

**Law, Conditional Cash Transfers, and Violence Against Women:
An Institutional Ethnography of Argentina's *Universal Child Allowance* Program**

Melisa Nuri Handl

Thesis submitted to the University of Ottawa
in partial fulfillment of the requirements for the
Doctorate of Philosophy in Law degree

Faculty of Law
University of Ottawa

© **Melisa Nuri Handl, Ottawa, Canada, 2023**

*To Sophie,
for giving me the greatest gift:
Perspective*

i stand
on the sacrifices
of million women before me
thinking
what can I do
to make this mountain taller
so the women after me
can see farther.

Legacy. Rupi Kaur,
Milk and Honey (Andrews McMeel: Kansas City, 2015).

Abstract

This dissertation is the first ever written Institutional Ethnography (IE) of the *Asignación Universal por Hijo para Protección Social*, or “AUH” [Universal Child Allowance], Argentina’s CCT (conditional cash transfer) program. CCTs are one of international development’s favourite and fastest growing anti-poverty initiatives. Through the AUH, the State transfers cash to the poor attaching certain conditions that refer to the health and education of their children. Most CCT programs target women, and the AUH is no exception, as the overwhelming majority of legal recipients of the AUH are poor mothers. CCTs have been praised for contributing to human capital accumulation and empowering women.

Using IE, a feminist socio-legal methodology drawn from Canadian sociologist Dorothy Smith,[†] I conducted research with a total of fifty-eight informants: thirty-nine AUH recipient women – through in-depth semi-structured individual interviews, focus group discussions, and narrative photovoice – and nineteen professionals working at diverse corners of the AUH institution. I use the findings to answer two main questions: (1) What are AUH recipients’ experiences with and attitudes toward the program? and (2) How do both State and non-State legal regimes work to influence the lives of the most vulnerable women in Argentina? In other words, how does the AUH play within a system of rules – formal and informal – that have traditionally exerted control over poor women?

Following IE and Social Reproduction Feminism (SRF), I found that while the AUH program indicates women’s decision-making roles within their families and communities, this policy initiative serves to entrench rather than rectify inequalities. The problematic that I have found through this study is administrative and obstetric violence against AUH recipient women. Discussion about the administrative and obstetric violence that AUH recipient women suffer while doing AUH work has remained at the margins of legal and social policy debates, generally underdeveloped in policy and scholarship conversations about the realities of Argentina’s most vulnerable people.

Recipient women depicted diverse acts of violence they suffered while doing AUH work: they were mistreated, dismissed, neglected, humiliated, and discriminated against by State agents; recipient women were treated as ignorant or infantilized; recipient women had their stipend partially stolen by bureaucrats; had to wait countless hours in unsafe conditions; were not heard by health actors when expressing concerns about their health; had no opportunity to give prior informed consent; and they faced barriers to accessing health services and contraception.

I have found a disjuncture between women’s lived experiences and the broader ruling relations that organize “AUH work.” The findings show a disconnection between women’s experiences of violence, bureaucratic actors’ experiences and knowledge of the AUH, and a misalignment between bureaucrats’ knowledge and the black-letter law. These disjunctures enable and facilitate violence against recipient women through fragmentation, invisibilization, rationalization, minimization, standardization, and objectification of women’s experiences. In sum, the AUH facilitates violence against women and systematically obscures that violence.

Following a legal pluralist approach, I show the complex role of the law: at times, it problematically excludes recipient women's actual experiences from the AUH legal framework; at others, it fails to protect recipient women against violence. I identify the formal legal regimes interacting and immersed in the AUH institution: human rights and constitutional law, administrative law, and the violence against women (VAW) legal framework. Despite an outstanding formal repertoire of rights, there is a gap between the formal laws and their effective translation into women's lives.

The law is fragmented, complex, and sometimes contradictory. It cannot be limited to State-enacted formal laws; informal laws substantially impact people's lives, such as the informal rule to avoid retaliation from State actors by avoiding complaining. I argue that IE and legal pluralism can provide a more nuanced understanding of the law's complex institutional hierarchy and of the myriad ways by which recipient women's voices continue to be ignored and discredited within the law in the hope that the law can better respond (or at least stops interfering) with their needs. Ultimately, nothing less than the transformation of the socioeconomic order will achieve gender equality. Rather than "empowerment," we should strive toward emancipation, abolishing the structural colonial, patriarchal, and capitalist foundations of exploitation and oppression instead of integrating women into existing institutions and "empowering" them with shallow cash transfers.

Acknowledgments

This dissertation was made possible by the support and trust of people and institutions, for which I am deeply grateful.

First and foremost, I would like to acknowledge my research informants, who remain anonymous, but to whom I am perpetually thankful for generously sharing the insights of their everyday lives and their work. My humble and profound respect goes to my informants.

I want to extend my deepest gratitude to my supervisor, Professor Angela Cameron, for her consistent and unwavering support and guidance during the completion of this project, her invaluable advice, and her profound belief in my capacities. Angela, thank you for your kindness, for pushing my intellectual and academic abilities, for listening to me, for introducing me to Institutional Ethnography, for giving me the tools I need to conduct feminist legal research, and for encouraging me to get my doctoral degree. This dissertation would not have been possible without your support and nurturing guidance. Thank you for believing in me.

I express my heartfelt gratefulness to the two other members of my doctoral committee: Professor Susan Spronk and Professor Marie-Eve Sylvestre. I have the deepest gratitude, respect, and admiration for both of you. Susan, thank you for your generosity, brilliant and passionate ideas, encouragement and solidarity, sense of humour and warmth, and for introducing me to that beautiful world of progressive ideas. Marie-Eve, thank you for your brilliant and creative feedback, for your sincere encouragement, for challenging my ideas and stretching the boundaries of my intellectual and scholarly capacities, for your enthusiasm and optimism, for believing in me, and for being such a generous and kind human being.

Angela, Marie-Eve, and Susan: I respect and admire you. Thank you for putting up with my obscenely lengthy manuscripts.

I would also like to express my sincere thanks to Professor Penelope Simons, whose intellectual and human support was a constant during the years I took to complete this dissertation. Penelope, thank you for believing in me and for all the opportunities and guidance you have generously offered me throughout this path.

I am profoundly grateful to the International Development Research Centre (IDRC), which generously funded my empirical research work. I would also like to thank Nicole Senécal for the Graduate Scholarship in International Law, which contributed to making this project a reality.

I gratefully acknowledge the help of my two research assistants: Andrea Schaffer† and Gianna Tourn. Mil gracias, *compañeras*. Andy, this work is in your blessed memory. I will forever remember your immense heart, and you will live in the memories of all the lives you have touched and the work we have done together. Rest in power, my friend.

I want to thank the talented contribution of Jissela N. Polasek for her stunning graphic designs and the spectacular and inspiring photography of José Francisco Malina. It was a pleasure to work with you. Many thanks to Melody Rodriguez for your assistance in solving my doubts concerning translation. I also sincerely thank *Cáritas* personnel, especially Marisa Salomón and Rosaura Benítez, for their assistance and kindness.

To Elena, Audra, and Andy, strong women I admired and lost during the completion of my doctoral degree. You are not in our physical world but will forever live in my memory. Thank you for believing in me; you anticipated I would get where I stand now.

As for my people in Argentina, thank you. My loving and profound thanks to my parents, brothers, nephews, and aunt for their unwavering support, nurturing care, love, sense of humour, authenticity, and warmth. Thank you for always being there for me, for all the sacrifices you made so I could get an education, and for your determination, resourcefulness, resilience, and joy.

Last but not least, I would like to express my deepest thanks and love to the loves of my life and the pillars of my emotional multiverse: my daughter and my partner. Thank you for your relentless support during these intense years of doctoral studies. Thank you for openly and unjudgementally listening to me, validating my emotions and celebrating my achievements, and for your encouragement, enthusiasm, warmth, patience, genuineness, and empathy. Thank you for drying my tears when I felt defeated and for all those comforting hugs, endless laughter, goofiness, nurturing words, and unconditional acceptance.

Table of Contents

1) Introduction.....	1
1.1 Contributions.....	8
1.2 Structure.....	18
2) Literature Review on Approaches to the AUH Program	22
2.1 Economic and Quantitative Perspectives on the AUH	22
2.2 Labour Informality and Precarity Perspectives on the AUH	24
2.3 Social Protection, the Welfare State, and the AUH	28
2.4 Neoliberalism and the AUH.....	33
2.5 Feminist Critiques and the AUH.....	36
2.6 Law and the AUH	38
2.7 Governmentality and Ethnographies.....	40
2.8 Outline of Research Questions.....	45
3) Methodology: Institutional Ethnography	46
3.1 Introduction.....	46
3.2 Why IE?	47
3.3 Feminist: Does not Objectify People, Names Experience, and Has Emancipatory Goals.....	52
3.3.1 Rejecting the “Thingification” of People.....	54
3.3.2 Focus on Experience	54
3.3.3 Activist Posture	55
3.4 Constructive Synergy with Social Reproduction Feminism	56
3.5 Theoretical Framework: Social Reproduction Feminism	57
3.5.1 Labour: At the Heart of Reproduction and Social Reproduction.....	59
3.5.2 Politicizing Women’s Unpaid Labour	60
3.6 Core IE Methodological Concepts.....	62
3.6.1 Standpoint	62
3.6.2 Ruling Relations, Institution, and Texts.....	64
3.6.3 Institution	66
3.6.4 Discourse.....	67
3.6.5 Holding Texts Dear.....	68
3.6.6 The Problematic	71
3.7 Reflexivity.....	73

3.8 Data Collection and Fieldwork	75
3.8.1 Talking to People	77
Table: Research Methods and Participants	78
3.8.2 Note on Sampling in IE.....	80
3.8.3 Interviewing	84
3.8.4 Work	85
3.8.5 Note on Narrative Photovoice.....	89
3.8.6 Note on Compensation.....	90
3.9 Data Analysis and Processing.....	91
3.9.1 Language and Translation.....	94
3.9.2 Writing Strategy.....	95
3.9.3 Use of Graphs and Photographs.....	95
3.10 Ethical and Methodological Challenges: Limitations of this Dissertation.....	96
3.10.1 Mistrust and Fear of Retaliation.....	97
3.10.2 An Outsider in Informants' Perspectives of Reality	98
3.10.3 Finding Common Ground with Poor Informant Women	100
3.10.4 Being an Insider and the Risk of Institutional Capture	102
3.10.5 Doing Interdisciplinary Work and Finding a Legal Audience.....	104
3.10.6 Where is my Legal Audience?	106
3.10.7 Dealing with the Ethical Issues Related to Vulnerable Populations	107
3.10.8 Control, Dominance, and Power Differentials.....	108
3.10.9 Fetishizing Poverty	109
3.10.10 Emancipatory Potential and Limitations of Research.....	112
3.10.11 Online Methods and Researching in the Times of Covid-19.....	119
3.11 Justification of Terminology Choices for this Dissertation	122
3.11.1 Recipients, not “Beneficiaries”	123
3.11.2 Woman, Women	124
3.11.3 Violence Against Women and Gender-Based Violence	126
3.11.4 Victims, Survivors	128
3.11.5 Marginalized and The Poor.....	129
3.11.6 Bureaucrats and Technocrats	134
3.12 How is the Law Deployed in this Work?	135
3.12.1 Towards a Non-Essentialist Take on Law	136
3.12.2 So...Is the Law Merely an Instrument of Domination?.....	140
3.12.3 The Insufficiency of Formal Equality and the Perils of Engaging with the State.....	143

4) Setting the Stage: Characterizing CCTs, the AUH, and the Research Site.....	145
4.1 What are Conditional Cash Transfers?	145
4.1.1 Background and History of CCTs.....	146
4.1.2 So... What About the Role of International Development Institutions?	151
4.1.3 Evidence of CCTs Impact	153
4.1.3.1 Impacts on Poverty and Indigence	153
4.1.3.2 Impacts on Education.....	155
4.1.3.3 Impacts on Health	156
4.1.3.4 Shortcomings in Studies that Evaluate CCTs Impacts.....	157
4.1.4 CCTs Premises: Human Capital, Attaching Conditions, Female Titularity	160
4.1.4.1 The Theory of Human Capital	161
4.1.4.2 Conditionality.....	162
4.1.4.2.1 Hard or Soft Conditionality?	163
4.1.4.2.2 Why Imposing Conditionality?.....	164
4.1.4.3 Female Titularity and Feminist Concerns	166
4.2 THE AUH	171
4.2.1 Historical Framework	171
4.2.2 Legal Framework	179
4.2.2.1 Legal Texts “in Action”	180
4.2.2.2 Intertextuality	182
4.2.2.3 What Does the AUH Decree State?	183
4.2.3 AUH Features and Characteristics: How Can the AUH Program be Described?.....	184
4.2.3.1 Conditionality: What Behaviour is Required to Receive the Stipend?.....	185
4.2.3.2 Female Titularity.....	187
4.2.3.3 Monetary Amount: How Much Money do Recipients Cash?	193
4.2.3.4 Selection Criteria: Who Gets Targeted in the AUH?	194
4.2.3.5 Coverage: What Are the Characteristics of those Receiving the AUH?	198
4.2.3.6 Financing of the AUH: How is the AUH Program Funded?	201
4.2.3.7 The ANSES.....	203
4.2.3.8 The World Bank.....	206
4.2.3.9 The Evidence of the Impacts of the AUH.....	208
4.2.3.9.1 AUH Impact on Poverty	208
4.2.3.9.2 Impacts of the AUH on Education	209

4.2.3.9.3 Impacts of the AUH on Health.....	210
4.2.3.9.4 Impact of the AUH on Waged Labour Participation.....	211
4.2.3.9.5 Long-Term Impact?	213
4.3 An Institutional Ethnography in Argentina.....	214
4.3.1 A Landscape of Stark Contrasts.....	218
4.3.1.1 Presidencia Roque Sáenz Peña, Chaco, in an Unevenly Developed Argentina.....	223
5) Analytical Part: Administrative and Obstetric Violence.....	238
5.1 Introduction.....	238
5.2 Analytical Section Structure	240
5.3 A Take on Violence: Administrative and Obstetric.....	244
5.4 What is “Violence”?	247
5.4.1 Violence as a Multidimensional and a “Continuum”.....	249
5.4.2 Violence is Structural.....	251
5.4.3 Violence is a Paradoxical Concept.....	254
5.4.4 Violence is Invisibilized.....	256
5.4.5 Violence Encompasses Misrecognition and Maldistribution.....	260
6) Hooking-in: The Experience of AUH Recipient Women.....	264
6.1 Introduction.....	264
6.2 Small Sheroes.....	267
6.3 Not Knowing, Uncertainty, and Legal Illiteracy.....	274
Not Enough but Significant Money	277
6.4 Having to Pay for AUH-related Paperwork: Privatization of Services for Recipient Women	281
6.5 Mothers Experiencing Violence While Accessing the AUH	287
6.6 Recipient Women Waiting.....	291
6.6.1 How AUH Recipient Women Wait.....	293
6.6.2 Waiting at the Hospital and Health Centres	299
6.6.3 Captives of the State	303
6.7 Discrimination against Indigenous Recipient Women.....	305
6.8 Civil Registry: Identity, Surveillance, and the Rule of Being a “Responsible Mother”	310
6.9 Argentine Post and Banks: Economic Control, and Financial Abuse.....	318
6.9.1 Erasing Financial Abuse and Economic Violence	322
6.10 Difficulties Certifying Conditionalities: Loss of the AUH Due to Lack of Certification or Administrative Negligence	326
6.11 Fear and Anxiety: “It Stresses me out ... Awful, it is Awful”	329

6.12 Perpetuating Oppressive Gender Mandates Intergenerationally	332
6.13 The Rule of Avoiding Retaliation at all Costs	335
6.14 Obstetric Violence against AUH Recipient Women.....	340
6.14.1 Disregarding Women’s Embodied Knowledge	348
6.14.2 Withholding Technologies from Women: Lack of Access to Health Services and Contraception.....	350
6.14.3 Difficult Access to Contraception and Tubal Ligation	353
6.14.4 Without Access to Decommodified High-Quality Public Services, the AUH is Self-Defeating	356
7) Activating: Operators’ and Frontline Workers’ Accounts	360
7.1 Introduction.....	360
7.2 Lines of Fault	362
7.3 ANSES as The Frontline.....	363
7.4 The Experience of the ANSES Integral Initial Operator	367
7.4.1 Inter-Textual Relations and The SIPA as a “Crossed” System.....	369
7.4.2 Institutional Fragmentation	372
7.4.3 Institutional Circuits: A Different Version of AUH Recipients Hooking into The System.....	375
7.4.3.1 Birth Certificate: Registration of Identity	377
7.4.3.2 “Alta de CUIL”: Institutional Baptism	379
7.4.3.3 The <i>Libreta</i>	381
7.4.4 But Wait...How is Titularity Determined?	383
7.4.4.1 Scenario 1: A “Code Two”	384
7.4.4.2 Scenario 2: Prioritize <i>Family Allowances</i> over the AUH	388
7.4.4.3 Scenario 3: When Neither Parent Works, the System is Predetermined to Pay the AUH to the Mother.	390
7.4.4.4 Scenario 4: Case of Separation	392
7.4.5 “Form 2.68”	394
7.4.5.1 Ideology in the Law	399
7.4.5.2 Anatomy of a Factual Account: Fabulist Mothers	401
7.5 Different Perspectives on the Bureaucratic Endeavor	405
7.5.1 Accountability Circuits: Making Sense of Bureaucrats’ Agency	407
7.5.2 “Implementation Challenges”: Privatization and Policing.....	412
7.5.3 Privatization, Accessibility, Communication.....	413
7.5.4 Policing How People Wait.....	415
7.5.5 The AUH is Not a “Conditional” Cash Transfer	418

7.5.6 Minimizing the Hurdles Conditionalities Involve.....	421
7.5.7 “Formal-Labour-Centric” Approach.....	424
7.5.8 “The Truth is That...Poverty Does not Understand Gender.”	429
7.6 Ruling Relations and the World Bank	430
7.6.1 World Bank and Boss Texts: The ‘Holy Grail’ of CCTs.....	431
7.6.1.1 Partial Humanity	437
7.6.1.2 Mothers are Less Irresponsible, Spend More on Food, and Spend More Time with Children than Men	438
7.6.1.3 Absorbed by the Numbers.....	442
7.6.2 The AUH, Ideological Circles, and the Social Organization of Facticity	446
7.7 The Gap Between Formal Laws and Bureaucrats’ Practices and Institutional Objectification of Recipient Women.....	450
7.7.1 “You Receive Violence, and You Transmit Violence”.....	459
8) Extending and Mapping Cartographic Laws: Fantastic Rights and Where to Find Them.....	462
8.1 Introduction.....	462
8.2 Mapping Cartographic Laws in the AUH Institution.....	464
8.3 Human Rights and the AUH	466
8.3.1 Written Legal Maps of Social Security as a Right.....	469
8.4 All Legal Roads Lead to Constitutional Law.....	474
8.4.1 Constitutional Rulings related to AUH Recipients	480
8.4.1.1 Judicialization?.....	480
8.4.1.2 Key Rulings of the Argentine Supreme Court of Justice Regarding Non-Contributory Programs	482
8.4.1.2.1 Comment about the Nature of the “Non-Contributory” Pensions.....	485
8.4.1.2.2 “ <i>Internas de la Unidad N° 31 SPF y otros s/ Habeas Corpus</i> ”.....	481
8.4.1.3 Note About Social Security Jurisdiction: Federal Jurisdiction	489
8.5 Administrative Law and the AUH	490
8.5.1 The <i>Administradas</i> and their Rights.....	493
8.5.1.1 <i>Administradas</i> ’ Right to Petition.....	494
8.5.1.2 <i>Administradas</i> ’ Right to a Prompt Response	495
8.5.1.3 <i>Administradas</i> ’ Right to Know the Reasons for an Administrative Decision.....	496
8.5.1.4 <i>Administradas</i> ’ Right to a Good Administration	496
8.5.2 Legal Techniques to Protect the Rights of the <i>Administradas</i> : Administrative Protection and Judicial Protection.....	497
8.5.3 What Would an <i>Administrada</i> Do to Protect and Claim her Rights?.....	498

8.5.3.1 Obligation To Exhaust the Administrative Jurisdiction in the Social Security Jurisdiction	499
8.5.3.2 Comment about the Requirement to Exhaust the Administrative Route	501
8.5.3.3 Nannying the State	503
8.6 Legal Framework for the Protection of Women’s Rights in Argentina	508
8.6.1 Gender in the Argentine Constitution	510
8.6.2 Gender-Based Violence Legal Framework	511
8.6.3 Law 26,485/2009. Comprehensive Law on the Prevention, Punishment, and Elimination of Violence against Women in their Interpersonal Relations	514
8.6.4 Obstetric Violence: Legal Framework	518
8.6.4.1 International Protection	519
8.6.4.2 Domestic Legislation	522
8.7 Lack of Access to Justice and the AUH	526
8.7.1 All Spin, No Delivery: Dismissing, Stereotyping, and Re-Victimizing Violence Survivors ..	530
8.7.2 Dismissing and Under-Estimating VAW	531
8.7.3 Deeply Rooted Gender Bias against Violence Survivors	532
8.7.4 Lack of Inter-Institutional Coordination Addressing VAW	533
8.7.5 Material Constraints and Lack of Access to Formal Legal Spaces	534
9) In Lieu of a Conclusion: From Empowerment to Emancipation	537
9.1 Understanding Limited Aspirations and Constrained Horizons of Possibilities	542
9.2 Beyond Individualistic Approaches	543
9.3 Illuminating our Understanding of VAW	548
9.4 The Law as a Messy and Contested Terrain of Living and Knowing	550
9.5 Law as Domination, Law as Hope	553
9.6 Beyond Law Reform	559
9.7 Creating Cracks in the System	560
9.7.1 Eliminating Conditionalities	561
9.7.1.1 Unconditional Cash Transfers (UCTs) and Universal Basic Income (UBI)	565
9.7.2 Towards Decommodification and the Socialization of Reproductive Labour	569
9.7.3 There is Strength in “Transition”	573
9.7.4 Embracing Qualitative Research	577
9.7.5 Enforcement and Implementation of Laws that Protect Women against Violence	578

9.8 Levers for Emancipatory Justice.....	581
10) Bibliography	586
11) Annexes	688
11.1 Ethics File	688
11.1.1 Ethics Certificate.....	745
11.2 Tables Detailing Informants’ General Demographic Data	750
11.2.1 In-Depth Individual Interviews with AUH Recipient Women	750
11.2.2 Focal Group 1 – AUH Recipient Mothers	751
11.2.3 Focal Group 2 – AUH Recipient Mothers	752
11.2.4 Focal Group 3 – AUH Recipient Mothers	752
11.2.5 Focal Group 4 – AUH Recipient Mothers	753
11.2.6 Focal Group 5 – AUH Recipient Mothers	754
11.2.7 Narrative Photovoice Participants.....	754
11.2.8 Key Informants Interviews.....	755
11.2.9 Short Biographies of Informant AUH Recipient Women.....	757
11.3 Proof of CUIL	771
11.4 Old Version of the <i>Libreta</i>	772
11.5 Formulario Base, Form 1.47.	774
11.6 Sworn Declaration at ANSES	777
11.7 Step-by-Step Online Presentation of <i>Libreta</i> as of 2021.	778
11.8 <i>Formulario Madres</i> - “Mothers” Form.....	780

