CTA and the fluid debates forged during the years.

"to be in CTA meant to stop looking at the problem only as individuals, or as a group, but looking at it from a global perspective related to hunger, wealth distribution, water, land, and other various issues (...) otherwise it's like we are only fighting for those things that matter to us as a group, and we don't get involved in a social struggle for change" (Eugenia, 18, AM, 27/08/10)

*Health* is other main concern of the organization. They have been supplying condoms to sex workers since the beginning; but from 2000 to these days the activities in this areas became more comprehensive. They have included HIV prevention campaigns, training of sex workers as health promoters, an agreement with public hospitals to guarantee sex workers medical care, and ITS analysis done in the organization by volunteer doctors, and nowadays they supply more than 10.000 condoms to sex workers.

"in the old days you didn't even have a right to healthcare. Nowadays, along with AMMAR struggle, came the right to protect you and take care of yourself. " (Julia, 11, AM, 18/06/10)

The *political* organization in AMMAR is made through assemblies, with designated delegates by solicitation space or zone. The formal affiliation started in 2000, and by now there are around 500 sex workers affiliated, all of whom have to be adults to be part of the organization.

These activities are done with the support of a volunteer professional team; however they always make sure that the organization is and will be *of* sex workers and not *for* sex workers and therefore every last decision is always made by them. Professionals in this sense are advisors but not deciders.

### iii- Paradoxes of support and repression

Most actions of resistance faced a paradox of support and repression, in particular from state institutions. Three main paradoxes emerge from the data; each of them may require a deeper analysis to explain their causes; however the intention here is to show that resistance was not lineal or straight forward.

First, after having met with the Chief of Police to make the agreement not to get constantly detained, they were immediately repressed by the police.

"one moment we were gathered inside the Governor's office with policemen and after leaving someone else came and snatched every comrade" (Ana, 15, AM, 24/06/10)

Second, they gained support from education and health governmental areas; however the police were constant in their detentions.

"when the police did the searches they arrested every comrade that had condoms, the condoms were the 'evidence', as if on the one hand Health Ministry provided us health, and on the other Public Security Ministry arrested us on the basis of the health provided" (Ana, 15, AM, 24/06/10)

Third, the Police Department would agree not to detain transsexual sex workers but would not make the same agreement with women sex workers.

"transvestites reached an agreement signed and everything with Chief of Police that said transvestites weren't to be snatched (...) if they signed it with transvestites, why not with women as well? Women kept on being jailed" (Claudia, 06, AM, 28/05/10)

Thus, organized resistance was and still is full of obstacles, paradoxical reactions from the governmental institutions, and other institutions, and implies a complex struggle to make long-lasting changes.

"It's not easy. It's blood, sweat and tears to gain respect for AMMAR" (Eugenia, 16, AM, 28/05/10)

#### iv- Looking forwards

Nowadays, sex workers build broader expectations to bring symbolic and material modifications through long-lasting resistance. They claim for the abolition of the IICA text, for labour and retirement rights, for freedom and democracy, for respect.

"let us work in peace, let us be free (...) aren't we able to choose what we want to do? That's the right they are depriving us from. What's the use of democracy then?" (Julia, 11, AM, 18/06/10)

"we have our hope set on having social security some day, retirement when we are 50 years old, that's the age we consider for a sex worker. We want to enjoy the benefits every worker should have" (Eugenia, 16, AM, 28/05/10)

"we want sex work to be acknowledged as a regular job because that would provide us a better lifestyle, abandoning secrecy" (Eugenia, 16, AM, 28/05/10)

Thus, throughout this decade of resistance their reflective awareness has encouraged practices that re-define their position in law and society and constitute them as actors of social change. Structural constraints and the persistent legal regulations still situate them on the margins of law. Nevertheless, their struggles are not mere tactics of survival but long-lasting practices of resistance backed up by an organization that managed to have its name respected in different governmental and nongovernmental areas. This reflective awareness also opens up several expectations about their future, their will and their dreams, all of which projects their struggle as a long-lasting resistance.

"dreaming is for free. We started that way, dreaming, and we've come this far. Because at first we had nothing, and we've accomplished a lot" (Claudia, 06, AM, 28/05/10)

#### *C- Understandings of Law: heterogeneity among agents of resistance*

AMMAR as an organization performs actions of resistance and has gained power throughout time. Nevertheless, members within the organization -as in any social group- are not homogenous. The dissident worldview they have developed is not monolithic, and therefore this section looks at the heterogeneity and plurality of consciousness within the group. Plural consciousness might be identifiable in various issues; nevertheless the focus here will be on understandings of law mainly because it is a hinge from where interviewees have contested or sustained the hegemonic legal discourse and practices towards sex work.

Even though the inquiry of their understandings of law was a main topic of this research, the outcomes are not the answer to the direct question 'what do you understand by law?' but rather the analysis of the way interviewees framed their ideas of law throughout the interviews. Moreover, "right", "law", and "rights" in Spanish can be used to refer to the same thing or two very different or even

opposed things<sup>41</sup>. Having this in mind, the analysis of the interviews was done considering the context on which they referred to each of those words and not just by the words themselves.

Two main ways of framing law arose: a consciousness of "rights vs. law" and a consciousness of 'law as alien or imposed'. Admittedly, this division is analytical and therefore there is a conscious generalization of the data. Nevertheless, the division of "rights vs. law" and "law as alien and imposed" focus on the effects that each way of understanding law has on their resistance. Therefore, the main difference stressed here is when their meanings attached to law encourage them to contest it or to sustain hegemonic discourses.

#### i- Rights vs. Law

The belief or conviction of being entitled to have or to do something is a product of certain experiences, and is not necessarily linked to the written law. Some women believed they had the right to vote even if the electoral law explicitly denied it. Some homosexuals were convinced that they had the right to get married even if the Civil Code explicitly said marriage is between men and woman. When they convinced themselves that they had a right that law was denying they had resisted law with the idea of rights. Then Rights were opposed to Law. The two examples given, produced in Argentina a legislative reform.

Moreover, those struggles also used legal arguments to produce that change, which is what I call "law against law". This means that once they were convinced they had the right to vote or to get married, "rights rhetoric" was not their only argument, but they did use current rules to abolish other current rules. For example, in both these cases the equality clause among other articles in the National Constitution (current rules) was opposed to the electoral act or the Civil Code (current rules). This is to oppose "law against law".<sup>42</sup>

According to Vidmar and Schuller (1987), there are various stages from consciousness to action. Building on Friedman's ideas<sup>43</sup>, these two authors emphasized that rights consciousness is a propensity but that at "each of these stages a host of cultural, sociological, social psychological, economic, and institutional factors may activate or inhibit the assertion of rights" (1987, p. 300). Therefore, even those who are convinced to have a right may not do anything about it; they may even blame themselves for the situation or fate (Ibid.).

Some sex workers frame their legal position as a violation of their rights. This understanding is linked to the idea of Justice, of rights inherent to them as human beings and that the written law is denying. Moreover, they expressed that before organizing they did not have these awareness.

Their consciousness of rights has gone one step further; they do blame others for their situation, and also take actions to revert it. For instance, they claim through the organization for a change in the ICCA, and as well for labour rights. In this struggle, they have opposed "law against law", for example using constitutional norms to undermine the ICCA.

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<sup>41</sup> In Spanish the distinction between "law" (ley) and "right" (derecho) and "rights" (derechos) is not exactly the same as in English. For instance, the university career is called Derecho and not Law; "right" (el derecho) is used commonly to refer to the legal system as a whole; while "rights" (los derechos) is regularly used to talk about the rights you believe to have as an individual, a community or even the rights of the environment. The claim for "rights" is usually a claim that goes far beyond a legalistic strategy or claim; it is used as a rhetorical statement that justifies a claim no matter what the law (ley) actually says about it.

<sup>42</sup> Notwithstanding the legal argument about hierarchies of rules, the point emphasized here is that the struggle is within the legal discourse.

<sup>43</sup> In Friedman's account "civil law provides private citizens with opportunities to correct perceived injustices, opportunities that we label "rights" (1972 quoted by Vidmar and Schuller, 1987:300). Therefore, the distinction stressed before between rights and law is erased, nevertheless it still useful to think about the role of consciousness in producing rights claims.