List of Figures

Figure 1: Evolution of formal legal norms regarding AUH titularity.....	190
Figure 2: Social security system’s contributory and non-contributory components via means-test... ..	196
Figure 3: Social security system’s contributory and non-contributory components via labour market insertion.	195
Figure 4: Structure of social protection for children and adolescents in Argentina..	197
Figure 5: Percentage of AUH recipients disaggregated by sex.	199
Figure 6: Employment situation of AUH legal recipients.	200
Figure 7: AUH geographical coverage.	200
Figure 8: ANSES organizational chart.	204
Figure 9: Map of Argentina.	215

Figure 10: Argentina's NEA Region.	218
Figure 11: Photograph, marginalized neighbourhood in <i>Sáenz Peña</i>	219
Figure 12: Map of the Province of Chaco.	223
Figure 13: Photograph of women preparing food in a <i>merendero</i>	225
Figure 14: Photograph, AUH recipient woman cooking in a <i>merendero</i>	225
Figure 15: Photograph, deforestation in the Province of Chaco.	226
Figure 16: Photograph, <i>El Gran Chaco</i> deforestation and fires.	226
Figure 17: Women working in <i>Sáenz Peña</i> city downtown.	227
Figure 18: Map of marginalized <i>barrios</i> in the city of <i>Sáenz Peña</i>	229
Figure 19: Photograph, houses in marginalized neighbourhoods.	229
Figure 20: Photograph, dwelling without access to drinking water.	230
Figure 21: Phototgraph, "The Impenetrable" forest.	231
Figure 22: Photograph, person filling a container in an off-site water network.	233
Figure 23: Photograph, dwellings without sewage network or septic tank.	234
Figure 24: Photograph, mother riding a motorbike.	235
Figure 25: "Lines of fault"	239
Figure 26: "Small shero" facing ruling relations.	272
Figure 28: Photograph, mother hanging up the laundry to dry while holding her child.	273
Figure 29: Photograph, an AUH recipient mother doing laundry	274
Figure 30: Photograph, shopping for groceries at a supermarket.	280
Figure 31: Photograph shared by informant recipient woman Lili to symbolize her experiences with the AUH program. Cyber-café in the downtown of Presidencia Roque Sáenz Peña	281
Figure 32: Photograph shared by informant recipient woman Valeria. A cyber-café that offers ANSES appointments.	282
Figure 33: Photograph by recipient Carmen. It shows a cyber-café located in a <i>barrio</i>	286
Figure 34: Photo shared by AUH recipient Emilia. ANSES office downtown.	287
Figure 35: Photo by recipient woman Ornella. A <i>silleta</i> she carries when waiting to do AUH work.	292
Figure 36: Photograph depicting a queue in front of the ANSES office at Presidencia Roque Sáenz Peña.	293
Figure 37: Photograph by informant Carmen. Machine at the ANSES.	294
Figure 38: Process recipient mothers undergo to be served at the ANSES.	296
Figure 39: Photograph shared by informant Valeria. " <i>El Estado en tu barrio</i> ."	298
Figure 40: Photograph, women walking in the periphery of the city.	299
Figure 41: Photograph, horse-drawn carts at the urban core.	299
Figure 42: Photograph, woman riding a motorbike.	301
Figure 43: Photograph, mothers and their children waiting at the public hospital " <i>Hospital 4 de Junio Dr. Ramón Carrillo</i> " of Presidencia Roque Sáenz Peña.	302
Figure 44: Photograph, a " <i>salita</i> " [health centre]	303

Figure 45: Photograph, Indigenous AUH recipient mother setting up a cooking pot on an open wood-burning fire pit.	308
Figure 46: Photograph shared by informant mother Lili. Civil Registry of Presidencia Roque Sáenz Peña and people queuing in the sidewalks.	311
Figure 47: Photograph depicting an AUH Mother taking her child to play to the park	315
Figure 48: Photograph by informant mother Emilia. It shows people queuing at the doors of the <i>Nuevo Banco del Chaco</i> in the city of Presidencia Roque Sáenz Peña	318
Figure 49: Photograph by recipient mother Emilia. A line at the doors of the local branch of the <i>Banco de la Nación Argentina</i> in Presidencia Roque Sáenz Peña.....	319
Figure 50: Photograph of the <i>Argentine Post</i> local branch taken and shared by recipient mother Valeria.....	319
Figure 51: Photograph shared by AUH recipient mother Valeria. Front door of the <i>Argentine Post</i> Office local branch.....	319
Figure 52: Photograph, “ <i>Postal</i> ,” a private corporation located in Presidencia Roque Sáenz Peña downtown.....	321
Figure 53: Hurdles recipient mothers need to overcome to cash the stipend.	328
Figure 54: Photograph, dirt roads in marginalized <i>barrio</i> in Presidencia Roque Sáenz Peña...	334
Figure 55: Photograph, a mother with her children attending the Department of Pediatrics	343
Figure 56: Photograph shared by informant Lola. “Unborn Child” monument	347
Figure 57: Disjuncture between recipient women’s experiences and broader ruling relations..	362
Figure 58: Disjunctures found.	363
Figure 59: Photograph, a woman leaving the premises of the ANSES	365
Figure 60: Photograph shared by gatekeeper, ANSES frontline [“ <i>la ventanilla</i> ”].....	366
Figure 61: Translocal and inter-textual relations of ANSES with other organizations.	373
Figure 62: Recipient mother’s pilgrimage through different institutional locales.....	374
Figure 63: Institutional circuit: regulation, standardization, and accountability.	376
Figure 64: AUH enrollment from the perspective of an ANSES bureaucrat.	378
Figure 65: Posters on the wall of the Civil Registry.....	379
Figure 66: Text-work-text action graphic depicting AUH enrollment process.	381
Figure 67: Text-work-text actions, AUH titularity.....	385
Figure 68: Visual metaphor, multiple factors affecting a recipient mother’s life turned into a standard category.	387
Figure 69: Text-work-text processes and ruling relations that prioritize <i>Family Allowances</i> over the AUH.	389
Figure 70: Relations of ruling that predetermine payment to mothers.	391
Figure 71: Text-work-text sequences of institutional priorities at play in the case of parents’ separation.	393
Figure 72: The making of an official account regarding AUH titularity.....	400
Figure 73: Photograph by a gatekeeper, ANSES office.....	416
Figure 74: Cover of the World Bank key text on CCTs published in 2009.	434

Figure 75: Map of CCTs expansion in the World Bank 2009 CCTs Report.....	434
Figure 76: Text-sequences, origin of female titularity assumption.	445
Figure 77: Creation of facticity around female titularity using ideological circles.	447
Figure 78: Photograph, public hospital “ <i>Hospital 4 de Junio Dr. Ramón Carrillo</i> ”	451
Figure 79: Photograph, an AUH mother at the public hospital waiting with her children	454
Figure 80: Formal legal regimes that interact within the AUH	465
Figure 81: Pyramid of constitutional supremacy according to legal centralism.....	475

Abbreviations

AFIP: *Administración Federal de Ingresos Públicos* [Federal Administration of Public Revenue].

ANDIS: *Agencia Nacional de Discapacidad* [National Disability Agency].

ANSES: *La Administración Nacional de la Seguridad Social* [National Social Security Administration or Social Security Agency].

AUH: *Asignación Universal por Hijo para Protección Social* [Universal Child Allowance/Allocation for Social Protection].

CCTs: Conditional Cash Transfers.

DNU: *Decreto de Necesidad y Urgencia* [Decree of Necessity and Urgency].

IE: Institutional Ethnography.

RENAPER: *Registro Nacional de las Personas* [The National Registry of Persons].

SIPA: *Sistema Integrado Previsional Argentino* [Integrated Argentine Pension System].

SP: Presidencia Roque Sáenz Peña city.

SRF: Social Reproduction Feminism.

1) Introduction

In March of 2021, I conducted the second interview with AUH recipient mother Olivia. She is a twenty-four-year-old single mother to a three-year-old child. Olivia migrated to the province of Chaco and currently shares a rental apartment with her mother and her young son. This AUH recipient mother completed a degree in Labour Relations. Olivia has cashed the AUH for three years and uses the money to pay for her son's transportation and private health care. Olivia's former partner does not help raise their child nor do they provide child support. She cannot find employment in her field, so she works part-time as a cashier in a park. She organized a "circle of mothers" in 2019 to share experiences with mothers mothering in solitude. Olivia is bright, articulate, kind, soft-spoken, and sensitive. She has struggled with feelings of ambivalence concerning motherhood. Olivia feels the weight of society's judgement over poor mothers.

You have to do an enormous work of conscience so that these comments do not hurt you. So that you know that those comments ... suck ... because [as a mother] they make you feel guilty at different fronts: for working, for getting together with your friends, for just cooking sausage today. In other words, there are thousands of guilts... [Olivia 01:08:34]. For wearing the shirt you like, because instead of buying sneakers for the kids, you bought jeans for yourself. First, you have to work on your own conscience to say: Just as I love my child, I also love myself, and I can do things for me too [Olivia 01:09:20].

Olivia thinks that mothers should be legal recipients of the AUH program, though she admits she had not reflected on it in detail. She thinks that "it is normal that the man is the one with the salary, and the woman is the housewife. So, if it [the AUH] is yours, at least you manage it, which is different from having to say 'hey, give me some money'" [Olivia 00:56:08].

Grounded in the stories of women¹ like Olivia, this dissertation provides a different view of one of the fastest expanding and favourite anti-poverty policies in development: programs through which the State transfers cash to the poor attaching certain conditions through which the poor demonstrate their disposition to lift themselves out of poverty. Conditional cash transfer (CCT) programs, which researchers with the International Monetary Fund crowned as “smart economics” that “empower women,”² provide poor households with monetary incentives to embrace the education and health behaviours that development experts and global players deem as crucial to overcoming the trap of the intergenerational transmission of poverty. Argentina’s CCT program is known as the *Asignación Universal por Hijo para Protección Social*, or “AUH” [Universal Child Allowance/Allocation for Social Protection]. CCTs, as the AUH,³ have been acclaimed by their advocates due to their alleged positive effects on promoting gender equality.⁴

Despite over 40 years since the adoption of the *Convention on the Elimination of All forms of Discrimination Against Women* and over 25 years since the endorsement by the international community of the *Beijing Platform for Action*, gender inequality remains obdurately persistent.⁵ The Covid-19 pandemic has made progress even more stagnant: women have been the most likely to either lose their employment and care for children, the sick and the elderly in the context of the economic crisis and the collapse of health and education systems.⁶

¹ The word “women” in this dissertation includes trans women as well as cis-gendered women. See section 3.11, “Justification of Terminology Choices for this Dissertation.”

² Ana Revenga & Sudhir Shetty, “Empowering Women is Smart Economics” (2012) 49:1 Finance and Development at 40.

³ See section 4.2.3.2, “Female Titularity.”

⁴ World Bank, *World Development Report: Gender Equality and Development* (Washington, DC: World Bank, 2012). European Commission, *Study on Conditional Cash Transfers and their Impact on Children* (Brussels, Belgium: European Commission, 2014).

⁵ OECD, *The Pursuit of Gender Equality: An Uphill Battle* (OECD Publishing: Paris, 2017), online <<https://doi.org/10.1787/9789264281318-en>>.

⁶ Lauren Billi, Jessamyn Encarnacion, Ghida Ismail, Papa Seck & Rea Jean Tabaco, *Women and Girls Left Behind: Glaring Gaps in Pandemic Responses* (Geneva: UN Women, 2021), online <<https://data.unwomen.org/sites/default/files/documents/Publications/glaring-gaps-response-RGA.pdf>>.

As this study shows, many women live in poverty and suffer the effects of structural violence.⁷ While globalization may have increased women’s formal participation in the global economy, the neoliberal global capitalist system continues to exploit women and render them susceptible to violence.⁸ Global capitalist structures constitute a “grossly disempowering system” that has produced “a huge alienated transnational class.”⁹ The international legal order is fully enmeshed with the “grossly disempowering” capitalist order. It has prioritized commercial expansion¹⁰ by tactical regulation and deregulation,¹¹ resulting in an international legal system that “enriches the few at the expense of everyone else, ... wrongs women with particular efficiency, and ... is environmentally destructive ...”¹² States and other key global players have promoted market liberalization, entrenching gender inequalities by decreasing “publicly funded social services”¹³ while introducing superficial and fragmented “micro-level interventions”¹⁴ such as CCTs – and the AUH – instead of taking transformative measures to take down the structures of the global neoliberal capitalist system. Accounts like Olivia’s problematize the assumption that the AUH fosters gender equality.

[T]here is a stupid belief that a woman will take care of the child better, or cook better, or clean the house better, and the truth is that all these things are learned. It has nothing to do

⁷ Women’s International League for Peace and Freedom, “25 Years, Limited Progress on Women’s Rights” (18 March 2020), online <www.peacewomen.org/e-news/25-years-limited-progress-womens-rights>.

⁸ Jacqui True, *The Political Economy of Violence against Women* (Oxford: Oxford University Press, 2012) at 33.

⁹ John Linarelli, Margot E. Salomon & Muthucumaraswamy Sornarajah, *The Misery of International Law: Confrontations with Injustice in the Global Economy* (Oxford: Oxford University Press, 2018) at 17.

¹⁰ *Ibid* at 1.

¹¹ Anthony Angie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge: Cambridge University Press, 2005) 211-236.

¹² Linarelli, Salomon & Sornarajah, *supra* note 9 at 1.

¹³ Emma Larking, “Challenging Gendered Economic and Social Inequalities: An Analysis of the Role of Trade and Financial Liberalisation in Deepening Inequalities, and of the Capacity of Economic and Social Rights to Redress Them,” in Susan Harris Rimmer & Kate Ogg, eds, *Research Handbook on Feminist Engagement with International Law* (Cheltenham, UK: Edward Elgar Publishing, 2019) 306 at 309-310.

¹⁴ Womankind Worldwide et al, *Feminist Movements and the Beijing Vision: Organising. Resisting. Advocating.* (September 2020) 3, online < www.womankind.org.uk/wp-content/uploads/2020/09/Feminist-movements-and-the-Beijing-vision-1.pdf>.

with sex, if you are a man or a woman, it has to do with learning... and it is a cultural issue that has remained like that, and although it is changing, little by little, most of the reproductive work of taking care of the children and taking care of the house is still in women's hands [Olivia 00:58:32].

As this work will show further below, women's unpaid labour and the violence they suffer has a cultural dimension but, most importantly, a distributional dimension as well. Institutionalized androcentric cultural standards – as Olivia pointed out – benefit traits associated with masculinity and undervalue femininity. As well, our capitalist system structures the fundamental division between paid “productive” labour and unpaid “reproductive labour,” delegating women significant responsibility for the latter and creating gender-specific forms of distributive injustice that position women in the economy as lower-paid workers, resulting in women's overrepresentation in domestic work and the devaluation of care work in the private realm. When I probe Olivia and ask her if there is resistance from men to assume caregiving responsibilities, she explains:

Yes, because it is easier just to work outside of the household. I mean, it works like this: Mom and dad work, but unlike dad, mom works outside the house and works inside the house too... Dad works outside, comes home, and does nothing [Olivia 00:59:47]. Why is it hard for them (men)? Because ... they have to make an effort... to break with that paradigm, ... and say ‘well, I actually can do this.’ But well, what about us (mothers)? I do not know. ...I cannot stop taking care of my son because my husband does not love me, that is, or because his father does not want to take care of him, I have to take care of him anyway ... Well ... the care of the children goes beyond mom and dad. In other words, it is something that concerns ... society as a whole. So, for example, a child is born, and there must also be paternity leave for the father so that both care for the child [Olivia 01:01:35]. These issues come down from the laws up there, this issue that the mother is given more maternity leave when the child is born [Olivia 01:01:42]. Like, ‘what are they [laws] trying to tell me when they give me so many months for maternity leave and they only give him [father] only one month?’ (Olivia laughs) [Olivia 01:02:48].

Olivia's account mentions the role of law. As this work will posit, law has a key role in debates surrounding the AUH; it negotiates conflicts, performs as a symbolic discourse, involves and regulates the distribution of resources in our societies, and functions as an expressive, State-enacted disciplining discourse of a myriad of rights and responsibilities. Law codifies and legitimizes women's status in society, reflects social beliefs about gender relations, contributes to constructing attitudes, stereotypes, and dogmas,¹⁵ and has distributional consequences.

The problem with the AUH is not only that it excludes men from the caregiving realm while instrumentalizing women, although it certainly does so: the AUH program – and CCTs more broadly – cannot possibly address the structural forms of inequality rooted in the cis-white heteropatriarchal colonial capitalist political economy. It is a system in which – as Olivia explained, overwhelmed with emotion while sobbing – “we accept that there are people who are starving, not because there is no food, but because they do not have money to access that food ... and then you realize how badly we are doing and how in the wrong we are” [Olivia 01:26:57]. Liberal policy interventions such as the AUH seek to “empower” recipient women by incorporating women into existing structures that are inherently disempowering.¹⁶ I join socialist feminists who argue that to achieve gender equality, we must abolish colonial and capitalist structures of oppression and exploitation, and the socio-economic order needs to be transformed.¹⁷

This dissertation is about Olivia and many other AUH recipient mothers looking for a way to raise their children and survive. I am talking about approximately 2,484,444 legal AUH

¹⁵ Carol Smart, *Feminism and the Power of Law* (London: Routledge, 1989).

¹⁶ Agnes Quisumbing & Bonnie McClafferty, *Food Security in Practice: Using Gender Research in Development* (Washington, DC: International Food Policy Research Institute, 2006). Ariel Fiszbein, Norbert Schady, Francisco H.G. Ferreira, Margaret Grosh, Niall Keleher, Pedro Olinto & Emmanuel Skoufias, *Conditional Cash Transfers: Reducing Present and Future Poverty* (Washington, DC: World Bank Policy Research Report, 2009), online <<https://openknowledge.worldbank.org/handle/10986/2597>>.

¹⁷ Nancy Fraser, “Contradictions of Capital and Care” (2016) 100 *New Left Review* 99.

recipients in Argentina – 98% of AUH legal recipients were women in 2015.¹⁸ These women’s social reproductive work keeps humanity going; their labour is necessary to our capitalist systems, yet is systematically undervalued, exploited, and invisibilized. These women are poor. Most of them are not wage earners but rather self-employed workers who use different productive strategies and *changuitas* – gigs – to gain a minimum daily income or informal domestic workers who, besides performing social reproductive work in their households, perform these tasks for other – wealthier – families.

AUH recipient mothers usually come from low-income families of dispersed origins, frequently – but not always – have low educational status, and live in marginalized *barrios* of the urban periphery. They generally mother in solitude, either because the father of their children abandoned them or was never present in their lives, evading their care responsibilities. Among the poor, women bear a disproportionate amount of work as they are expected to do most of the care work in addition to providing a daily income. AUH recipient mothers are responsible for material provisioning – shelter, food, water, care – for other humans within their home, laced with the ideological expectation that these women are responsible for pulling their families out of poverty. These material and ideological expectations “provide the conditions of possibility of gendered violence.”¹⁹

While the AUH signals a significant shift in policy that recognizes the importance of women within the household, this policy instrument serves to entrench rather than rectify inequalities. The problematic that I have found through this study is administrative and obstetric violence against AUH recipient women. This violence manifests through subordination,

¹⁸ Santiago Boffi, “La Asignación Universal por Hijo en el Contexto Latinoamericano: ¿Cambio de Paradigma en la Política Social?” (2020) Doctoral Dissertation, Facultad Latinoamericana de Ciencias Sociales at 247.

¹⁹ Tithi Bhattacharya, “Explaining Gender Violence in the Neoliberal Era” (2013-2014) 91 International Socialist Review, online <<https://isreview.org/issue/91/explaining-gender-violence-neoliberal-era/index.html>>.

(in)visibilization, coercion, domination, exploitation, oppression, limitation, and manipulation of recipients' autonomy. Questions related to the administrative and obstetric abuse involved in the AUH program are generally not visible in policy and scholarship conversations about the realities of Argentina's most vulnerable people.

I have found a disjuncture between women's lived experiences and the broader relations of ruling that organize "AUH work." The findings show a disconnection between women's experiences of violence and bureaucratic actors' experiences and knowledge of the AUH; and a misalignment between bureaucrats' knowledge and formal laws. These disjunctures enable and facilitate violence against recipient women through fragmentation, invisibilization, rationalization, minimization, standardization, and objectification of women's experiences. In sum, the AUH facilitates violence against women and systematically obscures that violence. Thus, while CCTs – and the AUH – might be, at best, a small step in a larger struggle for women's emancipation, the de-commodification of essential social services and the socialization of reproductive labour remains the best way to advance gender equality.

Data showed the complex role of law: at times, it problematically excludes recipient women's actual experiences from the AUH legal framework;²⁰ simultaneously, the laws that are supposed to protect women from violence fail to translate into women's realities and protect them.²¹ This means that formal law is not the sole way of reasoning and that, at times, it had no privilege over other discourses nor capacity to prevent and punish violence against women [VAW]. A nuanced conception of the law throws some shadow upon the power traditionally attributed to formal legal regimes by lawyers, jurists, and other experts. I argue that IE and legal pluralism can provide a more nuanced 'understanding of the law's complex institutional hierarchy

²⁰ See section 4.2.2.1, "Legal Texts "in Action"

²¹ See section 8.8, "All Spin, No Delivery: Dismissing, Stereotyping, and Re-Victimizing Violence Survivors."

and of the myriad ways by which recipient women's voices continue to be ignored within the law in the hope that the law can better respond to their needs.

1.1 Contributions

My dissertation is in conversation with and contributes to ten different debates in the literature. This dissertation constitutes the first ever produced Institutional Ethnography (IE) of the AUH, and the second ever produced IE of a CCT program.²² It uses an unorthodox feminist-socio-legal methodology that has been rarely used in Latin America.²³ As I detail below, IE is not just a “framework for inquiry” but also a “philosophy,”²⁴ a new way of thinking that requires an “epistemological shift.”²⁵ I contribute to that literature by applying Smith's IE and specific methods – in-depth interviews, focus group discussions, and narrative photovoice – to understand recipient women's experiences within the institution of the AUH and to connect what happens on the ground with more technocratic approaches to the law, always keeping toward the goal of uncovering the influence of institutional power on everyday practice. Besides being the first IE of the AUH, I contribute to the literature in nine other ways.

First, this work contributes to sociological and legal debates around the AUH. Scholars that focused on the AUH have also researched it from a theoretical/normative perspective or an ethnographic one. In this work, I contribute to filling that gap by connecting the local to the extra-local and connecting a description of what actually happens on the ground with a methodological

²² See Cookson's (2018) IE of the Juntos program in Peru. Tara Patricia Cookson, *Unjust Conditions: Women's Work and the Hidden Cost of Cash Transfer Programs* (Oakland, CA: University of California Press, 2018).

²³ Yañez (2018) used IE to explicate women's experiences with obstetric care in Argentina. Sabrina Yañez, “We Aren't All the Same’: The Singularity of Reproductive Experiences amidst Institutional Objectification in Argentina's Public Maternal Health Services” (2018) 15 *Journal of Feminist Scholarship* 61.

²⁴ Jonathan Tummons, “Institutional Ethnography, Theory, Methodology, and Research: Some Concerns and some Comments,” in J. Reid & L. Russell, eds, *Perspectives on and from Institutional Ethnography* (Emerald Group, 2017) 147 at 153-154.