This “rights vs. law” consciousness is stronger in active members of the organization and is influenced by the different debates, discourses and practices that active members have encountered throughout the years of existence of AMMAR.<sup>44</sup>

“the beginning of everything is when you learn about your rights, saying ‘I have a right to this’, ‘I have a right to that and that’. When I began to learn about my rights, especially about cops, I started to wake up. You start to make your head work, to think about your rights. You are entitled as a citizen.” (Claudia, 06, AM, 28/05/10)

#### ii- Law as alien or imposed

Consciousness is the base for reflective actions of resistance; however there are many steps between the two. Some interviewees believe they have rights but see law as alien or imposed to them, as exclusive of legal actors -judges, lawyers, police, etc-. They do not frame law as “a powerful, apparently autonomous place of ordered rationality whose capacity transcends particular human actions” as Silbey and Ewick identify as *before the law consciousness* (1998, p. 76). Law is seen as a powerful place whose content is determined by authorities, law is what the judge or the police officer says it is, mainly because what legal actors say the law is will be what afterwards will be done. Phrases such as ‘the law is what I say it is’ are common in police officer’s discourses. In interviewees’ narratives, only other legal actor (I.e., lawyers) can contest those arguments. Authority is then what fulfils the content of law.

This understanding of law has also been built through their experiences; it has traces of the violence and humiliations described before, and of fears to legal institutions that are still alive in their consciousness.<sup>45</sup>

“I don’t confront any cop, they are the authority they’re always right... If they want to screw you they will find a way, everyone knows that” (Beatriz, 07, PM, 07/06/10)

“last week a law student who came here told us that the proceeding was wrong. He said we should appeal those procedures, so we should remain here even if they tell us they’re going to process us for say we resisted arrest” (Mónica, 13, PM, 24/06/10)

Thus, the understandings of law in the group are heterogeneous and are influenced by their experiences. Therefore, agents of resistance, even when organized, cannot be considered as a monolithic and homogeneous group. In particular when referring to law, their perceptions may also be mixed with predominant social representations of law that may not be directly connected with their activity as sex workers. Notwithstanding, major actions of resistance seem to be based upon the “rights vs. law consciousness”, which gives the bases from where to think their claims.

## Conclusion

A closer look to socio-legal complexities gives a concentric image of law, where some activities, orientations or conditions are in the core of legality, others are illegal, and others are on the margins of law. All of which challenges the myth of closure in law that holistically considers actions as framed within the binary terms of legality/illegality. This legal marginalization is contextual, and depends on each legal system’s regulations and also on the practices of legal actors. Those practices are not isolated and play in juncture with other social institutions which influence legal actor’s social spheres.

<sup>44</sup> See Annex II, fragments 57 to 60.

<sup>45</sup> See Annex II, fragments 61 to 64.

Sex workers are both a legally and socially marginalized group, and once organized they did operate in the grey areas of law. Nevertheless, the analytical distinction from those two situations was useful to look at the phenomenon from a different angle, to reveal the interplay between power and resistance looking at the understandings of adult sex workers about law itself as well as their experiences with legal institution's practices towards their position in law.

Legally marginalized groups build up a particular relation with law and legal institution regarding both meanings and practices. This relation may not be static, but signed by a dynamism and dialectical relation between power and resistance. Resistance on the margins of law finds a flexible framework from where to struggle with and against law.

In this sense, consciousness -as meanings and understandings in a particular cultural schema- have a major role to reproduce or contest oppression. Resistance to oppressive situations is linked to the system of meanings that the actors who intervene might develop. Thus, it is possible to capture in different moments the relation between context and consciousness to explain the relation between consciousness and practice. The expressions "oppression of consciousness" and "consciousness of oppression" showed the movement from one context-consciousness-practice relation to the other. The shift from oppression of consciousness to consciousness of oppression has been built in the case under study through a feedback between awareness and experiences. This dynamic process finds structural limits, but it has the potential to structure new social forms.

On the one hand, the moment of "oppression of consciousness" was characterized by an oppressive context where different actors, but mainly legal actors, misuse or abuse of their power through institutional practices based on vague regulations that sustain this context. In the case under study, adult sex workers oppression has shaped their legal marginalization in a way that they find in law violence but not protection. Their interactions with legal institutions reinforced their position on the margins of law by constituting the group as a target for over-policing and at the same time distancing them from the institutional protection. These practices were naturalized by sex workers and therefore their resistance had the reach that this naturalization allowed them.