²⁵ Janet Rankin, “Conducting Analysis in Institutional Ethnography: Analytical Work Prior to Commencing Data Collection” (2017) 16:1-9 *International Journal of Qualitative Methods*.

and theoretical framework (IE and SRF). There are many academic texts on the subject, but not many are written by legal scholars.²⁶ Economists, sociologists, anthropologists, political scientists and social workers, amongst others, have written about the AUH using different approaches and methodologies. However, the scholarly literature on the AUH so far does not empirically describe the practice of AUH work from a socio-legal perspective within a given theoretical framework. I contribute to filling that gap by analyzing how the formal and informal laws fit within the lives of AUH recipients, bureaucrats, and other AUH actors, which has not been done before.

Second, my dissertation contributes to the literature on legal pluralism.²⁷ I add my voice to scholars who question the idea that law should be equated to official law enacted or recognized by the State. I use the main contributions of legal pluralism scholarship to describe how different State-based legal regimes interact within the institution of the AUH to influence the lives of the most vulnerable women in Chaco, Argentina. While I identify and describe formal legal regimes – namely, human rights, constitutional, administrative, and VAW laws – and informal laws that circulate among people – such as avoiding retaliation from State actors – I should make clear that I am not interested in promoting State recognition of informal rules. However, I am interested in

²⁶ See section 2.6, “Law and the AUH.”

²⁷ John Griffiths, “What is Legal Pluralism?” (1986) 18:24 *Journal of Legal Pluralism and Unofficial Law* 1. Sally Falk Moore, *Social Facts and Fabrications: Customary Law on Kilimanjaro, 1880-1980* (New York: Cambridge University Press, 1986). Peter Fitzpatrick, “Law and Societies” (1984) 22:1 *Osgoode Hall Law Journal* 115. Boaventura De Sousa Santos, “Law: A Map of Misreading. Toward a Postmodern Conception of Law” (1987) 14:3 *Journal of Law and Society* 279. Boaventura De Sousa Santos, *Toward a New Legal Common Sense. Law, Globalization, and Emancipation* (London: Butterworths. LexisNexis, 2002). Boaventura De Sousa Santos, “The Future of the World Social Forum: The Work of Translation” (2005) 48: 2 *Development* 15. Boaventura De Sousa Santos & César A. Rodríguez Garavito, eds, *Law and Globalization from Below. Towards a Cosmopolitan Legality* (Cambridge: Cambridge University Press, 2005). Gunther Teubner, “Legal Pluralism in World Society,” in Gunther Teubner, ed, *Global Law without a State* (Dartmouth, Aldershot: Ashgate Publishing Company, 1997). Brian Z. Tamanaha, “A Non-Essentialist Version of Legal Pluralism” (2000) 27:2 *Journal of Law and Society* 296. Paul Bohannan, “The Differing Realms of the Law” (1965) 67:6 *American Anthropologist* 33. Patricia Ewick & Susan Silbey, *The Common Place of Law: Stories from Everyday Life* (Chicago: The University of Chicago Press, 1998). Sally Engle Merry, “Legal Pluralism” (1988) 22: 5 *Law and Society Review* 869.

promoting the implementation and enforcement of laws that prevent, protect, and punish VAW, even though I recognize that legal reform alone is insufficient to achieve gender equality.

My research finds that AUH recipient women's voices and experiences are inadequately represented in the Executive Decree 1602/2009 (AUH Decree), which sets the legal basis of the AUH²⁸ and subordinated texts. The AUH Decree is constitutive of and constituted by an ideological schema that is violence-facilitating. The underrepresentation of women's experiences of violence presents a real challenge to the institutional understanding of the AUH, which fails recipient women and obfuscates that failure. However, law is not one coherent, uniform, and non-contradictory set of practices and discourses. A recipient woman whose experiences of violence are hidden in the text of the AUH Decree 1602/09 and subordinate texts is still protected – at least on paper – by a comprehensive legal framework of administrative, constitutional, human rights, and VAW laws.²⁹ In this work, I identify and describe these formal legal regimes, which has not been done in the literature to date.

In practice, there is an abysm between women's experiences of violence and the various legal instruments supposed to prevent, protect, and punish such violence. Women are unable to access justice nor do they trust a system characterized by a lack of enforcement and transparency, impunity, and pervasive gender stereotyping in State-bureaucracies – administrative, judicial, hospital, and school bureaucracies, among others – and society at large. One of my main conclusions is that administrative and obstetric violence experienced by AUH recipient women is legally constructed and accentuated by the State and that existing regulatory frameworks are not protecting them or achieving their set goals. In the same vein, I also challenge, from a critical point

²⁸ AUH Decree of Necessity and Urgency 1602/09, online <<https://www.ilo.org/dyn/travail/docs/1804/DECRETO%201602.pdf>>. See section 4.2.2.3, “What Does the AUH Decree State?”

²⁹ See section 8), “Extending & Mapping Cartographic Laws: Fantastic Rights and Where to Find Them.”

of view, the implicit assumption according to which the social reproductive work of millions of poor mothers is not regulated but instead falls into a legal vacuum. I bring recipient women's work and experiences to the front and centre of the analysis.

My dissertation also theoretically contributes to the armoury of instruments available to feminist legal scholars. This work adds to feminist legal traditions by showing how women's knowledge continues to be neglected and emphasizing the importance of such knowledge within privileged discourses such as law.³⁰ My contribution is best positioned by going back to a conversation that has captured the attention of feminist legal theorists. In 1992, Carol Smart explained that understanding the law as discursively constituting gender identities lets us better identify the contradictions within law's relation to women and help feminists challenge law's more deleterious discourses regarding gender identities. Other feminists are hesitant about discursive constructions because they exclude the material contours of women's lives outside the text.³¹ This study contributes to feminist legal literature by including both the realm of experience and feminist textuality, emphasizing the importance of inserting women's experiences into the textual record because, otherwise, recipient women's experiences are excluded from the realm of institutional concern.

Third, this study is in conversation with and contributes to the critical development scholarship that focuses on the social implications of conditionality in CCTs. This study maps the

³⁰ Carol Gilligan, *In a Different Voice: Psychological Theory and Women's Development* (Cambridge, MA: Harvard University Press, 1982). Carol Smart, "Losing the Struggle for Another Voice: The Case of Family Law" (1995) 8 *Dalhousie Law Journal* 173. Isabel Marcus et al., "Feminist Discourse, Moral Values, and the Law: A Conversation," James McCormick Mitchell Lecture Series, State University of New York in Buffalo, October 1984 (1985) 34 *Buffalo Law Review* 11.

³¹ Shelley A. M. Gavigan, "Mothers, Other Mothers, and Others: The Legal Challenges and Contradictions of Lesbian Parents," in Chunn & Lacombe, eds, *Law as a Gendering Practice* (Oxford: Oxford University Press, 2000). Boyd (1991) explains that discourse analysis "... does not give a clear sense of how discourses are constituted and reproduced, nor how some discourses come to be more powerful and privileged than others." Susan B. Boyd, "Some Postmodernist Challenges to Feminist Analyses of Law, Family and State: Ideology and Discourse in Child Custody Law" (1991) 10 *Canadian Journal of Family Law* 79 at 97.

subtle mechanisms of power as it disperses throughout the institution of the AUH, including some people to the detriment of others.³² My contribution is an account that depicts the specificities of people's behaviour, shedding light on how certain discourses – child-centred, formal labour-centric, and VAW-invisibilizing discourses – are constituted as authoritative within the institution of the AUH, how they are reproduced, and how they exclude certain narratives from the account of the AUH. By providing an account of the works of the bureaucracies and players involved in AUH work, I offer a map that shows the amalgamation of power at the institutional level in the social security apparatus in Argentina.

Fourth, my dissertation also converses with and adds to the literature developed by critical feminist researchers who have objected to the conditionality in CCTs programs – and the AUH, more specifically. I add my voice to those feminist authors who argue that CCTs instrumentalize recipient women, reinforce the gendered division of labour, increase women's burdens, and do not address inequities in health and education services delivery.³³ I also add my voice to the voices of Argentine feminist critical authors who have studied the AUH and objected to its maternalist

³² James C. Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven, CT: Yale University Press, 1985). James Ferguson, *The Anti-politics Machine: 'Development,' Depoliticization, and Bureaucratic Power in Lesotho* (Cambridge: Cambridge University Press, 1990). Katharine N. Rankin, "Governing Development: Neoliberalism, Microcredit, and Rational Economic Woman" (2001) 30:1 *Economy and Society* 18. Katharine N. Rankin, "Social Capital, Microfinance, and the Politics of Development" (2002) 8:1 *Feminist Economics* 1. Harri Englund, *Prisoners of Freedom: Human Rights and the African Poor* (Berkeley: University of California Press, 2006). Tania Li, *The Will to Improve: Governmentality, Development, and the Practice of Politics* (Durham, NC: Duke University Press, 2007).

³³ Sarah Bradshaw, "From Structural Adjustment to Social Adjustment" (2008) 8:2 *Global Social Policy* 188, online: <<https://dx.doi.org/10.1177/1468018108090638>>. Maxine Molyneux, "Conditional Cash Transfers: Pathways to Women's Empowerment?" (2009) 5 *Pathways Brief*, online <http://www.pathwaysofempowerment.org/Pathways_Brief_5.pdf>. Constanza Tabbush, "Latin American Women's Protection after Adjustment: A Feminist Critique of Conditional Cash Transfers in Chile and Argentina" (2010) 38:4 *Oxford Development Studies*, Taylor & Francis Journals 437. Maxine Molyneux, Nicola Jones & Fiona Samuels, "Can Cash Transfer Programmes Have 'Transformative' Effects?" (2016) 52 *Journal of Development Studies* 1087. Nora Nagels, "Conditional Cash Transfer and Gender, Class, and Ethnic Domination. The Case of Bolivia," in Jean-Pierre Olivier de Sardan & Emmanuelle Piccoli Balen, eds, *Cash Transfers in Context: An Anthropological Perspective* (New York: Berghahn Books, 2018). Julianne Corboz, "Third-Way Neoliberalism and Conditional Cash Transfers: The Paradoxes of Empowerment, Participation and Self-Help among Poor Uruguayan Women" (2013) 24 *The Australian Journal of Anthropology* 64. Cookson, *supra* note 22.

connotations as it places care responsibilities on women, essentializing and stereotyping them.³⁴ My research contributes to the literature regarding the severity of the buried costs of complying with the conditionalities, including the abuse, waiting, and unfair costs women must face accessing the program.³⁵ The administrative and obstetric violence recipients encounter remains underdeveloped in the literature, and I contribute to filling that gap.³⁶ Thus, this work names the obstetric and administrative violence recipient women suffer when complying with the AUH program and brings it into focus to re-think, re-localize, and critically reassess the actual costs of the AUH and CCTs more broadly.

Fifth, this novel IE of the AUH also contributes to the literature because it explicates both the experience of recipient women who receive the stipend – underdeveloped in the IE frontline

³⁴ Laura Pautassi & Carla Zibecchi, “La Provisión de Cuidado y la Superación de la Pobreza Infantil. Programas de Transferencias Condicionadas en Argentina y el Papel de las Organizaciones Sociales y Comunitarias” (2010) 159 CEPAL Serie Políticas Sociales, Santiago de Chile: CEPAL. Pilar Arcidiácono, Carmona Barrenchea & Mora Straschnoy, “La Asignación Universal por Hijo para Protección Social: Rupturas y Continuidades, ¿Hacia un Esquema Universal?” (2011) 61 Revista Margen. Corina Rodríguez Enríquez, “Programas de Transferencias Condicionadas de Ingreso e Igualdad de género ¿Por Dónde Anda América Latina?” (2011) 109 CEPAL Serie Mujer y Desarrollo, Santiago de Chile: CEPAL. Corina Rodríguez Enríquez, “Políticas de Atención a la Pobreza y las Desigualdades en América Latina: una Revisión Crítica desde la Economía Feminista,” in V. Esquivel, ed, *La Economía Feminista desde América Latina: Una Hoja de Ruta sobre los Debates Actuales en la Región* (Santo Domingo: ONU Mujeres, 2012). Nora Goren, “Alivio a la Pobreza, Política Social y Relaciones de Género. Un Estudio Sobre un Programas de Transferencia Condicionada de Ingresos” (2012) Congress of the Latin American Studies Association, San Francisco, May 2012. Pilar Arcidiácono, Gustavo Gamallo & Mora Straschnoy, “Programas Sociales y Protección Social Contributiva en la Post-Convertibilidad” (2014) 60 Revista de Instituciones, Ideas y Mercados 57. Laura Pautassi, Pilar Arcidiácono & Mora Straschnoy, “Asignación Universal por Hijo para Protección Social de la Argentina: Entre la Satisfacción de Necesidades y el Reconocimiento de Derechos” (2013) 184 Naciones Unidas-CEPAL-UNICEF.; 2014). Eleonor Faur, *El Cuidado Infantil en el Siglo XXI. Mujeres Malabaristas en una Sociedad Desigual* (Buenos Aires: Siglo XXI, 2014). Ariela Micha, “Usos y Administración de la Asignación Universal por Hijo (AUH): Entre el ‘Deber Ser’ y la Autonomía Económica de las Mujeres” (2019) 32 Trabajo y Sociedad-Sociología del Trabajo-Estudios Culturales-Narrativas Sociológicas y Literarias. Núcleo Básico de Revistas Científicas Argentinas (Caicyt-Conicet), Santiago del Estero, Argentina.

³⁴ Marcela Nari, *Políticas de Maternidad y Maternalismo Político* (Buenos Aires: Biblos, 2004). See Claudia Cecilia Anzorena, *Mujeres en la Trama del Estado: Una Lectura Feminista de las Políticas Públicas* (Mendoza: Ediunc, 2013).

³⁵ Maria Elisa Balen, “Queuing in the Sun. The Salience of Implementation Practices in Recipients’ Experience of a Conditional Cash Transfer,” in Jean-Pierre Olivier de Sardan & Emmanuelle Piccoli Balen, eds, *Cash Transfers in Context: An Anthropological Perspective* (New York: Berghahn Books, 2018). Cookson, *supra* note 22. Nagels, *supra* note 33.

³⁶ An exception is the work of Straschnoy & Ambort (2017). Matilde Laura Ambort & Mora Straschnoy, “Burocracias Escolar y Sanitaria: ¿Facilitadores u Obstaculizadores del Acceso a la Asignación Universal por Hijo y la Asignación por Embarazo para la Protección Social?” (2018) 5 Horizontes Sociológicos, Revista de la Asociación Argentina de Sociología 139 at 152-153.

work literature – and the experience of operators – underdeveloped in the AUH literature and CCTs literature more broadly.³⁷ With a few exceptions, analyses of the experience of frontline workers and bureaucrats involved in the AUH implementation and delivery remain underdeveloped.³⁸ Understanding experiences in the AUH frontline is crucial: it is where social policies are exercised³⁹ and citizens’ rights come to be.⁴⁰ I contribute to filling the gap in the literature by explicating how textually constructed accounts of CCTs promoted by the social security agency and the World Bank contribute to suppressing the knowledge of AUH recipient women on the ground.⁴¹ To a lesser extent, my dissertation also contributes to the literature of IE studies that focus on the health services organization from the experiences of “patients” or “users.”⁴² In this line, my research contributes to this literature by broadening our understanding of AUH recipient women’s embodied reproductive experiences as shaped by interactions with healthcare bureaucrats, the State, and broader institutional priorities that characterize CCTs.

³⁷ Alison I. Griffith & Dorothy Edith Smith, *Under New Public Management: Institutional Ethnographies of Changing Front-Line Work* (University of Toronto Press, 2014). *Under New Public Management* is a collection edited by Griffith & Smith (2014) that provides institutional ethnographies of frontline work in public sectors in a globalized economy. The editors explained that frontline institutional ethnographies mainly focus on institutional workers, not including the experience of those on the other side, the clients, with only one exception in the collection.

³⁸ Ambort & Straschnoy, *supra* note 36. Luisina Perelmiter, *Burocracia Plebeya* (Buenos Aires: Universidad de San Martín, 2016). Luisina Perelmiter, “La Burocracia Asistencial en Funcionamiento. Relaciones y Prácticas en la Vida Íntima del Ministerio de Desarrollo Social de la Nación Argentina,” Doctoral Thesis (Ciudad Autónoma de Buenos Aires: UBA, 2011). Laura Eugenia Garcés, “Las Condicionales de las Políticas Sociales desde una Perspectiva Relacional de Análisis: Sentidos y Tensiones de la Asignación Universal por Hijo en la Provincia de San Juan,” Doctoral Thesis (Ciudad Autónoma de Buenos Aires: UBA, 2015). Nora Gluz & Inés Rodríguez Moyano, “Lo que la Escuela no Mira, la AUH ‘Non Presta’” (2012) Conference Presentation, VII Sociology Conference, Universidad Nacional de La Plata, Argentina.

³⁹ Emilia Schijman & Jean François Laé, “Las Rondas de las Mujeres por las Ventanillas del Estado: Etnografía de un Trabajo Invisible” (2011) 16 XV Trabajo y Sociedad at 68.

⁴⁰ Fernanda Wanderley, “Prácticas Estatales y el Ejercicio de la Ciudadanía: Encuentros de la Población con la Burocracia en Bolivia” (2009) 34 Íconos, Revista de Ciencias Sociales 67 at 68.

⁴¹ Nora Nagels, “Gender, the World Bank, and Conditional Cash Transfers in Latin America” (2021) 23:5 International Feminist Journal of Politics, online <<https://doi.org/10.1080/14616742.2021.1895862>>.

⁴² Karen Mackinnon, “Living With the ‘Threat’ of Preterm Labor: Women’s Work of ‘Keeping the Baby In’” (2006) 35:6 Journal of Obstetric, Gynecologic, & Neonatal Nursing 700. Yañez, *supra* note 23. Janet Rankin, “‘Patient Satisfaction:’ Knowledge for Ruling Hospital Reform - An Institutional Ethnography” (2003) 10:1 Nursing Inquiry 57. Christina Sinding, “Using Institutional Ethnography to Understand the Production of Health Care Disparities” (2010) 20:12 Qualitative Health Research 1656.

Sixth, my dissertation also contributes to the literature on Social Reproduction Feminism. Scholars and activists inspired by Marx's historical materialist tradition expose capitalism's contradictions and identify the necessary but paradoxical relation between production and social reproduction, both constitutive of capitalist dispossession and accumulation.⁴³ The dynamic processes of (re)producing human labour power – mainly at the hands of women – are at the base of these supposedly separate spheres. In this work, I posit that what is generally understood as the “public” sphere of law and social policy dramatically affects how our private lives are experienced. I also posit that recipient women's unpaid domestic labour should not be understood as “outside” of the economy but as crucial for the reproduction of capital relations.⁴⁴ Accordingly, this dissertation visibilizes, denaturalizes, and politicizes processes of unpaid labour and care and pushes for decommodification, a point to which I return further below. Drawing from an IE of the AUH, my work is thus a novel and significant empirical contribution to the literature of SRF.

Seventh, I also contribute to the broader literature on VAW⁴⁵ – namely, administrative and the relatively recent obstetric violence literature in Latin America –⁴⁶ and provide an empirical

⁴³ See *inter alia* Johanna Brenner, *Women and the Politics of Class* (New York: Monthly Review Press, 2000). Cinzia Arruzza, *Dangerous Liaisons* (Merlin Press, 2013). Kate Benzanson & Meg Luxton, *Social Reproduction: Feminist Political Economy Challenges Neo-Liberalism* (Montréal, Canada: McGill-Queen's University Press, 2006). Lise Vogel, *Marxism and the Oppression of Women* (Place: Rutgers University Press, 1983). Johanna Brenner & Barbara Laslett, “Gender, Social Reproduction, and Women's Self-Organization: Considering the U.S. Welfare State” (1991) 5:3 *Gender & Society* 311. Susan Ferguson, “Intersectionality and Social-Reproduction Feminisms Toward an Integrative Ontology” (2016) 24:2 *Historical Materialism* 38. Silvia Federici, *Revolution at Point Zero: Housework, Reproduction, and Feminist Struggle* (Oakland: PM Press, 2012). Isabella Bakker, “Social Reproduction and the Constitution of a Gendered Political Economy” (2007) 12:4 *New Political Economy* 541.

⁴⁴ Miriam Bak McKenna, “Feminist Materialism and the Laws of Social Reproduction,” in P. O'Connell & U. Özsü, eds, *Research Handbook on Law and Marxism* (Edgar Elgar, 2021) 283.

⁴⁵ Maaret Jokela-Pansini, “Complicating Notions of Violence: An Embodied View of Violence Against Women in Honduras” (2020) 38:5 *Politics and Space* 848 at 851. Caroline O. N. Moser & Cathy McIlwaine, “Latin American Urban Violence as a Development Concern: Towards a Framework for Violence Reduction” (2006) 34:1 *World Development* 89 at 93. Elena Azaola, “La Violencia de Hoy, las Violencias de Siempre” (2012) 40:13 *Desacatos* 13 at 18-19.

⁴⁶ Simone G. Diniz, & Alessandra S. Chacham, “‘The Cut Above’ and ‘the Cut Below’: The Abuse of Caesareans and Episiotomy in São Paulo, Brazil” (2004) 12:23 *Reproductive Health Matters* 100. Lydia Zacher Dixon, “Obstetrics in a Time of Violence: Mexican Midwives Critique Routine Hospital Practices” (2015) 29:4 *Medical Anthropology Quarterly* 437. Rachelle Chadwick, “Breaking the Frame: Obstetric Violence and Epistemic Rupture” (2021) 35:3 *Agenda* 104. Michelle Sadler, Mário JDS Santos, Dolores Ruiz-Berdún, Gonzalo Leiva Rojas, Elena Skoko, Patricia Gillen & Jette A. Clausen, “Moving beyond Disrespect and Abuse: Addressing the Structural Dimensions of Obstetric

contribution to the literature on everyday, “normalized,” and structural violence. I add my voice to those who understand violence as multifaceted, intersectional, structural, invisibilized, and pertaining to maldistribution and misrecognition.⁴⁷ Women’s everyday experiences of violence in this work include more than physical injury.⁴⁸ I will explain how it is experienced as domination, exploitation, oppression and subordination rather than as blunt force. I thus understand violence as a systematically produced harm and consequence of the settler-colonial ableist white capitalist cis heteropatriarchy that undergirds our system beyond a law-and-order problem. I believe that VAW is both a cause and a consequence of gender inequality and that the feminist struggle for equality must be anti-capitalist. Thus, the findings of this study about the malign role of conditionalities in the AUH contribute to the empirical literature on violence. This dissertation also contributes to bringing the notion of economic abuse and its workings on women’s lives to the fore, a form of VAW that remains underexplored in the literature.

Eighth, I offer a more modest empirical contribution to the recent literature on access to justice which represents a goal that includes procedural, substantive, and symbolic components⁴⁹ and

Violence” (2016) 24:47 Reproductive Health Matters. Vania Smith-Oka, “Microaggressions and the Reproduction of Social Inequalities in Medical Encounters in Mexico” (2015) 143 Social Science & Medicine 9.

⁴⁷ Johan Galtung, “Violence, Peace, Peace Research” (1969) 6:3 Journal of Peace Research. Paul Farmer, *Pathologies of Power* (Berkeley: University of California Press, 2005). Nancy Scheper-Hughes & Philippe Bourgois, eds, *Violence in War and Peace: An Anthology* (Malden, MA: Blackwell Publishing, 2004). Nancy Scheper-Hughes, *Death without Weeping. The Violence of Everyday Life in Brazil* (Oakland, CA: University of California Press, 1993). Nancy Scheper-Hughes, “Small Wars and Invisible Genocides” (1996) 43:5 Soc. Sci. Med. 889. Nancy Scheper-Hughes, “Specificities: Peace-Time Crimes” (1997) 3:3 Social Identities 471. Rita Laura Segato, “La Argamasa Jerárquica: Violencia Moral, Reproducción del Mundo y Eficacia Simbólica del Derecho” (2003) 332 Série Antropologia (Brasília, Distrito Federal, Brazil), online < <http://repositorio.ciem.ucr.ac.cr/jspui/handle/123456789/150>>. Nancy Fraser, “From Redistribution to Recognition? Dilemmas of Justice in a ‘Postsocialist’ Age,” in *Justice Interruptus: Critical Reflections on the “Postsocialist” Condition* (New York: Routledge, 1997). Nancy Fraser, “Feminist Politics in the Age of Recognition: A Two-Dimensional Approach to Gender Justice” (2007) 1:1 Studies in Social Justice.

⁴⁸ Jokela-Pansini, *supra* note 45.

⁴⁹ Roderick Macdonald, “Access to Justice in Canada Today: Scope, Scale and Ambitions,” in Julia Bass, W.A. Bogart & Frederick H. Zemans, eds, *Access to Justice for a New Century: The Way Forward* (Toronto: Law Society of Upper Canada, 2005) at 104-106.

different ways to categorize access to justice problems.⁵⁰ Instead of talking about “empowerment,” informants referred to the structural deficits they had to overcome to access justice and “the kind of life they wanted to live.”⁵¹ Structural deficits for women to access justice include the violence women suffer from the State and society at large, poverty and marginalization, the substandard quality of available public services, and the inability to voice their concerns and to seek protection and remedy through administrative, judicial, or other mechanisms of redress. Other problems include geographical distance, lack of access to public transportation, safety concerns, time poverty, lack of literacy about their rights and the program, lack of access to free legal counsel, impunity, and lack of trust in the law and authorities. When women suffer violence from the State, it is logical that recipient women avoid resorting to the same entity that caused their suffering.

Lastly, my dissertation adds to the broader literature of socio-legal studies.⁵² According to Cotterrell (1998), true legal scholarship must involve a sociological understanding of the law.⁵³ Accordingly, my research analyzes the law “from an independent theoretical framework, which consists of concepts, categories and criteria that are not primarily borrowed from the legal system itself.”⁵⁴ I am invested in approaching the law in such a way that furthers political progressivism

⁵⁰ Greene distinguishes between cultural and cognitive barriers to access and structural barriers. Sara Sternberg Greene, “Race, Class and Access to Civil Justice” (2016) 101 Iowa Law Review 1263 at 1317. MacDonald is critical of the barrier metaphor because it implies that “justice exists somewhere...and that the goal is to identify and remove obstacles” while neglecting issues of perception and formulation. Macdonald, *supra* note 49 at 29. Ian Morrison & Janet Mosher, “Barriers to Access to Civil Justice for Disadvantaged Groups,” in Ontario Law Reform Commission, *Rethinking Civil Justice: Research Studies for the Civil Justice Review Vol 2* (Toronto: Ontario Law Reform Commission, 1996) 637. Jennifer Bond, Emily Bates & David Wiseman, “The Cost of Uncertainty: Navigating the Boundary Between Legal Information and Legal Services in the Access to Justice Sector” (2016) 25:1 J. of L. and Social Policy 1.

⁵¹ Trevor C. W. Farrow, “What is Access to Justice?” (2014) 51:3 Osgoode Hall Law Journal 957 at 983.

⁵² Felipe Fucito, *Sociología del Derecho*, 2nd Ed (Editorial Universidad, 2003) at 289.

⁵³ Roger Cotterrell, “Why Must Legal Ideas be Interpreted Sociologically?” (1998) 25:2 Journal of Law & Society 171.

⁵⁴ Pauline Westerman, “Open or Autonomous? The Debate on Legal Methodology as a Reflection of the Debate on Law,” in Mark Van Hoecke, ed, *Methodologies of Legal Research Which Kind of Method for What Kind of Discipline?* (Hart Publishing, 2011) 77 at 94.

and empirical research that helps envisage and create more just legal policies.⁵⁵ By emphasizing the voice of those whom anti-poverty initiatives seek to assist, this research complements current research and policies around CCTs. I am convinced by the virtues of interdisciplinarity, namely, the legal field interacting more with the social sciences to understand the social world better while providing solutions to problems. As such, I aim to go beyond what doctrinal legal scholarship understands as its sandbox and expand the theoretical resources that the legal field conventionally draws on.⁵⁶

1.2 Structure

After this introduction (part 1), I then turn to the literature review (part 2). I briefly describe the approaches most frequently used to study the AUH and CCTs more broadly: (a) economic and quantitative approaches to the AUH; (b) labour perspectives; (c) social protection and the welfare state; (d) neoliberalism; (e) feminist critiques of the AUH; (f) legal approaches to the AUH; and (g) ethnographic and governmentality studies. The emphasis will be put on critically explicating the “authoritative” discourses that arise “ideologically” within the literature and abstract informant women’s doings. One of the great ironies of being an IE researcher is that we are also agents of institutional power mirrored in the categories and jargon we use.

I then identify two main research questions (part 2.8), namely (i) What are AUH recipients’ experiences with and attitudes towards the program? and (ii) How do both State and non-State legal regimes work to influence the lives of the most vulnerable women in Argentina? In other words, how does the AUH play within a system of rules – formal and informal – that have traditionally exerted control over poor women? I used IE to approach both research questions.

⁵⁵ Roscoe Pound, “Sociology and Law,” in W. F. Ogburn & A. Goldenweiser, eds, *The Social Sciences and Their Interrelations* (Boston: Houghton Mifflin Company, 1927) 319.

⁵⁶ Cotterrell, *supra* note 53.

In part 3) of this dissertation, I describe IE as a methodological framework in detail. I explain its epistemological and ontological assumptions, why I chose IE, its synergy with SRF, and its core concepts necessary to understand this piece. I explicate the theoretical framework: SRF. I then delve into reflexivity. I explain the techniques through which qualitative data was obtained (in-depth interviews, focus group discussions, and narrative photovoice to a lesser extent), data analysis and processing, and writing (part 3.8 and 3.9). I also discuss the main ethical and methodological challenges I underwent while collecting data, as well as the main limitations of the dissertation. Such challenges include being an insider/outsider, doing interdisciplinary research and finding a legal audience, working with vulnerable populations, and the limitations and possibilities of online research during Covid-19, amongst others (part 3.10). I then clarify the terminology (part 3.11) and choice of terms for this work. Finally, I end this section by briefly explicating what the law means and how it is employed in this dissertation (part 3.12).

I then move to part 4), whereby I set the background to understanding this work. I explain what CCTs are, their background and history, context, the role of different institutions, evidence of their impact on poverty, health, and education, theoretical premises, conditionalities, and feminist concerns. I then delve into a detailed description of the AUH: historical framework, legal framework, program features and characteristics – including conditionalities and female titularity, and evidence of the impacts of the program. In part 4.3, I describe the research site: the city of Presidencia Roque Sáenz Peña at the heart of the northern province of Chaco.

In the analytical section of this dissertation, I present the results of my analysis, which can be summarized in three sections: *Hooking-in* (part 6), *Activating* (part 7), and *Extending* (part 8). In the introduction to the analytical section (part 5), I delineate the contours of my approach to violence as (a) multifaceted; (b) structural; (c) paradoxical; (d) invisibilized; and (e) comprising

misrecognition and maldistribution. In the analytical section of the dissertation, I depict women's accounts and then proceed to the identification of legal regimes, honouring one of the objectives of my research endeavour: to connect the everyday experiences of recipient women with legalistic understandings of rights from the bottom-up. I found a disjuncture between women's experiences and the experiences of bureaucrats and critical actors and between women's and bureaucrats' experiences and the formal laws that supposedly regulate their work and protect their rights. In *Hooking-in*, I explicate the AUH from the everyday lives of recipient women. The findings point toward the problematic of administrative and obstetric violence against AUH recipient mothers. I describe women's aspirations and identify informal rules among recipients. In *Activating*, I elucidate the work of social-security frontline workers and institutional circuits or actual mandated workplace activities. I explicate how institutional discourses are violence-invisibilizing, labour-centric, and neglectful of women's labour and burdens. In *Extending*, I identify the formal legal regimes interacting and immersed in the AUH institution: human rights and constitutional law, administrative law, and VAW laws. Despite an outstanding formal repertoire of rights, there is a gap between the laws and their effective translation into women's lives.

Finally, I conclude by putting together and reading theoretically the main arguments of this dissertation and by making a series of conclusions and recommendations (part 9). Rather than "empowerment," we should strive toward emancipation, abolishing the structural colonial, patriarchal, and capitalist foundations of exploitation and oppression instead of empowering individual women with cash transfers and integrating them into existing institutions. The conditions that will allow achieving gender equality and justice for everyone are beyond those permitted by the structures of capitalism. Individualistic approaches to understanding poverty are unsatisfactory. Poverty and the violence that poor women endure in our societies have structural

roots and cannot be understood in isolation from those causes if responses to these phenomena are to be meaningful. Law is a complex site of struggle and contingent contestation. It cannot be separated from all practices of living and knowing as they happen on the ground and cannot be just equated to formal legal regimes. The law can sometimes represent domination, while at others, it is understood as a vocabulary for possibility and progressive change.

The best way to address social ills such as poverty and violence is to push for decommodification toward universal forms of social protection and build the capacity of the destitute to resist patriarchal colonial capitalist exploitation. I suggest removing AUH conditionalities, instead focusing on the supply side of basic services; and socializing reproductive labour. I also suggest struggling with a perspective of transition on a multiplicity of fronts to decrease the stigmatizing edges of the AUH, improve the lives of recipients, and fight VAW, namely by: opposing privatization; pushing for better education, equitable housing policies, and public transportation; providing basic income; struggling for resources to be managed collectively; strengthening civil society organizations and unions; humanizing the wait by providing welfare recipients access to public offices and spaces with dignity and safety; ensuring free legal aid and representation for poor women; ensuring women understand the objectives of the program; creating a mechanism to anonymously report violence; embracing qualitative research to understand gender relations; training State operators in GBV from an intersectional perspective; and prosecuting acts of VAW indicating that violence is unacceptable. While it is true that State institutions cannot possibly capture the intricacy of recipient women's experiences, they should listen to women's voices. In the narratives of AUH recipient women lie many of the solutions for State institutions to improve access to quality social services and justice and to craft a society that values social reproduction.

2) Literature Review on Approaches to the AUH Program

The enactment of the AUH program has triggered multiple attempts from different disciplines to understand it. I briefly synthesize a diversity of approaches to the AUH that rest on a scaffolding of theories that have been “abstracted” from people’s doings. I identify how the AUH is known within practices of knowledge production that constitute relations of rulings and recognize six broad mobilizing frames, namely: (1) economic and quantitative approaches to the AUH; (2) labour perspectives; (3) social protection and the welfare state; (4) neoliberalism; (5) feminist critiques; (6) law approaches to the AUH; and (7) ethnographic and governmentality studies.

2.1 Economic and Quantitative Perspectives on the AUH

The implementation of the AUH in 2009 produced a robust academic and governmental body of literature¹ concerned with measuring AUH program objectives and impact on social indicators such as poverty, food insecurity, child labour, school attendance, health, family income, and participation in the labour market, among others.² These studies follow neoclassical and behavioural economics assumptions and involve experimental and quasi-experimental methods.³ Some use quantitative simulations to understand the AUH program’s potential to improve social

¹ Sebastián Waisgrais, Oscar Cetrángolo & Javier Curcio, eds, *Análisis y Propuestas de Mejoras para Ampliar la Asignación Universal Por Hijo*, ANSES, UNICEF, CEDLAS-UNLP, FCE-UBA (UNICEF: Argentina, 2017) online <<https://www.unicef.org/lac/sites/unicef.org.lac/files/2019-10/AUH.pdf>>.

² *Ibid* at 31. Other studies focused on income levels and the impact on the vulnerability of households’ recipients. See Emmanuel Antonio Alvarez Agis, Demian Tupac Panigo, & Carlos Cañete, “El Impacto de la Asignación Universal por Hijo en Argentina: Presentación Formal de Resultados Anticipados en 2010” (2010) 1022 *Centro De Estudios e Investigaciones Laborales*, online < <https://ri.conicet.gov.ar/handle/11336/17814>>.

³ These methods include regression discontinuity, instrumental variable, difference-in-differences, and propensity score matching. Mylene Lagarde, Andy Haines & Natasha Palmer, “Conditional Cash Transfers for Improving Uptake of Health Interventions in Low- and Middle-Income Countries: A Systematic Review” (2007) 298:16 *JAMA* 1900. Jeff L. Leroy, Marie Ruel & Ellen Verhofstadt, “The Impact of Conditional Cash Transfer Programmes on Child Nutrition: A Review of Evidence Using a Programme Theory Framework” (2009) 1:2 *Journal of Development Effectiveness* 103. Naila Kabeer & Hugh Waddington, “Economic Impacts of Conditional Cash Transfer Programmes: A Systematic Review and Meta-Analysis” (2015) 7:3 *Journal of Development Effectiveness* 290.

indicators.⁴ Other studies provide descriptive evidence and analyze the impact of the AUH on the indicators mentioned above.⁵

These quantitative and economic approaches to the AUH are part of broader trends of expert-based debates on CCTs disseminated by international organizations built on the emblematic cases of the Mexican and Brazilian programs.⁶ Such expert-generated debates focus on technical aspects of the programs and the structure of the programs,⁷ components,⁸ target populations,⁹ notions of social protection,¹⁰ and impact, delivery, and evaluations of CCTs,¹¹ among others. The literature on the AUH tends to be child-focused, an approach beyond this work's scope.¹²

⁴ Alvarez Agis, Tupac Panigo & Cañete, *supra* note 2. Fabio Bertranou & Roxana Maurizio, "Semi Conditional Cash Transfers in the Form of Family Allowances for Children and Adolescents in the Informal Economy in Argentina" (2011) International Labour Organization - Universidad Nacional de General Sarmiento. Leonardo Gasparini & Guillermo Cruces, "Las Asignaciones Universales por Hijo. Impacto, Discusión y Alternativas" (2010) 102 Documento de Trabajo, Centro de Estudios Distributivos, Laborales y Sociales (CEDLAS).

⁵ Juan Martín Bustos & Soledad Villafañe, "Asignación Universal por Hijo. Evaluación del Impacto en los Ingresos de los Hogares y el Mercado de Trabajo" (2011) 10 Serie Trabajo, Ocupación y Empleo, SSPTyEL-MTEySS. Bernardo Kliksberg & Irene Novacovsky, *El Gran Desafío: Romper la Trampa de la Desigualdad desde la Infancia. Aprendizajes de la Asignación Universal por Hijo* (Buenos Aires: Editorial Biblos, 2015). Oscar Cetrángolo & Javier Curcio, "Financiamiento y Gasto Educativo en América Latina" (2017) CEPAL – 192 Serie Macroeconomía del Desarrollo LC/TS.2017/95, Santiago de Chile. Santiago Garganta, Leonardo C. Gasparini & Marianna Marchionni, "Cash Transfers and Female Labor Force Participation: The Case of AUH in Argentina" (2017) 6:1 IZA Journal of Labor Policy 1. Agustín Salvia, Ianina Tuñón & Santiago Poy, "Efectos de la Asignación Universal por Hijo en el Ingreso Per-Cápita Familiar, en la Pobreza Extrema e Indicadores de Desarrollo Humano de la Infancia" (2014) VIII Jornadas de Sociología de la UNLP. Ensenada, Argentina. EN: Actas. La Plata: UNLP. FAHCE, online < https://www.memoria.fahce.unlp.edu.ar/trab_eventos/ev.4500/ev.4500.pdf>.

⁶ Natasha Sugiyama, "The Diffusion of Conditional Cash Transfers Programs in Latin America" (2011) 11: 2-3 Global Social Policy 250. Enrique V. Lomeli, "Conditional Cash Transfer Programs: Achievements and Illusions" (2009) 9:2 Global Social Policy 167.

⁷ Guillermo Cruces, Juan Martín Moreno, Dena Ringold & Rafael Rofman, eds, *Los Programas Sociales en Argentina hacia el Bicentenario* (Buenos Aires: Banco Mundial, 2008).

⁸ Simone Cecchini & Aldo Madariaga, "Programas de Transferencias Condicionadas: Balance de la Experiencia Reciente en América Latina y el Caribe" (2011) 95 Cuadernos de la Cepal. Santiago de Chile: Cepal.

⁹ ILO, "Aportes para la Construcción de un Piso de Protección Social en Argentina: el Caso de las Asignaciones Familiares" (Buenos Aires: Organización Internacional del Trabajo, 2010).

¹⁰ UN, "Piso de Protección Social para una Globalización Equitativa e Inclusiva. Informe del Grupo Consultivo OIT" (Ginebra: Organización de las Naciones Unidas, 2011).

¹¹ Ariel Fiszbein, Norbert Schady, Francisco H.G Ferreira, Margaret Grosh, Niall Keleher, Pedro Olinto & Emmanuel Skoufias, *Conditional Cash Transfers: Reducing Present and Future Poverty* (Washington, DC: World Bank Policy Research Report, 2009), online <<https://openknowledge.worldbank.org/handle/10986/2597>>.

¹² Gala Díaz Langou, José Florito & Matilde Karczmarczyk, "Ingreso Universal para la Infancia: Más que la Suma de las Partes" (2020) CIPPEC, online < <https://www.cippec.org/wp-content/uploads/2020/08/INF-PS-Ingreso-universal-Diaz-Langou-Florito-Karczmarczyk-agosto-2020-1.pdf>>. Fabio Bertranou & Roxana Maurizio, "Transferencias Monetarias para Niños y Adolescentes en Argentina: Características y Cobertura de un 'Sistema' con Tres

Technical, quantitative approaches – no matter how sophisticated and rigorous – fail to analyze and interpret the actual consequences of the AUH on women and cannot capture all we can learn from the experiences of AUH recipient women. Noticeably absent from much of the quantitative literature is the fact that the AUH relies on women’s unpaid labour and facilitates violence against recipients. In contrast to quantitative and technical approaches, my research aligns with a much smaller qualitative feminist socio-legal body of literature research that has identified gaps in dominant “measurement-obsessed” quantitative approaches.¹³ This work instead drills into the complex challenge of explicating social relations characterized by violence.

2.2 Labour Informality and Precarity Perspectives on the AUH

Commentators explained how the AUH is operationalized as an extension of the *Family Allowances* system for formal workers under the premise and promise of “future employability”

Componentes” (2012) 30 Revista International Policy Centre for Inclusive Growth Research Brief, Buenos Aires. Agustín Salvia, Bianca Musante & Alejandro Mendoza Jaramillo, “Análisis de Impacto de la Asignación Universal por Hijo en Materia de Inseguridad Alimentaria y Déficit Educativo” (2013) Documento de Trabajo del Observatorio de la Deuda Social Argentina, ODSA, UCA, online <https://wadmin.uca.edu.ar/public/ckeditor/AUH_integrado_03.pdf>. Agustín Salvia, Ianina Tuñón & Santiago Poy, “Asignación Universal por Hijo para Protección Social: Impacto sobre el Bienestar Económico y el Desarrollo Humano de la Infancia” (2015) 22:2 Población & Sociedad 101. Santiago Poy, María Emilia Sánchez, Agustín Salvia & Ianina Tuñón, “Evaluación de Impacto de la Asignación Universal por Hijo (AUH) en la Infancia a Diez Años de su Implementación” (2021) Special Report, 1st Ed. Maria Edo, Mariana Marchionni & Santiago Garganta, “Compulsory Education Laws or Incentives from Conditional Cash Transfer Programs? Explaining the Rise in Secondary School Attendance Rate in Argentina” (2017) 25:76 Education Policy Analysis Archives. Maribel Jiménez & Mónica Jiménez, “Efectos del Programa Asignación Universal por Hijo en la Deserción Escolar Adolescente” (2016) 35:69 Cuadernos de Economía 709. Ana Inés Navarro & Vanesa Valeria D’Elia, “The Impact of the Universal Child Allowance on Argentina’s Children Schooling Gap” (2011) Reunión Anual de la Asociación Argentina de Economía Política (AAEP), online <<https://ssrn.com/abstract=1924946>>. Roxana Mazzola, *Nuevo Paradigma. La Asignación Universal por Hijo en la Argentina* (Prometeo Libros: Buenos Aires, 2012).

¹³ Debra J. Liebowitz & Susanne Zwingel, “Gender Equality Oversimplified: Using CEDAW to Counter the Measurement Obsession” (2014) 16 International Studies Review 362. Dean Karlan & Jacob Appel, *More Than Good Intentions: How a New Economics is Helping to Solve Global Poverty* (New York: Dutton 2011). See also Lorena Fuentes & Tara Patricia Cookson, “Counting Gender (in)Equality? A Feminist Geographical Critique of the ‘Gender Data Revolution’” (2020) 27:6 Gender, Place & Culture: A Journal of Feminist Geography 881.

of recipients.¹⁴ The AUH aims to extend rights to the unemployed or informally employed, assuming they will eventually obtain a position in the formal labour market.¹⁵

Socio-legal and economic scholars have studied the impacts of the AUH on labour markets,¹⁶ focusing on understanding the impact of the AUH – as a regulatory instrument – on formality/informality and recipients’ participation in the labour markets.¹⁷ Authors have different opinions about whether the AUH continues or disrupts the traditional notion of “work” as performed in a standard labour relationship through participation in the labour market.¹⁸

¹⁴ Matilde Laura Ambort, “Asignación Universal por Hijo para la Protección Social: Alcances y Limitaciones en la Garantía de Derechos Sociales” (2014) 25:2 Revista Latinoamericana de Derechos Humanos 181.

¹⁵ Vosko believes there is no way back to the standard employment relations. The causes are (i) the extinction of the male breadwinner/female caregiver paradigm upon which the standard employment relation was constructed; (ii) the changes in the notion of citizenship boundaries in the global world; (iii) the fact that many workers do not seek a full-time position; and (iv) the significant decrease in union membership that had historically protected the proletariat. Leah F. Vosko, *Managing the Margins: Gender, Citizenship, and the International Regulation of Precarious Employment* (Oxford: Oxford University Press, 2010).

¹⁶ Kliksberg & Novacovsky, *supra* note 5.