On the other hand, the moment of "consciousness of oppression" was characterized by a context of similar -or even worst- conditions of oppression but also by a big shift on their reflective awareness, which was built and became stronger with the organization itself. Sex workers incorporated debates, readings, and experiences that modified the naturalization of that oppression to transform it into a clear and sophisticated claim regarding their position both in law and society. Some of these practices have decreased due to the organization's struggle and also due to the juncture the organization encountered. Nevertheless, the fact that they have become aware of that oppression implied a shift in their approach to law as well as in their resistance broadly speaking. Therefore, it is possible to see in this moment new forms of resistance that showed their consciousness of oppression.

Their reflective awareness rose and grew with the AMMAR. Resistance stopped being individual and subtle to become organized and collective. It implied actions to re-define their social and legal position. AMMAR resisted to the stereotype of sex workers "as bad mothers and bad citizens" and constitute its members as actors of social change. In particular regarding law, the idea of rights as inherent to the person and as opposable to law operates opening up or encouraging the claim for redefinition of legal position. Nevertheless, the heterogeneity among agents of resistance in relation to law shows that actors of resistance are not monolithic groups.

The organization meant in terms of resistance a strong contestation that started to gain spaces of power. Moreover, it is not an isolated group, they are connected

internationally with other organizations and a further research may imply the inquiry on sex workers global resistance.

This account of sex workers experiences in Córdoba revealed the relevance and complexity of consciousness as a hinge for resistance practices. Even though it cannot be said that oppression has changed, the shift on their awareness of the situation is a hint to expect long lasting resistance from this group. Their voices have been systematically silenced, but they are screaming to be listened.

*"This is a tough fight. It will take years."(Eugenia Aravena, General Secretariat AMMAR-Córdoba)*



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## **Annex I. Epistemological, Methodological and Ethical Considerations**

This analysis assumes a constructivist perspective and therefore the binary agency/structure is considered a false dilemma. Santos explains that structures are “nothing more than provisional sedimentations of successfully reiterated course of action” (2002:354). An interesting review of this perspective and its main authors, such as Giddens and Bourdieu, is found in Kaspersen (2000), Mouzelis (2008), Loyal (2003), among others. To think about law through this epistemological perspective means to perceive it as constructed and therefore to see it as plural, experienced, contested, and shaped by social context and relations of power. Moreover, it means to look at sedimented practices in law, as well as to spaces of action available and performed. (Mezey, 1998), (Ewick and Silbey, 1992), (Engel and Yngvesson, 1984) (Sarat, 1990) (Garcia-Villegas, 2003:391-392). In this schema, the core of research inquiry is the look for meanings, understandings and their associated practices regarding law.

This epistemological approach leads me to do empirical research using qualitative methodology. The data was gathered from June to September 2010 through in-depth interviews, participant observation and secondary sources such as videos and newspapers.

Interviews were the primary tool for data collection. They were open-ended, face to face, semi-structured interviews to sex workers, assuring a balanced number of participants who are active in the sex workers' organization (AMMAR) and those who are rather passive. A passive member of the organizations would be a sex worker who is affiliated, is in touch with the organization but does not participate in the meetings or spaces of political debate within it. All the participants were adults (from 22 to 71 years old). Some of the interviewee work on the streets and some of them work indoors -in flats or brothels-; nevertheless they all refer to themselves as free sex workers.

For those who decided to be anonymous their names were changed, and any other sign that may make them identifiable was erased. The participants also had access to the final outcomes in a Spanish version that allowed them to review the way they were framed.

The methodology used to analyse the data was Grounded theory because, as Soneira (2007) states it helps to show the patterns, inconsistencies, divergent ideas and correlate them in a theoretical frame. Therefore, the process consisted in different steps by which conceptual categories and codes were extracted from the data and built the theory.

The analysis on this research sticks to local causality (Huberman y Miles, 1985/1988), which means that it explains why and how certain social relations are shaped in a particular way in the context under study (Vasilachis de Gialdino, 2007). Even though it does not expect to be universal it works as a hint to build expectations on other groups under relatively similar contexts, or to follow similar lines of research that will contest these outcomes and refine the studies. Moreover, the outcomes are helpful to test of other approaches and also to question other analysis that tries to generalize the actor's situations or practices.