¹⁷ Roxana Maurizio, “Labor Informality in Latin America: Poverty and Vulnerability” (2009) Special IARIW-SAIM Conference on Measuring the Informal Economy in Developing Countries, Kathmandu, Nepal. Roxana Maurizio, Bárbara Perrot & Soledad Villafañe, “Dinámica de la Pobreza y Mercado de Trabajo en la Argentina Post-Convertibilidad” (2007) 6 Serie Trabajo, Ocupación y Empleo, Ministerio de Trabajo, Empleo y Seguridad Social, Buenos Aires. Alvarez Agis, Tupac Panigo & Cañete, *supra* note 2. Fabio M. Bertranou & Carlos O. Grushka, “Beneficios Sociales y Pobreza en la Argentina: Estudio del Programa de Pensiones no Contributivas,” in Fabio M. Bertranou, Carmen Solorio & Wouter van Ginnekeeds, eds, *Pensiones no Contributivas y Asistenciales. Argentina, Brasil, Chile, Costa Rica y Uruguay* (Santiago de Chile: Oficina Internacional del Trabajo, 2002) 31. Sebastian Galiani & Federico Weinschelbaum, “Modeling Informality Formally: Households and Firms” (2007) 47 Documento de Trabajo, Centro de Estudios Distributivos Laborales y Sociales (CEDLAS), Universidad Nacional de La Plata. Leopoldo Tornarolli & Adriana Conconi, “Informalidad y Movilidad Laboral: Un Análisis Empírico para Argentina” (2007) 59 Documento de Trabajo, Centro de Estudios Distributivos Laborales y Sociales (CEDLAS), Universidad Nacional de La Plata. Leonardo Gasparini & Santiago Garganta, “El Impacto de un Programa Social sobre Informalidad: El Caso de la AUH en Argentina” (2012) 133 CEDLAS Working Paper, Universidad Nacional de La Plata. Fernando Groisman, Friedrich Bossert & María Eugenia Sconfienza, “Políticas e Protección Social y Participación Económica de la Población Argentina” (2011) Trabajo, Distribución y Cuestiones Sociales, UBA-CONICET. Nair Castillo, Bianca Musante & Alejandro Mendoza Jaramillo, “Aproximación a Posibles Efectos de la Asignación Universal por Hijo sobre el Mercado de Trabajo” (2013) Instituto de Investigaciones Gino Germani, online <<https://socialprotection.org/discover/publications/aproximaci%C3%B3n-posibles-efectos-de-la-asignaci%C3%B3n-universal-por-hijo-sobre-el>>. Gasparini & Cruces, “Las Asignaciones Universales,” *supra* note 4. Leonardo Gasparini, Francisco Haimovich & Sergio Olivieri, “Labor Informality Bias of a Poverty-Alleviation Program in Argentina” (2009) 12:2 Journal of Applied Economics 181.

¹⁸ Santiago Nardin, “Desafiliaciones Laborales e Inscripciones Territoriales Precarias: Una Aproximación a las Representaciones sobre Perceptores de Planes, las Redes de Mediación Territorial y la Sociabilidad Popular en un Barrio del Conurbano Bonaerense” (2013) X Jornadas de Sociología de la UBA, Buenos Aires. Juan Carlos Aguiló, Nicolás Lobos, Laura Neri & Ricardo Rubio, “La Asignación Universal por Hijo para Protección Social (AUH): Su Lugar en la Lucha Ideológica en la Argentina Actual” (2011), online <https://bdigital.uncu.edu.ar/objetos_digitaes/5642/revista-confluencia2012-13-007-aguilo.pdf>. Pilar Arcidiácono,

Many AUH recipients are either working in informal or precarious labour conditions because the AUH stipend alone is not enough money for survival. Simultaneously, the AUH targets informal workers, the self-employed, and the unemployed. Informality as a category has raised much debate in the literature.¹⁹ In developed countries, it is often referred to as “non-standard” or “precarious forms of employment” by legal scholars,²⁰ while in the developing world it is referred to as informal labour.²¹ In Latin America, “popular economy” is used,²² whereas informal labour is Argentina’s most frequently used category.

Many legal scholars from developed countries understand the employment relationship in terms of continuity, standardized working time, and subordination. Its deviance leads to precariousness. By contrast, other legal and economic scholars argue that precariousness is typical. Supiot (2001) and Standing (2011) assert that a new social system is needed to protect citizens

Carmona Barrenchea & Mora Straschnoy, “La Asignación Universal por Hijo para Protección Social: Rupturas y Continuidades, ¿Hacia un Esquema Universal?” (2011) 61 *Revista Margen*. Nora Gluz & Inés Rodríguez Moyano, “Asignación Universal por Hijo, Condiciones de Vida y Educación. Las Políticas Sociales y la Inclusión Escolar en la Provincia de Buenos Aires” (2013) 21 *Archivos Analíticos de Políticas Educativas* 1. Laura Pautassi, Pilar Arcidiácono & Mora Straschnoy, “Asignación Universal por Hijo para Protección Social de la Argentina: Entre la Satisfacción de Necesidades y el Reconocimiento de Derechos” (2013) 184 *Naciones Unidas-CEPAL-UNICEF. Serie Políticas Sociales*. María Victoria D’Amico, “Plan de Tesis de Doctorado: Políticas Sociales y Prácticas Ciudadanas a Partir de la Implementación de la Asignación Universal por Hijo En Argentina. 2009 -2013” (2014) 13 *Prácticas de Oficio*.

¹⁹ Progressist interventionist thinkers define informality as outside the formal boundaries of the law. They believe neoliberalism has caused increasing informality and that the State must intervene. See for example Joan Benach & Carles Muntaner, *Empleo, Trabajo y Desigualdades en Salud: Una Visión Global* (Spain: Icaria, 2010). Right-wing neoclassical authors consider that employment regulation is regressive because they believe it pushes low skilled workers towards informality and unemployment. See for example David Card & Alan B. Krueger, *Myth and Measurement: The New Economics of the Minimum Wage* (New Jersey: Princeton University Press, 1995).

²⁰ Vosko, *supra* note 15. Stephanie Bernstein, Katherine Lippel, Eric Tucker & Leah F. Vosko, “Precarious Employment and the Law’s Flaws: Identifying Regulatory Failure and Securing Effective Protection for Workers,” in Leah F. Vosko, ed, *Precarious Employment: Understanding Labour Market Insecurity in Canada* (Montréal & Kingston: McGill-Queen’s University Press, 2006) 203.

²¹ Card & Krueger, *supra* note 19. Benach & Muntaner, *supra* note 19.

²² Milton Maya Díaz, “Las Pequeñas Cooperativas Rurales: Surge un Nuevo Actor Económico” (2002) 43 *Journal Economía Pública, Social y Cooperativa* 85. Alexandre Roig, “La Economía Política de lo Popular como Fuente de Derechos sobre lo Público,” in C. Giraldo, ed, *Economía Popular desde Abajo* (Bogotá: Ediciones desde Abajo, 2017) 23. Boris Marañón-Pimentel, *La Economía Solidaria en México* (Universidad Nacional Autónoma de México: Instituto de Investigaciones Económicas, 2013). José Luis Coraggio, “La Economía Social y Solidaria (ESS) en América Latina,” in A. Guillén & M. Phélan, eds, *Construyendo el Buen Vivir* (Cuenca: Universidad de Cuenca/PYDLOS, 2012) 236.

from precariousness.²³ Supiot's "beyond employment" is a vision where everybody has social protection. However, employment is central to the system, in his opinion.²⁴

In contrast, Standing argues for an universal basic income²⁵ that would primarily benefit the "precariat," a new class "which consists of people who have minimal trust relationships with capital or the State (...)." ²⁶ The precariat comprises "denizens" who have limited rights and no choice but to work in non-standard forms of employment, such as AUH recipients. Munck (2013) criticizes Standing's (2011) precariat as a north-centric observation: it is not a new class because "for millions of workers and urban poor in the global south...precariousness has always been a seemingly natural condition."²⁷

The public regularly conveys the distinction between formal and informal modalities of employment in Argentina as to whether one works *en blanco* ["in white"] or *en negro* ["in black"]. The law formally recognizes those who work *en blanco* as actively engaging in the capitalist production system and protected by the formal laws. By contrast, those who work *en negro* are primarily excluded from the system of State-authorized legal protections.²⁸ Approximately 35% of the population works in the informal labour market in Argentina.²⁹

²³ Alain Supiot, *Beyond Employment. Changes in Work and the Future of Labour Law in Europe* (Oxford University Press, 2001). Guy Standing, *The Precariat: The New Dangerous Class* (London: Bloomsbury, 2011).

²⁴ Supiot, *ibid.*

²⁵ Guy Standing argues for establishing an unconditional basic income. Standing, *supra* note 23. Universal income proposals have also been propelled by the political right. Michael Munger, "Editor's Introduction. The Basic-Income Debate" (2015) 19:4 The Independent Review 485, online <http://www.independent.org/pdf/tir/tir_19_04_01_munger.pdf>.

²⁶ Guy Standing, "The Precariat," *supra* note 23.

²⁷ Ronaldo Munck, "The Precariat: A View from the South" (2013) 34:5 Third World Quarterly 747.

²⁸ That said, some people prefer to work *en negro* because of the flexibility certain informal positions offer. For example, one informant recipient woman who worked *en negro* as a domestic worker emphasized it would be easier to resign when working *en negro*.

²⁹ Alicia Bárcena Ibarra & Sonia Montañó, *Observatorio de Igualdad de Género de América Latina y el Caribe (OIG). Informe Anual 2012: Los Bonos en la Mira, Aporte y Carga para las Mujeres* (Observatorio de Igualdad de Género en América Latina y el Caribe, 2012).

I am not interested in understanding the AUH from the perspective of labour law because, in Argentina, such an approach focuses on legally addressing the problems of those involved in a standard employment relationship. However, the activities of AUH recipient mothers are not within the boundaries of such a relationship. Mothers who receive the benefit are understood as “not working” because the value of their work inside the household gets equated to nothing, that is, it does not contribute to GDP. Moreover, none of the viewpoints described above emphasizes the importance of social reproduction work. Instead of working with the assumptions of labour law and reinforcing the tenets of capitalism, SRF and IE allow me to challenge what “work” means and understand capitalism’s reluctant dependence on women’s labour.³⁰

It is important to note that the AUH is commendable as an extension of a right historically restricted for formal workers. It indicates an advance in citizenship rights and includes previously excluded sectors. However, I refuse those approaches that place “waged labour” at the heart of emancipatory processes, such as the current regimen of labour law in Argentina. A more comprehensive mapping of the capitalist system is necessary to account for all the labour involved in maintaining the system. At the very least, such mapping includes a re-assessment of women’s reproductive labour and the philosophy that supports the ideology of sacrificed mothering.

2.3 Social Protection, the Welfare State, and the AUH

One well-developed line of work in the literature of the AUH has to do with the debate about the notion of social protection and the welfare state. According to Sánchez Castañeda (2012), social protection is a “set of government and private policies and programs with which societies respond to various contingencies to compensate for the lack of substantial reduction in income from work,

³⁰ See sections 3.5.1 and 3.5.2.

assist families with children and offer medical care and housing for the population.”³¹ The AUH would fall within the notion of social protection because it targets a part of society affected by the lack of a waged job and, therefore, historically excluded from the social security system.

In this line of thought, we find AUH literature that focuses on: the need to consider a basic universal income;³² terms of coverage;³³ the (un)coordination of the AUH with social policies;³⁴ the changes in social protection in recent decades;³⁵ the definition of recipients;³⁶ its effects on the public budget and consumption habits;³⁷ impacts on the household budgets;³⁸ the social uses of

³¹ Alfredo Sánchez-Castañeda, “La Seguridad Social y la Protección Social en México. Su Necesaria Reorganización” (2012) Instituto de Investigaciones Jurídicas. Universidad Nacional Autónoma de México at 21-22.

³² Rubén Lo Vuolo & Aldo Neri, “La Asignación Universal Por Hijo frente a un Ingreso Universal a la Niñez,” in Aldo Neri, ed, UNICEF *Asignación Universal por Hijo- Ciclo de Conferencias* (Buenos Aires: Asociación Argentina de Políticas Sociales, 2010).

³³ Martín Hornes, “Los Programas De Transferencias Monetarias Condicionadas. Una Aproximación desde la Socio-Antropología Económica” (2013) 3:5 Revista Debate Público. Reflexión de Trabajo Social. Artículos Seleccionados.

³⁴ Fabián Repetto & Gala Díaz Langou, “Desafíos y Enseñanzas de la Asignación Universal por Hijo para Protección Social a un Año de su Creación. Documento de Políticas Públicas” (CIPPEC, Buenos Aires, 2010) online <<https://www.cippec.org/wp-content/uploads/2017/03/2483.pdf>>. Nora Goren, “La Asignación Universal por Hijo. ¿Conquista de Nuevos Derechos? ¿Viejas o Nuevas Identidades Femeninas?” (2011) Congreso ASET, Grupo 14: Género, Trabajo y Mercado de Trabajo, Asociación Argentina de Especialistas en Estudios del Trabajo (ASET), Buenos Aires. Gabriela Polischer, Luciana Miguel, Diego Díaz Córdova & Mariana Melgarejo, “Estudio Evaluativo de Impactos de la Asignación Universal por Hijo (AUH)” (2012) Ministerio de Salud de la Nación Argentina. Pautassi, Arcidiácono & Straschnoy, *supra* note 18.

³⁵ Claudia Danani, “Estatidades en Disputa: Recrear la Protección Social, Refundar el Estado,” in Alicia Ziccardi, Carmen Midaglia & Verónica Villarespe, eds, *Persistencias de la Pobreza y Esquemas de Protección Social en América Latina y el Caribe* (Buenos Aires: CLACSO-CROP, 2013). Claudia Danani, “La otra Década de Reformas de las Políticas Sociales y Laborales. Argentina, 2002-2010” (2012) 135-136 Revista de Ciencias Sociales de la Universidad de Costa Rica. Claudia Danani & Susana Hintze, “Protección y Seguridad Social para Distintas Categorías de Trabajadores: Definiciones Conceptuales, Propuestas de Abordaje e Intento de Interpretación,” in Claudia Danani & Susana Hintze, eds, *Protecciones y Desprotecciones: la Seguridad Social en la Argentina* (Buenos Aires: UNGS, 2011). Claudia Danani & Susana Hintze, “Reformas y Contra-Reformas de la Protección Social: la Seguridad Social en la Argentina en la Primera Década Del Siglo” (2010) 24: 12 Reflexión Política. Claudia Danani & Javier Lindenboim, “Trabajo, Política y Políticas Sociales ¿Hay Algo de Particular en el Caso Argentino?,” in J. Lindenboim, & C. Danani, eds, *Entre el Trabajo y la Política. Las Políticas Sociales Argentinas en Perspectiva Comparada* (Buenos Aires: Biblos, 2003).

³⁶ Arcidiácono, Barrenchea & Straschnoy, *supra* note 18.

³⁷ Aguiló, Lobos, Neri & Rubio, *supra* note 18. Goren, *supra* note 34. Rosaura Andinach, “Impacto de la Asignación Universal por Hijo y el Programa Ciudadanía Porteña en el Consumo de Alimentos” (2014) Tesis de Maestría, FLACSO. Sede Académica Argentina, Buenos Aires.

³⁸ Martín Hornes, “Los Programas de Transferencias Monetarias Condicionadas. Una Aproximación desde la Socio-Antropología Económica” (2013) 3:5 Revista Debate Público, Reflexión de Trabajo Social. Observatorio de la Deuda Social Argentina, U.C.A., “Estimación del Impacto de la AUH y las Pensiones para Madres con Siete Hijos sobre los Ingresos Familiares, la Indigencia y la Pobreza Urbana en la Argentina del Bicentenario” (2013) online <http://www.uca.edu.ar/uca/common/grupo68/files/COMUNICADO_DE_PRENSA_AU_H_Pobreza.pdf>.

money;³⁹ the demand for educational and health services;⁴⁰ universality and citizenship;⁴¹ and variations in terms of ideological orientation between different governments regarding the AUH.⁴² There is also a debate concerning the role of conditionalities in the AUH. On the one hand, authors have argued that they are political instruments to gain the support of middle and upper-middle-income voters.⁴³ On the other hand, some studies show that the same political results (i.e., more children enrolled in school and better health outcomes for children) can be obtained without conditioning the transfer.⁴⁴

The analysis of the AUH from the view of social protection relates to the welfare state or its absence thereof. The welfare state is “a form of macro-economic and macro-sociological governance, directed and overseen by the nation state.”⁴⁵ As Martinez Franzoni (2005) points out, in Latin America, the welfare state has been questioned due to its absence and linked to its inability

³⁹ Hornes, “Los Programas,” *supra* note 38.

⁴⁰ Pautassi, Arcidiacono & Straschnoy, “Asignación Universal,” *supra* note 18.

⁴¹ Fabio Bertranou, *Aportes para la Construcción de un Piso de Protección Social en Argentina. El Caso de las Asignaciones Familiares* (Buenos Aires: OIT, 2010). Fernanda Potenza Dal Masetto & Fabián Repetto, *Sistemas de Protección Social en América Latina y el Caribe: Argentina*, ECLAC LC/W.508 (2012), online <<https://repositorio.cepal.org/handle/11362/4028>>.

⁴² Cynthia Gisselle Ferrari Mango & Jorge Alejandro Tirenni, “La Política Social en la Argentina tras el Cambio de Ciclo: una Mirada desde la Seguridad Social y la Asistencia Social,” in Daniel R. García Delgado & Agustina Gradín, *El Neoliberalismo Tardío: Teoría y Praxis* (Buenos Aires, Argentina: FLACSO, 2017). Juan Ignacio Balasini & Mara Ruiz Malec, *El Rompecabezas de la Seguridad Social* (Buenos Aires, Argentina: EDUNPAZ, Editorial Universitaria, 2019). Sara Niedzwiecki & Jennifer Pribble, “Social Policies and Center-Right Governments in Argentina and Chile” (2017) 59:3 *Latin American Politics and Society* 72.

⁴³ Guy Standing, “How Cash Transfers Boost Work and Economic Security” (2007) UNDESA Working Paper N° 58. Rubén M. Lo Vuolo, “Las Perspectivas de Ingreso Ciudadano en América Latina. Un Análisis en Base al ‘Programa Bolsa Familia’ de Brasil y a la ‘Asignación Universal por Hijo para Protección Social’ de Argentina” (2010) Documento de Trabajo 7 (CIEPP, Buenos Aires).

⁴⁴ Annie Leatt & Debbie Budlender, “Under what Conditions? Social Security for Children in South Africa” (2006) University of Cape Town, South Africa. Francie Lund, “A Step in the Wrong Direction: Linking the South Africa Child Support Grant to School Attendance” (2011) 19:1 *Journal of Poverty and Social Justice* 5.

⁴⁵ “Welfare state governmentality involves the socialization or collectivization of activities. Managing risk, providing healthcare, relieving poverty, securing employment, ensuring household income – all of these become functions to be undertaken at an aggregate level.” It is ambiguous and was given different boundaries in the literature: “(i) Welfare for the poor. This is the narrowest conception and the one usually preferred by the welfare state’s opponents [...]; (ii) Insurance, income maintenance and health and social services, [...] the analytical focus of most comparative social policy experts, [...] and (iii) Government at the level of the economy and the population. This is the broadest and least frequently invoked conception but it is the one standardly used by political economists and institutional sociologists.” David Garland, “The Welfare State: A Fundamental Dimension of Modern Government” (2014) 55:3 *European Journal of Sociology* 327 at 337-339.

to tackle poverty and inequality.⁴⁶ Esping-Andersen's (1990) work is undoubtedly one of the best-known in welfare state research.⁴⁷ His approach explains that in a capitalist society, welfare is provided by different spheres: the State, the market, and the family. Each of these sources of welfare provision represents a different principle of risk management, and their combination creates what the author referred to as "welfare regimes."⁴⁸

However, there is a consensus among feminists that Esping-Andersen's dimensions are unsatisfactory for a gendered approach to the welfare state.⁴⁹ Essential for a gender analysis of the welfare state is the explanation that welfare states are stratified systems and, thus, not neutral.⁵⁰ Esping-Andersen "conceptualize[s] gender as an individual attribute and ignore[s] the relational character of gender."⁵¹ Orloff adds that "orientations to family and employment [...] are not prepolitical, or 'natural.' Rather, welfare provision [...] is involved in shaping gendered divisions of labour and the preferences, needs and desires that sustain it..."⁵² For instance, in Esping-Andersen's (1990) approach, a woman would gain the right to pensions based on her husband's career earnings and not on her contribution for all those years as an unpaid worker who performed social reproduction tasks.⁵³

⁴⁶ Juliana Martínez Franzoni, "Welfare Regimes in Latin America: Capturing Constellations of Markets, Families, and Policies" (2008) 50:2 Latin American Politics and Society 67.

⁴⁷ Gøsta Esping-Andersen, *The Three Worlds of Welfare Capitalism* (Princeton, NJ: Princeton University Press, 1990).

⁴⁸ Esping-Andersen, *supra* note 47.

⁴⁹ See for example Paul Kershaw, "The Just Commodification of Women, Equal Care Obligations for Men, and Autonomous Households: Gendering the Comparative Analysis of Welfare States in 20 OECD Countries" (2010) European Network of Social Policy Analysis Annual Meetings, Budapest, at 2. Ann Shola Orloff, "Gendering the Comparative Analysis of Welfare States: An Unfinished Agenda" (2009) 27:3 Sociological Theory 317 at 331.

⁵⁰ Barbara Hobson, "Solo Mothers, Social Policy Regimes and the Logics of Gender," in Diane Sainsbury, ed, *Gendering Welfare States* (London, Sage, 1994) at 170-171.

⁵¹ Orloff, *supra* note 49 at 322.

⁵² *Ibid.* See also Nancy Fraser, *Unruly Practices: Power, Discourse, and Gender in Contemporary Social Theory* (Minneapolis, MN: University of Minnesota Press, 1989).

⁵³ In a later work, Esping-Andersen explained that "decommodification" and "defamiliarization" are the fundamental functions of social policies. Defamiliarization is related to "those policies that reduce individual dependence on the family." Gøsta Esping-Andersen, "The Sustainability of Welfare States into the Twenty-First Century" (2000) 30:1 Int J Health Serv. 1.

Feminist analysis of the welfare state generally focuses on two types of approaches: those that take as their starting point the mainstream framework by incorporating a gender perspective⁵⁴ and those that reject the dominant model by developing a new gender-aware framework.⁵⁵ Orloff's (1993)⁵⁶ and O'Connor's (1993)⁵⁷ frameworks include a gender perspective into otherwise mainstream dimensions. However, Sainsbury (1994) criticizes their approach for "building gender into mainstream frameworks of analysis"⁵⁸ since they adopt Esping Andersen's work and adapt it to accommodate considerations of gender. I agree with the position of not just adding considerations of gender into mainstream androcentric frameworks. The shortcomings of the "add-and-stir" approach have also been reflected in efforts to convert the masculine structures of law into a more inclusive system, involving framing women's rights as human rights or gender mainstreaming practices within legal registers.⁵⁹ Instead, the best strategy is a more complex and nuanced approach that allows for examining a more comprehensive range of criteria and factors affecting women's welfare experience.

I believe that genuinely achieving human flourishing is beyond what is allowed by the structures of capitalism. In this work, I thus depart from such approaches because of their inability to consider gender issues beyond an "add-and-stir" approach; they equate "work" to waged labour; and reinstate and reinforce waged labour as the principal apparatus for income distribution, a moral

⁵⁴ Julia S. O'Connor, "Gender, Class and Citizenship in the Comparative Analysis of Welfare State Regimes: Theoretical and Methodological Issues" (1993) 44:3 *British Journal of Sociology* 501. Diane Sainsbury, "Introduction," in Diane Sainsbury, ed, *Gendering Welfare States* (London: Sage, 1994) 1.

⁵⁵ Diane Sainsbury, "Women's and Men's Social Rights: Gendering Dimensions of Welfare States," in Diane Sainsbury, ed, *Gendering Welfare States* (London: Sage, 1994) 150 at 150. Alan Siaroff, "Work, Welfare and Gender Equality: A New Typology," in Diane Sainsbury, ed, *Gendering Welfare States* (London: Sage, 1994) at 82.

⁵⁶ Ann Shola Orloff, "Gender and the Social Rights of Citizenship: The Comparative Analysis of Gender Relations and Welfare States" (1993) 58:3 *American Sociological Review* 303.

⁵⁷ O'Connor, "Gender, Class and Citizenship," *supra* note 54.

⁵⁸ Sainsbury, "Introduction," *supra* note 54.

⁵⁹ Karen Engle, "Female Subjects of Public International Law: Human Rights and the Exotic Other Female" (1992) 26 *New England Law Review* 1509. Arvonne S. Fraser, "Becoming Human: The Origins and Development of Women's Human Rights" (1999) 21:4 *Human Rights Quarterly* 853.

obligation or source of “dignity,”⁶⁰ and as an exclusionary way of seeing ourselves and other human beings as social and political actors.⁶¹ In sum, no public policy of social protection or security or universal basic income suffices to compensate for capitalist structures of indefensible inequality.

2.4 Neoliberalism and the AUH

Some authors, such as DuBois’ (2014), argue that the AUH is a fascinating case study because it reinforces the Argentine welfare state by extending social protection floors instead of enforcing a neoliberal one.⁶² Unlike the *Bolsa Família* and the *Oportunidades* from Brazil and Mexico, the AUH was institutionalized as part of the country’s social security system.⁶³ Indeed, in the Argentine literature about the AUH, there was a heated debate about whether the AUH could be conceptualized as a CCT,⁶⁴ a type of *Family Allowances*,⁶⁵ or a hybrid.⁶⁶

⁶⁰ AUH Decree of Necessity and Urgency 1602/09, online < <https://www.ilo.org/dyn/travail/docs/1804/DECRETO%201602.pdf>>. See section 4.2.2.3, “What Does the AUH Decree State?”

⁶¹ I align with thinkers such as feminist Marxist author Weeks (2011), who explains how work and productivity are central to capitalism under the assumption that work is inherently good. Kathi Weeks, *The Problem with Work. Feminism, Marxism, Antiwork Politics, and Postwork Imaginaries* (Duke University Press, 2011).

⁶² Lindsay DuBois, “Women and Children First? Conditional Cash Transfer Programs in neo-Peronist Argentina” (2014) Paper presented at *CASCA 2014: Promising Uncertainties: Unsettling the Future of Anthropological Terrain*, York University, Toronto.

⁶³ Bertranou & Maurizio, “Transferencias Monetarias,” *supra* note 12.

⁶⁴ Alejandro Calabria, Analía Calero Vanesa D’Elia, Julio Gaiada & Sergio Rottenschweiler, “Transferencias Condicionadas de Ingreso en Argentina: la Asignación Universal por Hijo para la Protección Social” (2010) XLV Reunión Anual de la Asociación Argentina de Economía Política, Buenos Aires, online < <http://observatorio.anses.gob.ar/archivos/documentos/OBS%20-%2000099%20-%20Transferencias%20condicionadas%20de%20ingreso%20en%20Argentina.pdf>>. Cecchini & Madariaga, *supra* note 8. Fabián Repetto & Fernanda Potenza Dal Masetto, “Sistemas de Protección Social en América Latina y el Caribe: Argentina” (2012) Signatura: LC/W.508, Santiago de Chile, CEPAL/BMZ-GIZ. Rebeca Cena, “Programas de Transferencias Condicionadas de Ingresos: Hacia una Problematicación Teórica a Partir del Caso Latinoamericano,” in Angélica De Sena, ed, *Del Ingreso Ciudadano a las Transferencias Condicionadas, Itinerarios Sinuosos* (Buenos Aires: Estudios Sociológicos Editora, 2016) 115.

⁶⁵ Emilia Roca, “Asignación Universal por Hijo (AUH): Extensión de las Asignaciones Familiares” (2011) 1 Revista Debate Público 29. Gluz & Rodríguez Moyano, *supra* note 18.

⁶⁶ Arcidiácono, Barrenchea & Straschnoy, *supra* note 18. Angélica De Sena, “Promoción de Microemprendimientos y Políticas Sociales: ¿Universalidad, Focalización o Masividad? Una Discusión no Acabada” (2011) 8 Pensamento Plural 37.

Other scholars – to whom I join – contend that CCT’s neoliberal characteristics must be interrogated.⁶⁷ Schild (2013) argues that CCTs expand markets through a neoliberal schema that responsabilizes families for failing to challenge capitalist relations of power.⁶⁸ Ferguson (2015) argues that cash transfers (conditional or otherwise) as “distributive policies” are a significant promise to improve the lives of many. He believes that despite their neoliberal connotations, they also are “pro-poor” to the extent they help recipients by bringing those excluded from the wage labour and market sphere into a social sphere of State dependence and showing a change in how the State deals with poverty.⁶⁹ I join the opinion of Saad-Filho (2015), who concurs with Ferguson (2010) in that CCTs are neoliberal yet disagrees in that they are “pro-poor.”⁷⁰ In fact, as I will demonstrate, the AUH provides little money and does not address structural inequality but facilitates violence against women.

Li (2010) explains that the relation between labour and capital accumulation requires “make live interventions,” that is, policies to address the needs of those whose labour is needless to capital accumulation processes.⁷¹ Related to the neoliberal implications of CCTs are the debates around female empowerment and the feminization of poverty. Feminists initially promoted the

⁶⁷ Harvey (2005) explains that neoliberalism is “a theory of political economic practices that proposes that human well-being can be best advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets and free trade.” David Harvey, *A Brief History of Neoliberalism* (USA: Oxford University Press, 2005) at 2.

⁶⁸ The neoliberal form of the Chilean State through its CCT program is, as she argues, both coercive, enabling, and feminized. *Chile Solidario* is “the caring arm of the state” which targets women for facilitating their family’s transition from indigence to poverty. Veronica Schild, “Care and Punishment in Latin America: The Gendered Neoliberalization of the Chilean State,” in N. Goodale & N. Postero, eds, *Neoliberalism Interrupted: Social Change and Contested Governance in Contemporary Latin America* (Stanford: Stanford U. Press, 2013) 194 at 197. Tabbush (2010) compares the *Puente Program* in Chile and the *Familias Program* in Argentina. She concludes women are incorporated as providers in their role as mothers, and that their needs are not considered. Constanza Tabbush, “Latin American Women’s Protection after Adjustment: A Feminist Critique of Conditional Cash Transfers in Chile and Argentina” (2010) 38:4 Oxford Development Studies 437.

⁶⁹ James Ferguson, *Give a Man a Fish. Reflections on the New Politics of Distribution* (Duke University Press, 2015).

⁷⁰ Alfredo Saad-Filho, “Social Policy for Mature Neoliberalism: The Bolsa Familia Programme in Brazil” (2015) Unpublished.

⁷¹ Tania Murray Li, “To Make Live or Let Die? Rural Dispossession and the Protection of Surplus Populations” (2010) 41 *Antipode* 66.

“women’s empowerment” language to mobilize development players to pay attention to women.⁷²

One of the most well-known definitions of empowerment was developed by Kabeer (1999) as the ability to make strategic life choices by those who were previously denied such an ability.⁷³

However, unfortunately, as Sardenberg (2008) explains, approaches to empowerment in the development discourse are now marked by liberal feminist thinking, considering issues of gender as if women would be a homogenous monolith and focusing on economic participation.⁷⁴

McKenna (2021) explains that we see “...a new political rhetoric that frames women’s unpaid work as a barrier to their ‘economic empowerment and their further integration into the paid labour force’ in the last years.”⁷⁵ Today’s neoliberal female empowerment frames women as a resource to be maximized for profit-making, building on the idea that the key to poverty alleviation and gender equality is encouraging open markets. Indeed, Fraser (1997) would argue that liberal feminists have focused on recognizing women as a social group, ignoring structural issues such as wealth distribution and labour division.⁷⁶ Increased market participation is not the path to women’s empowerment, whether as a wage worker, an entrepreneur and micro-credit loan recipient, or a mother receiving the AUH. I join the work of social feminists who argue for “emancipation” rather than “empowerment,” seeking to abolish the structural foundations of colonial capitalist exploitation and oppression.⁷⁷

⁷²Andrea Cornwall & Althea-Maria Rivas, “From ‘Gender Equality’ and ‘Women’s Empowerment’ to Global Justice: Reclaiming the Transformative Agenda for Gender and Development” (2015) 36:2 Third World Quarterly 396 at 396-397.

⁷³ Naila Kabeer, “Resources, Agency, Achievements: Reflections on the Measurement of Women’s Empowerment” (1999) 30:3 Development and Change 435.

⁷⁴ Cecília M.B. Sardenberg, “Liberal vs. Liberating Empowerment: A Latin American Feminist Perspective on Conceptualizing Women’s Empowerment” (2008) 39:6 IDS Bulletin Institute of Development Studies 18 at 20.

⁷⁵ Miriam Bak McKenna, “Feminist Materialism and the Laws of Social Reproduction,” in Paul O’Connell & Umut Özsu, eds, *Research Handbook on Law and Marxism* (Edward Elgar Publishing, 2021) 283 at 24.

⁷⁶ Nancy Fraser, “From Redistribution to Recognition? Dilemmas of Justice in a ‘Postsocialist’ Age,” in *Justice Interruptus* (New York: Routledge, 1997) at 68.

⁷⁷ Nancy Fraser, “Contradictions of Capital and Care” (2016) 100 New Left Review 99. Melisa N. Handl & Susan J. Spronk, “Women’s Empowerment vs. Women’s Emancipation: Social Reproduction and the Contradictions of Conditional Cash Transfers” (2023) *Forthcoming*.

2.5 Feminist Critiques and the AUH

Feminist researchers have argued that CCTs and the AUH reinforce and reproduce traditional gender relations centred around the idea that care is an individual – not a social – responsibility, exclusive to women. In Argentina, works that analyzed the AUH from a feminist perspective mainly focused on the maternalist connotations of the policy.⁷⁸

The issue of “care” is a pillar in feminist literature that has addressed the AUH in Argentina. Pautassi & Zibecchi (2010) studied the AUH from various theoretical approaches around “care” and child poverty.⁷⁹ Rodríguez Enríquez (2011) argues that the AUH intensifies time poverty and that the role given to women by the AUH is not empowering to women.⁸⁰ Pautassi, Arcidiácono & Straschnoy (2013) argue that the AUH reinforces women’s roles as caretakers and fails to develop intersectoral actions, infrastructure, and policies for work-family balance.⁸¹ In another work, the authors (2014) explained that there is a belief in women’s inherent virtues for redistributing the AUH in the home.⁸² Aguirre (1997)⁸³ explains that “maternalism” is a notion that includes discourses, practices, and social policies based on women’s “natural”

⁷⁸ Laura Pautassi & Carla Zibecchi, “La Provisión de Cuidado y la Superación de la Pobreza Infantil. Programas de Transferencias Condicionadas en Argentina y el Papel de las Organizaciones Sociales y Comunitarias” (2010) 159 CEPAL Serie Políticas Sociales, Santiago de Chile: CEPAL. Arcidiácono, Barrenchea & Straschnoy, *supra* note 18. Corina Rodríguez Enríquez, “Programas de Transferencias Condicionadas de Ingreso e Igualdad de Género ¿Por Dónde Anda América Latina?” (2011) 109 CEPAL Serie Mujer y Desarrollo, Santiago de Chile: CEPAL. Corina Rodríguez Enríquez, “Políticas de Atención a la Pobreza y las Desigualdades en América Latina: una Revisión Crítica desde la Economía Feminista,” in V. Esquivel, ed, *La Economía Feminista desde América Latina: Una Hoja de Ruta sobre los Debates Actuales en la Región* (Santo Domingo: ONU Mujeres, 2012). Nora Goren, “Alivio a la Pobreza, Política Social y Relaciones de Género. Un Estudio Sobre un Programas de Transferencia Condicionada de Ingresos” (2012) Conference of the Latin American Studies Association, San Francisco, May 2012. Pilar Arcidiácono, Gustavo Gamallo & Mora Straschnoy, “Programas Sociales y Protección Social Contributiva en la Post-Convertibilidad” (2014) 60 Revista de Instituciones, Ideas y Mercados 57. Pautassi, Arcidiácono & Straschnoy, “Asignación Universal,” *supra* note 18.

⁷⁹ Pautassi & Zibecchi, “La Provisión de Cuidado,” *supra* note 78.

⁸⁰ Rodríguez Enríquez, *supra* note 78.

⁸¹ Pautassi, Arcidiácono & Straschnoy, “Asignación Universal,” *supra* note 18.

⁸² Laura Pautassi, Pilar Arcidiácono & Mora Straschnoy, “Condicionando el Cuidado. La Asignación Universal por Hijo para la Protección Social en Argentina” (2014) 50 Íconos. Revista de Ciencias Sociales 61.

⁸³ Rosario Aguirre, “Estado de Bienestar, Ciudadanía Social y Género. El Maternalismo en las Políticas Sociales” (1997) Paper presented at the meeting of the ALFA Network, “Social Citizenship of Women in Latin America,” Brussels.

abilities in their traditional roles in the domestic sphere, as mothers, and as responsible for the care and reproduction of the home.⁸⁴ In Argentina, the AUH is not an exceptional policy in terms of maternalism but is part of a historical trend. As Nari (2004) explains, the hegemony of maternalism in public policies has characterized labour, health, and demographic policies in Argentina since the end of the 19th century.⁸⁵

Despite social policy maternalism, the ways the AUH has been given meaning and used by recipient women in practice are myriad. Rodríguez Enríquez (2011) explains that it has been argued that CCTs contribute to women's empowerment by helping them have their own resources and reconfigure gender relations in the household.⁸⁶ However, to what extent women effectively control the AUH stipend remains unknown. Certain authors in Argentina highlight that the AUH might lead to women's autonomy in some cases, strengthening their position within their households.⁸⁷ In this view, it is generally assumed that female ownership of the stipend *per se* fosters female empowerment. Others pointed out that women might gain a strengthened sense of citizenship, participation, or increased self-confidence.⁸⁸ Feminist economists criticize the notion of recipient rationality assumed in the AUH and CCTs, since it over-simplifies the fact that

⁸⁴ Goren, *supra* note 34. Pautassi, Arcidiácono & Straschnoy, "Asignación Universal," *supra* note 18. Eleonor Faur, *El Cuidado Infantil en el Siglo XXI. Mujeres Malabaristas en una Sociedad Desigual* (Buenos Aires: Siglo XXI, 2014). Ariela Micha, "Usos y Administración de la Asignación Universal por Hijo (AUH): Entre el 'Deber Ser' y la Autonomía Económica de las Mujeres" (2019) 32 Trabajo y Sociedad-Sociología del Trabajo - Estudios Culturales-Narrativas Sociológicas y Literarias. Núcleo Básico de Revistas Científicas Argentinas (Caicyt-Conicet), Santiago del Estero, Argentina.

⁸⁵ Marcela Nari, *Políticas de Maternidad y Maternalismo Político* (Buenos Aires: Biblos, 2004). See Claudia Cecilia Anzorena, *Mujeres en la Trama del Estado: Una Lectura Feminista de las Políticas Públicas* (Mendoza: Ediunc, 2013).

⁸⁶ Rodríguez Enríquez, *supra* note 78.

⁸⁷ Claudia Jacinto & Verónica Millenar, "Desigualdad Social y Género en las Trayectorias Laborales de Jóvenes de Sectores Populares. El Lugar de los Dispositivos de Inserción" (2013) XI Congreso Nacional de Estudios del Trabajo, ASET. Goren, "Alivio a la Pobreza," *supra* note 78. Patricia Dávalos, "Las Perceptoras de la Asignación Universal por Hijo: Características y Condicionantes de su Participación en el Mercado Laboral" (2013) 7:12 Poiésis - Revista de Programa de Posgrado en Educación 256.

⁸⁸ Arcidiácono, Barrenchea & Straschnoy, *supra* note 18.

people's preferences respond to a plethora of socially constructed relations, such as social mandates regarding women as caregivers in society.⁸⁹

The feminist contributions to the CCTs and AUH debate have been a valuable development upon which I build this work. However, this study departs from the feminist approaches that focus on an “ethics of care.”⁹⁰ Instead, I draw from SRF theorists’ work and adopt one of socialist feminism’s most challenging operations: to make women’s unpaid labour within the household visible as work and simultaneously assert it is not something to fetishize, celebrate, or venerate. This means that recipient women’s labour must be recognized as socially necessary, but we must avoid romanticizing, mystifying, privatizing, individualizing, and gendering it. We must overcome both the gendered division of labour and the ideology of exhaustive mothering. As labour, women’s unpaid labour is also something to battle against hijacking the entirety of our lives.

2.6 Law and the AUH

The literature that studied the AUH from a legal perspective has been limited. It includes the work of those who understand the AUH from the perspective of rights,⁹¹ expansion of rights,⁹² and its

⁸⁹ Rodríguez Enríquez, “Políticas de Atención a la Pobreza,” *supra* note 78. Cristina Carrasco, “La Economía Feminista: Una Apuesta por Otra Economía,” in M.J. Vara, ed, *Estudios Sobre Género y Economía* (Madrid: Ediciones Akal, 2006).

⁹⁰ See for example Shahra Razavi, “The Political and Social Economy of Care in a Development Context: Conceptual Issues, Research Questions and Policy Options” (2007) Gender and Development, UNRISD. Valeria Esquivel, “La Economía del Cuidado en América Latina: Poniendo a Los Cuidados en el Centro de la Agenda” (2011) Serie Atando Cabos, Deshaciendo Nudos, Panamá: PNUD. Pautassi, Arcidiácono & Straschnoy, “Condicionando el Cuidado”, *supra* note 82. Pautassi & Zibecchi, “La Provisión de Cuidado,” *supra* note 78. Approaches that take an “ethics of care” have been accused of their essentialism and romanticizing of care work. Carol Gilligan, *In a Different Voice: Psychological Theory and Women’s Development* (Cambridge, MA: Harvard University Press, 1982). Joan C. Tronto, “An Ethic of Care” (1998) 22:3 *Generations: Journal of the American Society on Aging* 15. Fiona Robinson, “Globalizing Care: Ethics, Feminist Theory, and International Relations” (1997) 22:1 *Alternatives: Global, Local, Political* 113.

⁹¹ Víctor Abramovich, “Una Aproximación al Enfoque de Derechos en las Estrategias y Políticas de Desarrollo” (2006) 88 *Revista de la Cepal* 35. Víctor Abramovich, “El Rol de la Justicia en la Articulación de Políticas y Derechos Sociales,” in Víctor Abramovich & Laura Pautassi, eds, *La Revisión Judicial de las Políticas Sociales* (Buenos Aires: Del Puerto, 2009).

⁹² Mazzola, “Nuevo Paradigma,” *supra* note 12. Kliksberg & Novacovsky, *supra* note 5.

perception as a right or assistance.⁹³ Under the umbrella of rights, political scientist Arcidiácono (2019) writes about judicial rulings about non-contributory pensions and refers to the judicialization of the field of social security in Argentina.⁹⁴ From a formalistic perspective, other commentators legally analyze the AUH to understand *why* it was institutionalized via decree and not legislative means.⁹⁵ Etchichury (2018)⁹⁶ analyzes the constitutionality of the AUH, and Ambort (2014) examines it from the view of social rights.⁹⁷

There is a widespread belief that AUH work is not covered by labour law, which fuels the idea that AUH recipients' activities are outside the reach of formal law. The AUH is understood as broadly related to rights such as social and economic rights. Even though the latter are binding, they are not framed as “justiciable” in Argentina’s legal culture, as I will explain in the section *Extending* of this dissertation. In Argentina, lawyers do not write about the AUH because they assume we do not have much to say about it. For instance, even though labour law is a well-developed field in Argentina, law students learn to legally address the problems of those involved

⁹³ Goren, *supra* note 34. Carla Zibecchi, “Programas de Transferencia de Ingresos. ¿Más Condicionalidades y Menos Derechos para Madres Pobres? Un Análisis en Base a Tres Experiencias en América Latina” (2008) 21 Revista Aportes Andinos, Universidad Andina Simón Bolívar, Quito, Ecuador. Pautassi, Arcidiácono & Straschnoy, “Asignación Universal,” *supra* note 18. Aguiló, Lobos, Neri & Rubio, *supra* note 18. Gluz & Rodríguez Moyano, *supra* note 18. Kliksberg & Novacovsky, *supra* note 5.

⁹⁴ Pilar Arcidiácono, “‘La Hermanita Menor.’ Concepciones Dominantes sobre la Seguridad Social no Contributiva en Expedientes Judiciales” (2019) 12 Revista Estado y Políticas Públicas ISSN 2310-550X 149 at 158. Pilar Arcidiácono & Gustavo Gamallo, “Sobre la Judicialización de Conflictos Sociales en Argentina” (2021) Serie de Debates 4 DSPP, online <<https://www.dspp.com.ar/wp-content/uploads/DSPP-Debates04.pdf>>. Pilar Arcidiácono, & Gustavo Gamallo, “Entre la Confrontación y la Funcionalidad: Poder Ejecutivo y Poder Judicial en Torno a la Política Habitacional de la Ciudad de Buenos Aires,” in Laura Pautassi, ed, *Marginaciones Sociales en el Área Metropolitana de Buenos Aires. Acceso a la Justicia, Capacidades Estatales y Movilización Legal* (Buenos Aires: Biblos, 2014).

⁹⁵ Ana María Bestard, “Asignación Universal por Hijo. Enfoque de Derechos y Marco Constitucional: ¿Por Qué Mediante Decreto de Necesidad y Urgencia?, online <<http://www.derecho.uba.ar/investigacion/investigadores/publicaciones/bestard-asignacion-universal-por-hijo-enfoque-de-derechos-y-marco-constitucional.pdf>>.

⁹⁶ Horacio Javier Etchichury, “Planned Differences: Argentina’s Universal Child Allowance from a Human Rights Perspective” (2018) 7 Ius Humani, Revista de Derecho 199.

⁹⁷ Ambort, *supra* note 14.

in waged work from which most AUH recipients are excluded. Lawyers traditionally do not focus on non-contributory pensions related to socio-economic rights.

Moreover, legal scholarship in Argentina has mainly been formal and dogmatic. Legal scholars have seldom participated in discussions about the AUH and the experiences of recipients and other actors; when they do, most of them limit themselves to a doctrinal analysis of the law and do not approach it from an interdisciplinary point of view or in-depth. The emphasis on developing scholarship that serves the legal profession affected the availability of works that understand the relations between AUH recipients and the formal and informal laws. Sylvestre, Damon, Blomley & Bellot (2015) claim that critical scholars should pay attention to legal knowledge's workings and details "because it has political and ethical consequences."⁹⁸ This study pays attention to the workings of a legal system by diving deep into ignored rationalities related to processes deemed "technical" or outside the reach of the law.

2.7 Governmentality and Ethnographies

In the context of the AUH, various ethnographic studies in sociology, social work, and anthropology have produced "thick descriptions" of the AUH program.⁹⁹ These ethnographies

⁹⁸ Marie-Eve Sylvestre, William Damon, Nicholas Blomley & Céline Bellot Antipode, "Spatial Tactics in Criminal Courts and the Politics of Legal Technicalities" (2015) 47:5 Antipode 1346 at 1351.