## Annex II. Interview Fragments

### Chapter II. Oppression of consciousness

#### A- The Police

##### Positivist model:

1. "they packed us as if we were animals up there, to takes us to have us tested, to be transferred to another precinct." (Beatriz, 07, PM, 07/06/08)
2. "they took you in again even if you weren't infected with gonorrhoea or syphilis and again you were dragged, they tested you even if the card hadn't expired, they dragged you anyway to be tested, it was torture." (Claudia, 06, AM, 28/05/10)
3. "They used to pick you up or they gave you a code 14 which was a fine, or they gave you *the law*. *The law* was they took you to the hospital, the Agustín Garzón centre, and there you were tested. If you were ok the cops had to come and free you (...) they wouldn't let you out till you were healthy (...) they used to let you go when the tests came out. Not otherwise. (...) And code 14 was the fine; they held you till night time. You were put off till the next day; they released you and granted you 48 hours to pay the fine." (Mónica, 13, PM, 24/06/08)
4. "there was a time when they did make you take it [the test], they dragged you and forced you to take it (...) there was no HIV test, there was the gonorrhoea or the syphilis test (...) they tested you... whether you got it or not, whether you consented or not, they dragged you anyway, it was compulsory to take it (...) when the results were bad in a gonorrhoea testing or in a syphilis testing for example, they put you away and they didn't let you go until hadn't had a penicillin shot. So it was, and there was a time when they handled IDs, don't know why." (Claudia, 06, AM, 28/05/10)
5. "when they [the medical examinations] weren't conducted there, in the "social", they were conducted at the penitentiary (...) either way you couldn't avoid being busted, and arrest was 30 days, 30 days that you had to do and that was that." (Beatriz, 07, PM, 07/06/08)
6. "when we began organizing it wasn't performed anymore, they had stopped, I don't know if it was because they like annoyed the doctors because I say it again, there were lots of women whose tests hadn't expired yet and they were brought in anyway (...) there was something going on between the doctors and the police stuff such that it stopped." (Claudia, 06, AM, 28/05/10)

### Forms of oppression

#### Frequency of detentions

7. "On the road (...) policemen didn't seem to bother you because you were in the middle of nowhere, it was unusual to see a patrol car, but when I came downtown I began to get in touch with it all, and it was horrible because they wouldn't let you." (Julia, 11, AM, 18/06/08)
8. "I began working downtown (...) and then I left (...) its quieter there in *Alta Córdoba* (...) cops go by, they wave at us, you see?" (Valeria, 05, PM, 28/05/10)
9. "I already knew I was arrested; there was a time, a year in which I used to be 15 days here, 20 days there. At *Protección de las Personas* I did more time, a full year. They put me away 15 days, 20, 15, 20, 30. I came out of jail went to work and was detained again." (Gladis, 01, AM, 21/05/10)
10. "they said 'you've been making profit for a while now, haven't you? Well, now it's your turn' (...) you were off to work and you didn't know if you were

coming back home (...) And the thing wasn't that you were out just for a day, you may not be back for quite much time." (Ana, 15, AM, 24/06/08)

11. "some time ago, when I was younger, you could say I used to live in the station." (Estela, 03, PM, 27/05/10)
12. "I arrived at 4 in the afternoon or so, by 6 someone came by already and picked me up, it could be a patrol car, a CAP, a motorbike. They snatched you and kept you two, three, four, five days in, you didn't see your kids." (Laura, 09, PM, 14/06/08)
13. "once I was in 10 times in one year." (Norma, 08, PM, 11/06/08)
14. "they've given us up to 30 days (...) later it was different cos' the first time you were busted they gave you some, and then they caught you as a second offender, the first time you already had done 10 days, and the they put you away for 30." (Beatriz, 07, PM, 07/06/08)

#### *Conditions inside jail*

15. "you had no rights. They wouldn't let you make a phone call. At home nobody knew you were not coming back, you just didn't appear that night." (Ana, 15, AM, 24/06/08)
16. "sometimes I cleaned up the desk, the guard post or whatever, I washed everything, just to make sure they would give me a meal. " (Gladis, 01, AM, 21/05/10)
17. " I saw how they abuse inmates a lot (...) they told me 'you must turn around', 'you mustn't watch' (...) then at the station the forensic doctor asked you if you are hurt, you can't say yes or you are going to get hurt again." (Alejandra, 12, PM, 18/06/08)
18. "it was rough when they nicked us and we spent those days there (...) I think the one that gave you a thermos flask did it because he had some trace of humanity. Even pregnant women who were jailed lost their pregnancy in there." (Claudia, 06, AM, 28/05/10)
19. "they would get us into the car, drove us to the precinct, in such a way. The way they drove us, the way in which they treated us in there." (Beatriz, 07, PM, 07/06/08)
20. "you have to withstand at the precinct, withstand being cold, withstand the lack of places to wash, because you feel the cold, you feel the heat (...)they allow you to get two or three blankets in if the guard happens to let them in, if they want to (...) you don't have equal rights as someone detained let's say (...) if they sent us three meals, we got two (...) shampoo was missing, soap was missing, pads were missing (...) one cannot be lying on the floor two, three, four days without a chance to wash because there is no hot water, the water is freezing." (Mónica, 13, PM, 24/06/08)
21. "if you were pregnant you went to the doctor's, he said you had to stay in jail, if you were breastfeeding your son there was no difference, you had to finish doing time." And you would stay at least for 10 days." (Ana, 15, AM, 24/06/08)

#### *ICCA Proceeding*

22. "they stopped you, asked you what you were up to, well... I'm working in the area ...well they started asking for your particulars, they radioed for your data and there would always be some cop who had it in for you, one way or another they always snatched you." (Laura, 09, PM, 14/06/08)
23. "we used to be sitting all together in winter because it was so cold. The patrol car would come and pick us up. We were doing nothing!" (Laura, 09, PM, 14/06/08)



24. "the day before or the very same day we were released, we knew how many days we were sentenced." (Norma, 08, PM, 11/06/08)

#### B- The Judiciary

##### *i-Appealing the sentence under ICCA*

25. "the officer told me 'if you appeal I'll give you more days in jail' (...) I did it anyways. I was pregnant (...) they made me go from the precinct to court in cuffs, with a guy by this side and another guy by the other side." (Mónica, 13, PM, 24/06/08)
26. "the Police gave you a sentence of 30 days at the precinct, you appealed and judge gave you 60 days. We now know, of course, that the judge cannot give more days than what the deputy had already given you. But at the time they did it anyways. When we thought about appealing, we just said 'no way'." (Ana, 15, AM, 24/06/08)
27. "I told the girls 'don't appeal!' (...) you can have your freedom confirmed or you can get more time in jail. Appealing is a treacherous business." (Mariana, 13, PM, 24/06/08)

##### *ii-Going to court for other legal issues*

28. "[to request alimony] the receptionist in the family court told me to try to get myself a lawyer because the chances of getting one of these legal councils were zero. (...) I tell her 'do you believe that if I could afford a lawyer I would be here fighting for alimony? Not at all!' And she said something back and I said something back and the cops threw me out. It was a dreadful experience and I never came back in courts" (Julia, 11, AM, 18/06/08)
29. "[to ask for legal custody of her grandson] Due to those fears, due to the fear of being involved with the justice system, or that they would want to deprive me of him. Due to that fear I don't dare taking this matter before Courts." (Gladis, 01, AM, 21/05/10)
30. "[the court ruling deprived her of her children's custody] the judge wanted me to stop being a sex worker, he said that if I was a sex worker I couldn't have my children's custody, that I wasn't suitable for society (...) , I couldn't be with my children if I was a sex worker (...) that day I had been working and when I came back they had been to my mama's place to fetch them. They took them both; they held them here in early training at the *Pablo Pizurno*. [E: and how old were you?] well it was 17 years ago; I am 38 by now (...) (...) I told him 'well then, you give me other job and I quit this' (...) when I've got them back a social worker came along everyday at anytime to make sure I was at home." (Alejandra, 12, PM, 18/06/08)
31. "[custody dispute] my ex husband wanted to take the children away from me. By that time I wasn't working on this, no way. (...) The lawyer told me the only way he could deprive me from custody was if I was a prostitute, but he had to prove it; he would have to show pictures and present witnesses [ E: and do you believe that's true?] I truly don't know, the girls say that it is so, that they have been deprived from their kids, I don't know if it is due to this circumstance or some other..." (Norma, 08, PM, 11/06/08)

#### C- Other institutions

32. "there used to be no one you could speak to. I couldn't tell my mom or my family what I do for a living. My mom would have killed me; or she would have taken the kids away from me." (Julia, 11, AM, 18/06/08)
33. "you feel kind of discriminated by everyone (...) cars go by, motorbikes go by, bikes go by, buses go by, and you have to stay alert and hide not to be seen. On top of the shame you already feel, you have to watch yourself from