⁹⁹ Rebeca Cena, "Acerca de las Sensibilidades Asociadas a las Personas Titulares de la Asignación Universal por Hijo, un Análisis desde la Etnografía Virtual," in Angélica de Sena, ed, *Las Políticas Hechas Cuerpo y lo Social Devenido Emoción: Lecturas Sociológicas de las Políticas Sociales* (Buenos Aires: Estudios Sociológicos, 2014). Karina Dionisi, "Los Programas de Transferencia de Ingresos. La Visión de las Mujeres Destinatarias," in Amalia Eguía, María Susana Ortale & Juan Ignacio Piovani, *Género, Trabajo y Políticas Sociales* (Buenos Aires: CLACSO, 2015) 135. Florencia Daniela Pacífico, "'Más Allá Del Programa.' Políticas Estatales, Mujeres y Vida Cotidiana en el Gran Buenos Aires" (2016) Anthropology Dissertation. FFyL, UBA, online <<http://antropologia.filo.uba.ar/sites/antropologia.filo.uba.ar/files/documentos/Pac%C3%ADfico%20-%20Tesis.pdf>>. Florencia Daniela Pacífico, "¿Somos (des) Unidas? Chismes y Valores Morales a Partir de una Etnografía de la Participación de Mujeres en el Programa *Ellas Hacen*" (2018) XXIV Revista de la Escuela de Antropología. Luisina Perelmiter, "Militar el Estado. La Incorporación de Movimientos Sociales de Desocupados en la Gestión de Políticas Sociales. Argentina (2003-2008)," in Astor Massetti, Ernesto Villanueva & Marcelo Gómez, *Movilizaciones, Protestas e Identidades Políticas en la Argentina del Bicentenario* (Buenos Aires: Nueva Trilce, 2010). Ana Laura Rodríguez Gusta, "¿Destinatarias Emprendedoras o Beneficiarias Dependientes?: Segmentaciones Discursivas en la Implementación Municipal de una Política Social en la Argentina" (2013) 37 Cuadernos De Antropología Social 137.

consist of detailed accounts of what actors do but generally do not relate their experiences to broader ruling relations such as the law. Other studies of CCTs are acontextual and aspatial, disregarding the sites where recipients live their lives and their struggles.¹⁰⁰ In contrast, this work illustrates what happens in particular places women navigate and the work it takes to do so. It aligns with ethnographies that produce a “thick description”¹⁰¹ of the lives of CCTs recipients.

Customarily, ethnography is used as an instrument for in-depth inquiry into a specific landscape. How can we then inquire about the junctions between the local and the translocal? The site of the AUH stretches beyond the confines of a household. In this sense, Blok, cited in Eastwood,¹⁰² asks, “when researching global-scale social relations, how exactly are we to ‘map’ such connections empirically, particularly if we aspire to ideals of localized ethnographic fieldwork?”¹⁰³

On a different side of the spectrum, CCTs have also been studied through the abstracting lens of global governance, namely, governmentality, or a “rationality” of governing.¹⁰⁴ Governmentality studies explore the mechanisms used to shape the behaviours of CCT recipients

Silvana Sciortino, “Una Etnografía sobre Arreglos Familiares, Leonas y Mujeres Superpoderosas. Prácticas Compartidas entre las Titulares del ‘Ellas Hacen’” (2018) 48 Cuadernos De Antropología Social 55.

¹⁰⁰ Richard Ballard, “Geographies of Development II: Cash Transfers and the Reinvention of Development for the Poor” (2013) 37:6 Progress in Human Geography 811.

¹⁰¹ Clifford Geertz, *Thick Description: Towards an Interpretive Theory of Culture* (New York: Basic Books, 1973).

¹⁰² Lauren E. Eastwood, “Using Institutional Ethnography to Investigate Intergovernmental Environmental Policy-Making,” in P. C. Luken & S. Vaughan, eds, *The Palgrave Handbook of Institutional Ethnography* (Palgrave Macmillan, 2021) 193 at 199. The supposed dichotomy between the local and the global has been problematized by several authors. Burawoy et al have proposed an extended case methodology as part of global ethnography, but it is different than IE because it relies on conceptual categories. Michael Burawoy, Joseph Blum, Sheba George, Zsuzsa Gille, Teresa Gowan, Lynne Haney, Maren Klawiter, Steven Lopez, Sean Riain & Millie Thayer, *Global Ethnography: Forces, Connections, and Imaginations in a Postmodern World* (Berkeley: University of California Press, 2000). Anders Blok, “Mapping the Super-Whale: Towards a Mobile Ethnography of Situated Globalities” (2010) 5:4 Mobilities 507. Pablo Lapegna, “Ethnographers of the World United? Current Debates on the Ethnographic Study of Globalization” (2009) 15:1 Journal of World-Systems Research 3. Anna Lowenhaupt Tsing, *Friction: An Ethnography of Global Connection* (Princeton, NJ: Princeton University Press, 2005).

¹⁰³ Blok, *supra* note 102. Burawoy et al., *supra* note 102.

¹⁰⁴ Michel Foucault, “Governmentality,” in G. Burchell, C. Gordon & P. Miller, eds, *The Foucault Effect* (London: Harvester, 1991). Michel Foucault, *Security, Territory, Population: Lectures at the College de France 1977-1978* (New York: Palgrave MacMillan, 2007).

through the exercise of power.¹⁰⁵ Emergent debates connect CCTs to biopolitical governance regimes.¹⁰⁶ This approach aligns with those who inspect the biopolitical consequences of social programs in developing countries.¹⁰⁷ For instance, Li (2007, 2009)¹⁰⁸ understands CCTs as a large-scale development project, and Rose & Miller (2008)¹⁰⁹ as a government welfare initiative. CCTs appear designed to make more compliant and productive populations out of the poor.

Authors have explained that CCTs intermingle with neoliberal development strategies to produce market-knowledgeable citizen-subjects.¹¹⁰ Li (2007) uses Foucauldian notions of governmentality to explain that development initiatives in the Global South can reduce hunger in rural areas yet are technocratic neoliberal projects of governance that aim to make subjects

¹⁰⁵ Michel Foucault, *Discipline and Punish: The Birth of the Prison* (London: Allen Lane, 1977). Michel Foucault, "The Subject and Power" (1982) 8:4 *Critical Inquiry* 777.

¹⁰⁶ Studies that focus on CCTs from a governmentality perspective include (but are not limited to): Vania Smith-Oka, *Shaping the Motherhood of Indigenous Mexico* (Nashville: Vanderbilt University Press, 2012). Taly Reininger & Borja Castro-Serrano, "Poverty and Human Capital in Chile: The Processes of Subjectivation in Conditional Cash Transfer Programs" (2021) 41:2 *Critical Social Policy* 229. Jeff Garmany, "Neoliberalism, Governance, and the Geographies of Conditional Cash Transfers" (2016) 50 *Political Geography* 61. Moritz Von Gliszczynski & Lutz Leisering, "Constructing New Global Models of Social Security: How International Organizations Defined the Field of Social Cash Transfers in the 2000s" (2016) 45:2 *Journal of Social Policy* 325. Carolina Rojas Lasch, "Gobernar la Extrema Pobreza: un Análisis del Dispositivo de Intervención Chile Solidario-Puente," in V. Lemm, ed, *Michel Foucault: Biopolítica y Neoliberalismo* (Santiago de Chile: Editorial UDP, 2010). Carolina Rojas Lasch, "Sexuación y Subjetivación en las Prácticas de Asistencia en Chile" (2014) 44:152 *Cuadernos de Pesquisa* 312.

¹⁰⁷ Sam Hickey, "The Government of Chronic Poverty: from Exclusion to Citizenship?" (2010) 46:7 *Journal of Development Studies* 1139. Tania M. Li, *The Will to Improve: Governmentality, Development and the Practice of Politics* (Durham, NC: Duke University Press, 2007). Tania M. Li, "To Make Live or Let Die? Rural Dispossession and the Protection of Surplus Populations" (2009) 41 *Antipode* 66. Nikolas Rose & Peter Miller, *Governing the Present* (Cambridge: Polity Press, 2008).

¹⁰⁸ Li, "The Will to Improve," *supra* note 107.

¹⁰⁹ Rose & Miller, *supra* note 107.

¹¹⁰ Works linking CCTs with governmentality and neoliberalism include: Julianne Corboz, "Third-Way Neoliberalism and Conditional Cash Transfers: The Paradoxes of Empowerment, Participation and Self-Help among Poor Uruguayan Women" (2013) 24 *The Australian Journal of Anthropology* 64; James Ferguson, "The Uses of Neoliberalism" (2010) 41 *Antipode* 166; Naomi Hossain, "School Exclusion as Social Exclusion: The Practices and Effects of a Conditional Cash Transfer Programme for the Poor in Bangladesh" (2010) 46:7 *Journal of Development Studies* 1264; Jamie Peck, *Global Policy Models*, "Globalizing Poverty Management: International Convergence or Fast-Policy Integration?" (2011) 5:4 *Geography Compass* 165; Meltem Yilmaz Sener, "How the World Bank Manages Social Risks: Implementation of the Social Risk Mitigation Project in Turkey" (2015) 36:4 *Third World Quarterly* 758.

“achieve optimal results.”¹¹¹ Hossain (2010) draws on Foucault¹¹² and contends that CCTs guide the practices of the poor towards development objectives and accepting the State’s biopolitical and biomedical surveillance. Scholars also argue that CCTs are neoliberal and aim to shape recipients into fiscally responsible, self-optimizing yet consistently controllable consumers who engage with economic markets through individual rational behaviour, amplified capitalist consumption, loans, and credit lines.¹¹³

From this viewpoint, CCTs are seen as achieving the appeasement of the poor. Ballard (2013) draws from Morton (2013) to refer to Gramscian ideas of “passive revolution” embedded in CCTs programs: minimal allowances from the powerful to pacify the dispossessed and avoid an active revolution.¹¹⁴ Hall (2008, 2013) argues that CCTs reinforce political clientelist relationships.¹¹⁵ CCTs are meant not just to fight poverty but as Standing (2011) argued, they “nudge” poor recipients into behaviours seen as desirable to become more governable subjects.¹¹⁶

On the one hand, governmentality sheds light on the power dynamics of the AUH. Conversely, an overwhelming emphasis on discursive constructions tends to ignore the complexity of implementation processes and resistance to the AUH. One of the academic informants I interviewed explained that in the context of AUH literature, there seems to be an unfortunate

¹¹¹ Li, “The Will to Improve,” *supra* note 107 at 6.

¹¹² For instance, see the work of Lucy Luccisano, “The Mexican Oportunidades Program: Questioning the Linking of Security to Conditional Social Investments for Mothers and Children” (2006) 61:62 *Canadian Journal of Latin American and Caribbean Studies* 53. Judy Meltzer, “‘Good Citizenship’ and the Promotion of Personal Savings Accounts in Peru” (2013) 17:5 *Citizenship Studies* 641. Sener, at *supra* note 110. Hossain scrutinizes CCT programs for their governmentality and individual behaviour shaping objectives. Hossain, *supra* note 110.

¹¹³ Corboz, at *supra* note 110; Jamie Peck, “Global Policy Models, Globalizing Poverty Management: International Convergence or Fast-Policy Integration?” (2011) 5:4 *Geography Compass* 165. Jamie Peck & Nik Theodore, “Recombinant Workfare, Across the Americas: Transnationalizing ‘Fast’ Social Policy” (2010) 41:2 *Geoforum* 195. Jamie Peck & Nik Theodore, *Fast Policy: Experimental Statecraft at the Thresholds of Neoliberalism* (Minneapolis, MN: University of Minnesota Press, 2015). Guy Standing, “Behavioural Conditionality: Why the Nudges Must be Stopped” (2011) 19:1 *Journal of Poverty and Social Justice* 27. See also Sam Hickey, “The Government of Chronic Poverty: from Exclusion to Citizenship?” (2010) 46:7 *Journal of Development Studies* 1139. Meltzer, *supra* note 112.

¹¹⁴ Ballard, *supra* note 100.

¹¹⁵ Anthony Hall, “Brazil’s Bolsa Família: a Double-Edged Sword?” (2008) 39:5 *Development and Change* 799.

¹¹⁶ Standing, “Behavioural Conditionality,” at *supra* note 113.

dichotomy between works that are mainly focusing on governance at the theoretical level, on the one hand, and works that focus on what happens on the ground, on the other.

I think that normative analysis is ...extremely necessary because many AUH works only focus at the field level [but] do not work from a normative or human rights framework that allows to have a parameter to evaluate and analyze policies...I often read ethnographies from the AUH that conducted superb fieldwork, but the institutional contextualization is missing ... On the other hand, it also happens that there are other works from discursive and normative approaches, but they are very far from the meaning given to policies and the programs in the street, by the people. They deviate considerably from what happens on the ground [Scholar Olimpia 00:18:24].

There remain plentiful questions concerning the diverse effects of the AUH and the flows of power it ignites. The AUH, in fact, is given meaning and understood on the ground in ways that ignite resistance and informal laws of adaptation, mitigation, and survival among recipients. As Ferguson (2011) correctly points out, these are no issues “to be answered theoretically or ideologically; the only answer that really convinces is the empirical and experimental one: Let us find out!”¹¹⁷ In this work, I accept Ferguson’s invitation to find out what the actual workings and ramifications of the AUH are beyond a textual analysis of the program predicted upon the predictability, homogeneity, and docility of those subjected to the apparatus of governance.

Using the orientation provided by IE, the local-global divide and normative-descriptive dichotomies are no longer a problem. Indeed, this work does not eschew data in favour of aprioristic conceptual categories, including ideas of the law.¹¹⁸ Instead, it is predicated on investigating the work people do within a particular locale, describing what they recognize as the law, and explaining how trans-local ruling relations organize their work.

¹¹⁷ James Ferguson, “Toward a Left Art of Government: from ‘Foucauldian Critique’ to Foucauldian Politics” (2011) 24:4 *History of the Human Sciences* 61 at 67; cited in Garmany, *supra* note 106.

¹¹⁸ Dorothy E. Smith, *Institutional Ethnography: A Sociology for People* (Oxford: Alta Mira Press, 2005).

2.8 Outline of Research Questions

When it comes to understanding the AUH institution in Argentina, the approaches to understanding recipient women's experiences with the institution and the legal regimes that mould recipients' lives are unsatisfactory. Most existing ethnographic accounts fail to account for translocal ruling relations. Accounts that focus on governance or legal approaches rely on top-down categories that fail to account for what happens on the ground and assume without much analysis that the AUH is not in the field of the legal but in the field of social policy (seen as "programmatic") and that practices of AUH recipient women fall into a legal vacuum.

I want to explore these gaps and address the limitations above. My main research questions are: 1) What are AUH recipients' experiences with and attitudes towards the program? and (2) How do both State and non-State legal regimes work to influence the lives of the most vulnerable women in Argentina? How does the AUH play within a system of rules – formal and informal – that have traditionally exerted control over poor women? In addressing these questions in the following chapters, I aim to connect a top-down legalistic approach to the law with what happens on the ground, nourishing a pluralistic understanding of the law as related to all practices of knowing and living.¹¹⁹

¹¹⁹ Susan Silbey & Austin Sarat, "Critical Traditions in Law and Society Research" (1987) 21 *Law & Society Review* 165 at 173.

3) Methodology: Institutional Ethnography

3.1 Introduction

In this dissertation, I use Institutional Ethnography (IE) to describe the problematic of violence exerted by the Argentine State through its bureaucratic apparatus against the women who are recipients of Argentina's AUH program.

IE is a qualitative critical feminist methodology that examines how institutional processes organize people's everyday lives.¹ Canadian sociologist Dorothy Smith – a Marxist feminist scholar and activist – founded IE as an approach to sociological research that begins in people's everyday experiences to identify social relations that coordinate their activities.² IE is an “alternative sociology”³ which means that we must change our conventional ways of thinking to apply it. However, the latter is not a criticism because I was looking for an unorthodox research approach to explore how institutional imperatives mould women's experiences and how the State and other institutions and actors process these experiences.

The “analytic goal” of IE “is to make visible the ways in which the institutional order creates the conditions of individual experience.”⁴ Smith (2005) described IE as:

Working from people's experience of their own doings, knitting different perspectives and positions together, and exploring the text-based forms of organization [which] provide means of constructing a representation of how things work ...⁵

¹ Dorothy E. Smith, *Institutional Ethnography: A Sociology for People* (Lanham, Maryland: Altamira Press, 2005).

² *Ibid.*

³ Eric Mykhalovskiy, Colin Hastings, Leigha Comer, Julia Gruson-Wood & Matthew Strang, “Teaching Institutional Ethnography as an Alternative Sociology,” in P. C. Luken & S. Vaughan, eds, *The Palgrave Handbook of Institutional Ethnography* (Palgrave MacMillan Cham, 2020) 47.

⁴ Liza McCoy, “Keeping the Institution in View: Working with Interview Accounts of Everyday Experience,” in Dorothy Smith, *Institutional Ethnography as Practice* (Lanham: Rowman and Littlefield Publisher, 2006) at 109.

⁵ Smith, “Institutional Ethnography: A Sociology,” *supra* note 1 at 183.

Thus, IE adds to the armoury of tools available to feminist researchers by paying close attention to the work done by people situated in different corners of the institution of the AUH.

3.2 Why IE?

There are several reasons I chose IE as a methodology for this dissertation: (1) it aligns with my ontological and epistemological assumptions, including that (1.a) IE is a feminist methodology; and (2) it constructively interacts with SRF (Social Reproduction Feminism).

3.2.1 Epistemological and Ontological Assumptions

Smith (2005, 2014) refers to IE as a “method” or a “mode of inquiry.”⁶ Crawley, Whitlock & Earles (2021) explain that IE is “a way of looking, not a theory”⁷ because it only delineates how texts and social relations are put together in different locales but assumes no essence and prescribes no norm.⁸ However, IE is not simply a method but proposes an ontology of social relations focused on people’s actions that reveal how texts organize relations and frequently appear unseen in everyday life.⁹ Smith (2005) depicts IE as a four-fold process that understands that “individuals are there; they are in their bodies; they are active; and what they are doing is coordinated with the doings of others.”¹⁰ I thus understand IE as a theory and a methodology, understanding the second as “theory and analysis of how research does or should proceed.”¹¹

⁶ Liza McCoy, “Keeping the Institution in View: Working with Interview Accounts of Everyday Experience,” in Smith, “Institutional Ethnography as Practice,” *supra* note 4. Marie Campbell & Frances Gregor, *Mapping Social Relations. A Primer in Doing Institutional Ethnography* (Aurora: AltaMira Press, 2004). Smith, “Institutional Ethnography: A Sociology,” *supra* note 1.

⁷ S.L. Crawley, Mc Whitlock & Jennifer Earles, “Smithing Queer Empiricism: Engaging Ethnomethodology for a Queer Social Science” (2021) 39:3 Sociological Theory 127 at 132.

⁸ Crawley, Whitlock & Earles, *supra* note 7 at 132.

⁹ Smith, “Institutional Ethnography: A Sociology,” *supra* note 1.

¹⁰ *Ibid* at 59.

¹¹ Sandra Harding, “Introduction: Is There a Feminist Method,” in Sandra Harding, ed, *Feminism and Methodology: Social Science Issues* (Indiana University Press, 1987) 1 at 3.

IE's ontology of the social is antinormative and anti-essentialist. It suggests no expectation of norms and does not build from assumptions about "humanness of any kind."¹² There are no fixed social structures out there, but the social is comprised of how social relations are generated daily. IE rejects the division between modernist and poststructural/postmodern knowledge approaches, the first focusing on material reality and the second in discursive realities.¹³ Instead, Smith focuses on constantly coordinated and interacting social relations.

For Smith, there is no rational subject possessing an individual identity – modernist approach – nor is the subject “dead” – postmodern approach.¹⁴ Instead, she sees people as active, relational, agentic, and creative in responding to historically constructed extra-local textual relations of ruling. In contrast to the discursive postmodern notion of subjectivity, Smith (1990) draws from Mead¹⁵ to describe a self that is agentic – capable of doing and speaking – and creative but not essentialized,¹⁶ always socially coordinating and improvising to interact with their local contexts.¹⁷ This understanding of the subject has consequences. First, authorized discourses and rules, no matter how well-coded and developed they may be, often demand people's creativity and interpretation. Thus, in this view, “agency (action) and order (some sense of stability) are not separate features of sociality; they are coconstitutive.”¹⁸ Second, to be is to be in interaction, always in motion; “being” does not have an essential identity or inherent truth, but it is not pre-

¹² Crawley, Whitlock & Earles, *supra* note 7 at 132.

¹³ Poststructuralism assigns power to discourse, whereas modernist approaches rely on unitary concepts such as static “structures.” Poststructuralist approaches are problematic because people's embodied interactions are missing. Postmodernists have criticized modernist approaches because modernist approaches “presume realism” and an “objective world.” New materialist and queer of colour scholars criticized postmodernism because its discursive emphasis neglects material matters. Crawley, Whitlock & Earles, *supra* note 7 at 134-135.

¹⁴ Crawley, Whitlock & Earles, *supra* note 7 at 132.

¹⁵ George Herbert Mead is a prominent figure in social theory and social psychology and one of his main contributions was that the self comes to existence in the process of social interaction. George Herbert Mead, *Mind, Self, and Society*, C.W. Morris, ed (University of Chicago, 1934).

¹⁶ Dorothy E. Smith, *Texts, Facts, and Femininity: Exploring the Relations of Ruling* (New York: Routledge, 1990) at 109.

¹⁷ *Ibid* at 3.

¹⁸ Crawley, Whitlock & Earles, *supra* note 7 at 132.

determined by discourse either because we are “never fully ... just reproducing, but always speaking beyond and moving forward...”¹⁹

According to Smith (1999), “rather than an individuated subject, subjects are plural”²⁰ and relational. “The social” relates not to individuated actors divided into groups²¹ but to “what is going on among people.”²² Thus, this research does not focus only on individuals, even though they never disappear, and her doings “are to be taken up relationally.”²³ Likewise, Smith (2005) does not rely on a concept of “society” as a fixed unitary social structure but as material and textual interactions between people, “a complex of relations rather than a definite unitary form.”²⁴

IE assumes that knowledge is socially constructed and organized, not neutral: it tends to privilege specific interests over others.²⁵ Smith (1992) points out that knowledge exists because a knower is positioned in a particular social setting at a particular time, and her situatedness moulds what she can know.²⁶ Likewise, following the critical realist paradigm, I see reality as shaped by classist, political, cultural, economic, racial, and gender imperatives formed through history.²⁷ I understand that values are formative of my knowledge in a world marked by struggles for power. However, I also believe that the knowledge we produce can contribute – even minimally – to changing current structures of oppression through progressive social change.²⁸

¹⁹ William K. Carroll, “You Are Here.’ Interview with Dorothy E. Smith” (2010) *Socialist Studies / Études socialistes* 6:2 at 21.

²⁰ Dorothy E. Smith, *Writing the Social: Critique, Theory, and Investigations* (Toronto: University of Toronto Press, 1999) at 114,115.

²¹ *Ibid* at 115.

²² Smith, “Institutional Ethnography: A Sociology,” *supra* note 1 at 76.

²³ *Ibid* at 59.

²⁴ *Ibid* at 33. Crawley, Whitlock & Earles, *supra* note 7 at 135.

²⁵ Smith, “Institutional Ethnography: A Sociology,” *supra* note 1. Smith, “Institutional Ethnography as Practice,” *supra* note 4.

²⁶ Dorothy E. Smith, “Sociology from Women’s Experience: A Reaffirmation” (1992) 10:1 *Sociological Theory* 88.

²⁷ Yvonna S. Lincoln, Susan A. Lynham & Egon G. Guba, “Paradigmatic Controversies, Contradictions, and Emerging Controversies, Revisited,” in N.K Denzin & Y.S Lincoln, eds, *Sage Book of Qualitative Research*, 4th Ed (Thousand Oaks, Canada: Sage Publications, 2012) at 99.

²⁸ Lincoln, Lynham & Guba, *supra* note 27 at 103.