- cops, from the sight of other people, from people that make you feel ashamed. So you are running all over the place not to be seen." (Laura, 09, PM, 14/06/08)
34. "I used to see the area where the girls used to work on, many times when we used to pass by with my ex husband, I was one of those who shouted, who told them, 'why don't you clean houses instead of doing such a thing!' (...) now I see that after a certain age you are old for society and you just can't get a job." (Norma, 08, PM, 11/06/08)
35. "you are frequently discriminated as a street girl, as I am. In my neighbourhood several girls were rapped, and I heard one of my neighbours saying 'I've had several quarrels in my neighbourhood. Remember I was telling Lorena my neighbourhood is a mess, several girls were rapped? Well (...) and a girl, a well known neighbour of mine (...) started talking 'why don't they rape all those whores on the street, they fuck up peoples' lives and marriages' I turned around and told her, 'you have no idea, no idea what is like to work on the streets, I have friends who do it, and you have no idea what it means to be on the corner, the feeling when perhaps some kids go by and shout 'hey whore!'." (Valeria, 05, PM, 28/05/10)
36. "I try to explain to my kids that I always worked for them. And so they don't have to discriminate because youngsters nowadays segregate working women a lot (...) I told them what I was doing since they were little, so they knew it first hand and not from others. I always worked for them not to be in need" (Alejandra, 12, PM, 18/06/08)
37. "the nuns play the guilty card on you. Because for them we are the sinners, the poor women." (Claudia, 06, AM, 28/05/10)

#### D- Reinforcing marginalization

38. "one of my friends was smacked by the client in a hotel (...) she should have done something about it. On top of it, before leaving he stole her cell phone. The hotel crew knew the guy, she says they called him by his name (...) She did nothing, she was afraid of being nicked, of being detained if she did a complaint... the fear you see..." (Gladis, 01, AM, 21/05/10)
39. "[E: if anything should happen to you, who would you reach for?] I'd try to reach for my mates (...) and well, if I have to call the police, well... (...) Among us we try to phone if one is late, ask if she is ok. or if you see something strange I tell the girls to write down the license plate number, model of the car, all sorts of things, and we take care of each other." (Valeria, 05, PM, 28/05/10)
40. "I wouldn't file a complaint at the station. Imagine, you enter a room in a hotel with a customer; you enter, you do what you have to do; and if the customer crossed the line, what can you do about it? Until you call the cops and all, customer is gone, and it's a dead end because you are a street girl." (Laura, 09, PM, 14/06/08)
41. "the hotel could ask the customer for some ID; or give the room downstairs, not to send us so high upstairs because upstairs you can't hear a thing, they could be murdering you and nobody would listen." (Laura, 09, PM, 14/06/08)
42. "all those episodes [violence, abuse, smacking] you have to deal with them some other way, not calling the cops (...) Let's say something happens when you are working. Then you go to make the complaint, they ask 'what do you do for work?', and you say 'I'm a sex worker'; then it's as if you were nothing, nobody. ... there may be some of them, not every cop is the same, maybe it could exist some cop who is a great guy, who says, 'damned, I'm sorry for that lady; on top of having a terrible time they do this to her' let's

- say, I don't know... because you can't start judging everyone." (Gladis, 01, AM, 21/05/10)
43. "If anything happens here we call the police." (Mariana, 13, PM, 24/06/08)
- E- Resistance as tactics of survival
44. "after a while, to avoid being nicked we were running all over the place. We used to stand each on every corner and warn each other. If the cops had to run after you, they did, and they dragged you to the car and gave you even more days." (Laura, 09, PM, 14/06/08)
45. "I'm one of those who scratch. Just because they wear uniforms it doesn't mean that I'm going to keep my mouth shut, or I'm going to be mistreated, I am a human being just like them, and I have said those very words: I am a human being." (Laura, 09, PM, 14/06/08)
46. "and we were so afraid of them. I saw a patrol car and threw myself into the water in the middle of winter (...) I almost fell off a cliff in despair." (Claudia, 17, AM, 18/06/08)
47. "I was in for a whole year and along came the days when I did stand up and said 'hey man, that's enough' (...) I mean, when are they going to stop making me pay dues, there are a bunch of rookies (...) I didn't want to sell them off, but they came in and out just like that, what kind of deals they made I don't know... But I was the one staying in jail for ever." (Gladis, 01, AM, 21/05/10)
48. "I tried to resist the snatch once or twice (...) they nicked me anyway, and started contempt proceeding." (Beatriz, 07, PM, 07/06/08)
49. "I was one of those who if I was stopped by the cops and if I had to fight them I did, I wasn't easy to take. So that's the way it was, because of my personality I had to do more days, I was disrespectful to cops." (Laura, 09, PM, 14/06/08)
50. "whatever you do, they snatched you anyway, if you try to go away they hurt you, they hit you and get you into the car anyways." (Alejandra, 12, PM, 18/06/08)

### *Chapter III. Consciousness of Oppression*

#### A- Starting of the organization

#### *Becoming Stronger*

51. "a few years before AMMAR came to exist, a comrade was killed in the park someone killed a comrade at the park (...) A cop wanted to have sex with her for free, she said no and he threatened her, he told her she was going to end up in the gutter, and she was found dead at the park the following day. Some comrades got together and stopped the traffic claiming for justice, along came the patrol car, busted them all, and put them in jail for 20-30 days; they threatened them, told them to stop asking for justice." (Eugenia, 16, AM, 28/05/10)
52. "we knew at the time that you couldn't talk about certain stuff. Because you just couldn't, that's the truth... or not? (...) we only held a couple of demonstrations during which they came and... they kicked our asses, to be nicked or to be told you have to shut up, you have to be silent." (Gladis, 17, AM, 18/06/08)
53. "The cops killed her, exactly. Because she wouldn't "settle" for sex and they told her '*gringa* you're going to sleep with the fish' and so it was (...) in those days we couldn't talk, we didn't know how to complain. Now we do." (Claudia, 17, AM, 18/06/08)

## B- Organized resistance: a struggle for redefinition

### *i-Resistance regarding law*

54. "now we have a right to complain if we are put away (...) and they don't treat you as badly as they used to, only by saying you're with the organization you are treated in a slightly better way." (Alejandra, 12, PM, 18/06/08)
55. "they don't stop me anymore because they know I am an AMMAR member, they don't even stop me." (Laura, 09, PM, 14/06/08)
56. "[I was performing a] survey, and along comes a cop, he approached and told me 'what are you doing here?' I look at him and say 'I am conducting an interview, I'm an AMMAR member' 'Oh! An AMMAR member?' he said" 'Yes, do you wanna see some ID?' 'Not at all please, excuse me. Please carry on with your interview' he tapped me on the back and all! I mean, quite a noticeable change." (Julia, 11, AM, 18/06/08)

## C- Understandings of law and resistance: heterogeneity among agents of resistance

### *i-Rights vs. Law*

57. "once talking to a cop I said: I get it, it's your job, but you try to understand this is mine. You have a right to provide for your family, and I have a right to provide for my own. They are depriving you of that right, beyond the fact of keeping your freedom." (Julia, 11, AM, 18/06/08)
58. "when you start organizing, you start seeing, you begin to understand the world around you and the fact the you belong to a working class, you learn, you realize (...) that you have the same rights as any other worker." (Ana, 15, AM, 24/06/08)
59. "I chose to dignify myself as a woman first, then to start loving myself as a woman and to honour my rights." (Claudia, 06, AM, 28/05/10)
60. "they [congressmen] are depriving us the right to choose. . . So what's the use of democracy?, if you think about it, so if Cristina [The Nation's President] tells you to go and sit in front of a computer instead of working on the streets, why should I do it? You choose to work on the streets; it is not as if the people from AMMAR came along and tell you to work on the streets. You choose so, and the money you make is the money you keep." (Julia, 11, AM, 18/06/08)

### *ii-Law as alien or imposed*

61. "if the police come to perform searches they come back the day after and search it again, a cop told me so. He said 'I come back and I detain you anyway and then I snatch whoever I find here.'" (Mónica, 13, PM, 24/06/08)
62. " the judge gave you the amount of days he fancied, and if he liked you he gave you less days, and if he didn't he gave you days at will." (Mónica, 13, PM, 24/06/08)
63. "we are committing an infringement [E:do you believe you are permanently perpetrating an infringement?] according to the cops we are, they nick you on a provision, and they give you as many days as they want." (Mónica, 13, PM, 24/06/08)
64. "I have no clue about the law or the infringement laws (...) I don't get those subjects... I stick to the girl's sayings and the things you hear that's all, but besides from that if you ask me about that stuff I don't get a thing." (Laura, 09, PM, 14/06/08)