Ontologically and epistemologically, IE emphasizes materialities. It demands empirical descriptions of what happens in the social world to say: “look, this is how [the AUH] works; this is what happens.”²⁹ Smith’s (2005) historical materialist and ethnomethodological sensibilities eschew the blob ontology of non-material theorization of postmodernists.³⁰ Instead, she draws from the Marxist worldview that all social acts exist from people as agents in an ongoing flow of collaborative practices that connect the now to the future via text, discourse, and social relations.³¹ To illuminate how she understands social life, Smith (2005) exemplifies this with the illustration of two people pushing a table up the stairs:

Boost it up a bit and lean it over. The coordination of the doings of each is in language, but it is also on what each does in shifting the table... Their experiences are also projected into the future in a process that we may think of as dialogic, where what they have learned in the episode...enters dialogically into the next time they move furniture.³²

Smith’s doctoral supervisor – Goffman – influenced her work. “...What he put in place was, in some sense, radical: you can actually look at what people do. And it was almost an extraordinary thing to say, because there was no sociology at that time that had that character,” explains Smith.³³ She remembers

...reading a section of *The German Ideology* in which Marx and Engels said, ‘We are going to have done with speculation and all this crap. We are going to start with actual people, their actual work.’ And I thought that must be where I should go.³⁴

²⁹ Dorothy E. Smith, *The Conceptual Practices of Power: A Feminist Sociology of Knowledge* (Northeastern University Press, 1990) at 34.

³⁰ Smith, “Institutional Ethnography: A Sociology,” *supra* note 1 at 124.

³¹ *Ibid* at 70.

³² *Ibid* at 61. Cited by Crawley, Whitlock & Earles, *supra* note 7 at 137.

³³ Carroll, *supra* note 19 at 15.

³⁴ *Ibid* at 16.

The above passage is one of the reasons I could identify with the ontological and epistemological premises of IE. I have always enjoyed theory; however, as I read a multitude of approaches to understanding a phenomenon such as CCTs, I would soon get lost in a sea of abstract formulations “taken out of power relations, thingified, made immobile, and uncomfortably stabilizing.”³⁵ Transliterating from actual people or, as Smith (2010) put it, making “a Goffman move”³⁶ gave my project orientation, always coming back to people.

Smith rejects relying on blob concepts such as “structures,” but she does not reject all abstract thinking. Smith refuses uncritically and “[un]consciously attending to metaphorical concepts,” without any descriptions of actual practices.³⁷ For instance, IE has “ontological consistency with Marx,”³⁸ but Smith (2010) admits that “you cannot just import Marx from the mid-19th century to the 21st” because we cannot

understand what [Marx] is doing in *Capital* unless [we] recognize that he is still working with actual individuals and their actual work. In the *Grundrisse*,³⁹ he takes up the concept of the economy and asks: how can you have a concept like that? ... And he is saying you cannot just take these concepts and treat them as if they were the things themselves. You have to understand that ... they express actual social relations among people. And in the economy, there is this interchange between money and commodity or exchange.⁴⁰

Smiths (2010) adds that “manifestations of society as a thing separate from people’s activities are bullshit: there is nothing outside of human doings.”⁴¹ Thus, IE’s ontological focus is

³⁵ Crawley, Whitlock & Earles, *supra* note 7 at 134.

³⁶ Carroll, *supra* note 19 at 17.

³⁷ *Ibid* at 23.

³⁸ *Ibid*.

³⁹ Karl Marx, *Grundrisse* (Penguin Books & New Left Review, 1973 [1857–61]) online <<https://www.marxists.org/archive/marx/works/1857/grundrisse/>>.

⁴⁰ Carroll, *supra* note 19 at 22, 23.

⁴¹ *Ibid* at 134.

on people's materialities, aligning with my aim to focus on recipient women's actual experiences on the ground, away from technocratic and positivistic approaches to the law, and avoiding abstracted reasoning that fails to put women's experiences at the heart and centre of this project.

3.3 Feminist: Does not Objectify People, Names Experience, and Has Emancipatory Goals

IE is an unequivocal feminist sociological methodology that aligns with my feminist positionality. This research project is feminist, and as such, it acknowledges my subjectivity and reflexivity as a researcher, aims to be emancipatory for women, and its sources of evidence heavily rely on women's perspectives.⁴²

Smith (1990) combined radical approaches that influenced her when founding IE as a feminist sociology: second-wave feminism— including consciousness-raising – ethnomethodology and its focus on the local site, Marx as in *The German Ideology*,⁴³ Bhaktin and his sensitivity to the dialogical, the active self of Mead, and the focus on power and discourse.⁴⁴ The fact that Smith herself experienced the world as a woman and as a researcher was also important to me, considering the social theory scholarship mainly used to study issues of poverty is still primarily commanded by men.⁴⁵ For instance, most of the works about the AUH written in the Argentine

⁴² See for example, Sandra Harding, *supra* note 11 at 3. Andrea Doucet & Natasha S. Mauthner, "Feminist Methodologies and Epistemologies," in Clifton D. Bryant & Dennis L. Peck, eds, *Handbook of 21st Century Sociology* (Sage, 2006) 36 at 42 at 41; Ann Scales, "Feminist Legal Method: Not So Scary" (1992) 2 UCLA Women's L J 1.

⁴³ Karl Marx & Friedrich Engels, *The German Ideology* (1932 [1846]) online < <https://www.marxists.org/archive/marx/works/1845/german-ideology/>>.

⁴⁴ Carroll, *supra* note 19 at 15. Smith, "The Conceptual Practices of Power," *supra* note 29.

⁴⁵ According to Stanley (2018), Smith's work is a contribution to social theory, the most prominent areas of sociology to which a few women make it. "Smith more frequently cited/known contemporaries are Hannah Arendt (political scientist and philosopher), Simone de Beauvoir (philosopher and novelist), Judith Butler (philosopher), Nancy Chodorow (psychoanalyst), Donna Haraway (zoologist and primatologist), Viola Klein (psychoanalyst), Gayatri Spivak (literary theorist and translator) and Iris Marion Young (political theorist), and perhaps also Patricia Hill Collins (also a sociologist)." Liz Stanley, *Dorothy E. Smith, Feminist Sociology & Institutional Ethnography: A Short Introduction* (Independently Published, 2018) at 108.

context adopt a Bourdesian approach – probably the most prevalent socio-legal framework in Argentina – and many works that analyze CCTs adopt a Foucauldian methodology.⁴⁶

It was refreshing and reassuring for me to come across Smith's understanding of the world experienced as a woman and as a researcher. Smith (1990a) explained how women's embodied knowledge was excluded from the sociological scholarship; such works were inadequate and did not offer knowledge "for women" but "knowledge of women."⁴⁷ She called this phenomenon a "bifurcation of consciousness."⁴⁸ Authoritative accounts about people – for instance, Smith's experience as a single mother – were conceptualized by abstracted explanations that clashed with Smith's everyday realities of being a single mother. As I started my Ph.D., I identified with Smith's experiences of a bifurcation of her consciousness as a researcher and mother living in the social world. Reading her work was an epiphany to me because, at that moment in my life, I was raising a toddler while completing an M.A and an LL.M. degree, and I could see how what I experienced as a mother at home was irrelevant in the classroom because, in academia, I was "operating in the intellectual and political and cultural sphere as a male."⁴⁹ IE problematizes that bifurcation and helps me bring together both consciousness, reflecting them in my work.

IE as a feminist methodology adds to this work because (a) this methodological tool does not objectify people, (b) it is conducive to naming women's experiences previously unnamed, and (c) it has emancipatory goals.

⁴⁶ Foucault is the "quintessential queer theorist," but Smith is often misread and underutilized. Crawley, Whitlock & Earles (2021) argue that "Smith's work has post-postmodern likenesses, but we marvel to recall that Smith was writing this work contemporaneously with postmodern authors – making her work quite ahead of its time." "Indeed, Smith engaged the very impulses that originated in second-wave radical and socialist feminisms while attending ethnomethodologically to discursive/material relations, far ahead of the post-postmodern moment – prior to or contemporaneous with the articulation of much queer theory." Crawley, Whitlock & Earles, *supra* note 7 at 147 and 144.

⁴⁷ Smith, "Texts, Facts and Femininity," *supra* note 16.

⁴⁸ Smith, "The Conceptual Practices of Power," *supra* note 29 at 25.

⁴⁹ Carroll, *supra* note 19 at 17,18.

3.3.1 Rejecting the “Thingification” of People

First, IE does not objectify people as it is not a methodological tool to create accounts “of people” but rather “for people.”⁵⁰ It does so by (i) positioning the researcher as an embodied knower situated in a particular place and time within the researched experience, figuratively shifting from the fourteenth floor of academia to the walkway of everyday/everynight life,⁵¹ and (ii) thus resisting objectifying people and abstracting their experiences to produce knowledge. In fact, IE positions informants as “expert knowers” about their experiences and work, and their descriptions are taken as evidence. My role as an IE researcher is to analyze informants’ knowledge as socially constructed and to identify its entrenched paradoxes and disjunctures.

3.3.2 Focus on Experience

Another feminist aspect of IE is its focus on the concept of “experience,” which is fundamental to feminist theory and activism. IE thus allows me to contest institutional standardization through experience-based analysis and narratives. Feminist philosopher Bach (1998) explains that “women’s voices have been not just unheard but disregarded, veiled, subaltern in the context of the androcentric Western system.”⁵² Experience is more than merely an issue of representation because it has material consequences, or as Yañez (2018) puts it, it is “not just [] evidence of oppression but also[a] starting point for a radical re-telling of the complex forces that shape it.”⁵³ As Smith (2005) suggested, women sharing their experiences with others has “a political

⁵⁰ Dorothy E. Smith, “Texts and the Ontology of Organizations and Institutions” (2001) 7:2 *Studies in Cultures, Organizations and Societies* 159 at 161.

⁵¹ Dorothy E. Smith, “From the 14 Level Sidewalk. Writing Sociology at Ground Level” (2008) 78:3 *Sociological Inquiry* 214.

⁵² Ana María Bach, *Las Voces de la Experiencia. El Viraje de la Filosofía Feminista* (Buenos Aires: Editorial Biblos 2010) at 19,20. Cited by Sabrina Yañez, “‘We Aren’t All the Same’: The Singularity of Reproductive Experiences amidst Institutional Objectification in Argentina’s Public Maternal Health Services” (2018) 15 *Journal of Feminist Scholarship* 61.

⁵³ Yañez, *supra* note 52 at 65.

presence”⁵⁴ because naming what was previously unnamed can help create resistance to oppressive discourses and challenge unjust social relations.

Through my research on the AUH, the lack of consideration of recipient women’s experiences with the program surfaced with considerable strength. Institutions – including the Social Security Agency, the Civil Registry, health institutions, the Argentine Executive Power, and the World Bank, among others – standardize recipient women’s experiences according to imperatives and authoritative discourses constructed extra-locally by decision-makers. Sometimes, recipient women’s accounts are in blatant opposition to how these experiences are represented in institutional discourses. Other times, women’s accounts are not in opposition but are “extra-institutional,” meaning they are constructed on personal relevancies but are not valuable for the institutions’ priorities because they are not the data required for the administration of the AUH program.⁵⁵ In this context, I aim to offer a place to engage with the complexities and myriad shadows of women’s embodied experiences with the AUH to ultimately reveal the ideological contradictions of the institution of the AUH.

3.3.3 Activist Posture

Third, Smith’s (2005) “sociology for people”⁵⁶ has always been activist. IE can give solutions to everyday problems, presenting a map with different targets for intervention.⁵⁷ This IE project untangles how things happen and traces how diverse AUH actors reside in distinct “levers,” each providing a specific opening into the world of the regime. “Each informant provides a partial view; the work of institutional ethnography is to put together an integrated view based on these otherwise

⁵⁴ Smith, “Institutional Ethnography: A Sociology,” *supra* note 1 at 7. Yañez, *supra* note 52 at 66.

⁵⁵ McCoy, *supra* note 4 at 120-121. Cited by Yañez, *supra* note 52 at 67.

⁵⁶ Smith originally characterized her methodology as a “sociology for women” and then re-named a “sociology for people.” Carroll, *supra* note 19 at 9.

⁵⁷ Sue Adams, Jenny Carryer & Jill Wilkinson, “Institutional Ethnography: An Emerging Approach to Health and Nursing Research” (2015) 31:1 Nursing Praxis in New Zealand 18.

truncated accounts (...).”⁵⁸ Each of these “levers” symbolizes a target for change. This IE of the AUH thus helps activists, academics, and allies in civil society, the government, and international institutions to access an empirical map of institutional processes that need to be reconfigured to meet the needs of AUH recipients and their families.

3.4 Constructive Synergy with Social Reproduction Feminism

I also selected Smith’s method because it positively aligns with the theoretical framework I use in this dissertation: Social Reproduction Feminism (SRF). I will develop SRF further below;⁵⁹ for now, it suffices to articulate the main overlapping aspects of IE and SRF briefly.

Both SRF and IE build from Marxist historical materialism and are feminist theories. SRF strengthens IE assumptions by illuminating concepts such as capitalist social relations, a broad interpretation of labour, and a specific focus on domestic labour. IE and SRF are theoretical tools that privilege processes and focus on dialectical materialism⁶⁰ understood as a practice of fundamental social change. Both lenses show systematic disinterest in “visible facts” and focus instead on “processes” that produce the conditions of existence for humans.⁶¹

In short, I chose IE as a methodology for my dissertation for myriad reasons. It aligns with the way I understand reality and knowledge: it focuses on people’s materialities, rejects essentialism, helps identify ruling relations, gives space to agency and resistance, specifies the

⁵⁸ George W. Smith, cited by Marjorie L. DeVault & Liza McCoy, “Institutional Ethnography: Using Interviews to Investigate Ruling Relations,” in Jaber Gubrium & James Holstein, eds, *Handbook of Interview Research* (Sage Publications, 2002) at 6,7.

⁵⁹ See section 3.5. “Theoretical Framework: Social Reproduction Feminism.”

⁶⁰ “Dialectical materialism” is a Marxist outlook of the world. “Although Karl Marx and Friedrich Engels strictly speaking never used the term, ‘dialectical materialism’ refers to the philosophy of science and nature developed in (and on the basis of) their writings, emphasising the pivotal role of real-world socio-economic conditions (e.g. labour, class struggle, technological developments).” Hub Zwart, “‘Dialectical Materialism,’ in: Continental Philosophy of Technoscience,” in Darryl Cressman, Neelke Doorn & Edison Renato Silva, *Philosophy of Engineering and Technology* (Springer, Cham, 2021) at 67.

⁶¹ See for example, Tithi Bhattacharya, “Measuring Gender Inequality” (4 November 2013) *Socialist Worker*, online <<https://socialistworker.org/2013/11/04/measuring-gender-inequality>>.

workings of power, and does not predict power relations nor prescribes norms. Moreover, IE is a straightforward feminist approach that treats informants as “expert” subjects; it brings their experience into focus, offers an institutional map that can help the emancipatory project, and is in harmony with SRF theory.

3.5 Theoretical Framework: Social Reproduction Feminism

Besides using IE, this dissertation also draws from SRF (Social Reproduction Feminism) as a theoretical lens that helps me explicate the social organization of the AUH and take an explicit anti-capitalist orientation.⁶² SRF allows me to clarify what I mean by “capitalism,” a notion I frequently use. Harvey (2014) defines capitalism as “any social formation in which processes of capital circulation and accumulation are ... dominant in providing and shaping...social life.”⁶³ In our societies, social reproduction means are capitalistically organized, and we have no communal and direct access to subsistence, housing, and healthcare, among others. “‘Capitalism’ as a simple abstraction does not ...exist” to the extent that it only occurs through actual material history.⁶⁴ Thus, as Ferguson (2016) puts it, “there is only concretely racialised, patriarchal, colonial capitalism.”⁶⁵

⁶² SRF comes from many disciplines such as anthropology, labour studies, and subaltern history; it is not a homogenous school. Veronica Beechey, *Unequal Work* (New York: Verso, 1987). Dorothy Smith, “Feminist Reflections on Political Economy” (1987) *Studies in Political Economy* 30. Johanna Brenner, *Women and the Politics of Class* (New York: Monthly Review Press, 2000). Antonella Picchio, *Social Reproduction: The Political Economy of the Labour Market* (Cambridge: Cambridge University Press, 1992). Cinzia Arruzza, *Dangerous Liaisons* (Merlin Press, 2013). Shahrzad Mojab, *Marxism and Feminism* (Zed Books, 2015). Kate Benzanson & Meg Luxton, *Social Reproduction: Feminist Political Economy Challenges Neo-Liberalism* (Montréal, Canada: McGill-Queen’s University Press, 2006). Lise Vogel, *Marxism and the Oppression of Women* (Rutgers University Press, 1983).

⁶³ David Harvey, *Seventeen Contradictions and the End of Capitalism* (Oxford University Press, 2014) at 7. Harvey defines neoliberalism as “a theory of political economic practices proposing that human well-being can best be advanced by the maximization of entrepreneurial freedoms within an institutional framework characterized by private property rights, individual liberty, unencumbered markets, and free trade. The role of the state is to create and preserve an institutional framework appropriate to such practices.” David Harvey, “Neoliberalism as Creative Destruction” (2007) 610 *The Annals of the American Academy of Political and Social Science* 22 at 22.

⁶⁴ Susan Ferguson, “Intersectionality and Social-Reproduction Feminisms: Toward an Integrative Ontology” (2016) 24:2 *Historical Materialism* 38 at 39.

⁶⁵ Ferguson, *supra* note 64 at 40.

IE does not relegate data to the abstract category of “capitalism” but explicates how translocal – capitalist – ruling relations organize people’s work in specific locations.⁶⁶ In IE, people’s actualities are the central focus.⁶⁷ However, an IE is unsatisfactory if constrained to describing local practices without “visib[ilizing] the forms of organization that enter into part of the organization but you are not able to explore,”⁶⁸ such as broader translocal capitalist relations.⁶⁹ SRF, thus, sheds light on broader capitalist ruling relations to understand how and why social relations often produce specific social patterns while ruling out others.

SRF is a school of thought within the historical materialist Marxist tradition developed by the work of feminists from various disciplines that have been interrogating issues related to social reproduction for decades.⁷⁰ Brenner & Laslett (1991) explain social reproduction⁷¹ as

the activities and attitudes, behaviors and emotions, and responsibilities and relationships directly involved in maintaining life, on a daily basis and intergenerationally. It involves various kinds of socially necessary work — mental, physical, and emotional — aimed at providing the historically and socially, as well as biologically, defined means for maintaining and reproducing population.⁷²

⁶⁶ Smith, “Institutional Ethnography: A Sociology,” *supra* note 1.

⁶⁷ IE is not akin to Buroway’s et al. (2000) “global ethnography” based on extended case methods, which studies people’s doings as “manifestations of world-wide capitalism.” Pablo Lapegna, “Ethnographers of the World United? Current Debates on the Ethnographic Study of Globalization” (2009) 15:1 *Journal of World-Systems Research* 3 at 5. See Michael Burawoy, Joseph Blum, Sheba George, Zsuzsa Gille, Teresa Gowan, Lynne Haney, Maren Klawiter, Steven Lopez, Sean Riain & Millie Thayer, *Global Ethnography: Forces, Connections, and Imaginations in a Postmodern World* (Berkeley: University of California Press, 2000).

⁶⁸ Grainne P. Kearney, Michael K. Corman, Gerard J. Gormley, Nigel D. Hart, Jennifer L. Johnston & Dorothy E. Smith, “Institutional Ethnography: a Sociology of Discovery – in Conversation with Dorothy Smith” (2018) 16:3 *Social Theory & Health* 292 at 304.

⁶⁹ Smith also provides a Marxist analysis of capitalism and modernization. Smith argues that women’s work helps reproduce capitalist forms of ruling through domestic work because “women are corporate capitalisms’ housekeepers at home and in paid work.” Dorothy E. Smith, “Women’s Experience as a Radical Critique of Sociology,” cited by Bert N. Adams & R. A. Sydnie, *Sociological Theory* (SAGE Publications, Inc. Series: Sociology for a New Century: A Pine Forge Press Series, 2001) at 216.

⁷⁰ See *supra* note 62.

⁷¹ Social theorists have used diverse words to describe the sphere of extra-market relations, such as shadow or moral economy, the unwaged work sector, and the social factory.

⁷² Johanna Brenner & Barbara Laslett, “Gender, Social Reproduction, And Women’s Self-Organization: Considering the U.S. Welfare State” (1991) 5:3 *Gender & Society* 311 at 314.

In this section, I draw attention to two insights from SRF that help me understand the contradictions and limitations of social protection programs such as the AUH in this dissertation: a historical notion of the vital role of labour, and the role of unpaid care labour in the capitalist economy.

3.5.1 Labour: At the Heart of Reproduction and Social Reproduction

IE and SRF add complexity to the notion of labour. Marx explicates reproductive labour's relation to capital but mostly overlooks its role, understanding it as a logical outcome of the worker's "drives for self-preservation and propagation."⁷³ SRF instead provides a conceptual framework that helps to understand labour as specific yet unified practice.⁷⁴ Labour is what Marx and Engels recognize as "the first premise of all human history," an activity that creates social totality.⁷⁵ At the heart of SRF is the idea of labour as creative of all life, not just of the economy.

SRF's idea of labour allows me to see that what is understood as the "public" sphere of law and social policy is inextricably related to how "private" lives are lived.⁷⁶ Thus, in this dissertation, I see the interconnectedness of capitalism's public and private spheres because they are both parts of capitalist dispossession and accumulation and produce and rely on human labour power.⁷⁷ Vogel (1983) developed the internal relationship between productive and reproductive labour. The author argues that women's oppression in the capitalist system will continue because the system depends

⁷³ Karl Marx, *Capital: A Critique of Political Economy. Volume One*, translated by Ben Fowkes (Harmondsworth: Penguin 1976) at 275, 716.

⁷⁴ Ferguson, *supra* note 64.

⁷⁵ *Ibid* at 48.

⁷⁶ Miriam Bak McKenna, "Feminist Materialism and The Laws of Social Reproduction," in P. O'Connell & U. Özsü, eds, *Research Handbook on Law and Marxism* (Edgar Elgar, 2021) 283.

⁷⁷ Silvia Federici, *Caliban and the Witch Women, The Body and Primitive Accumulation* (AK Press, 2004). Silvia Federici, *Revolution at Point Zero: Housework, Reproduction, and Feminist Struggle* (Oakland: PM Press, 2012).

on regulating social reproduction to reproduce the next generation of labourers.⁷⁸ However, as Ferguson (2016) puts it, it does not mean capital causes women's oppression to exploit it. After all, "capital is agnostic about how it 'gets' the labour it exploits, and thus other forms of social reproduction (namely labour-camps, slavery, migration, prisons) are available to it."⁷⁹ However, profit-making capitalist imperatives explicate why carework is individualized and strengthened through laws and social policies such as the AUH program. Thus, SRF draws from the idea that household, State, and market are interconnected in contradictory ways in the course of reproducing the capitalist totality.

3.5.2 Politicizing Women's Unpaid Labour

The second essential contribution of SRF for this dissertation is that it is a framework that "visib[ilizes], denaturalises and politicises processes of care and unpaid labour."⁸⁰ Women's unpaid domestic labour should not be considered "outside" of the economy but fundamental for the reproduction of capitalist relations.⁸¹ Different than the autonomist and Marxist feminists of the 1970s "wages for housework" movement,⁸² I do not argue that social reproduction labour ought to be theorized as "productive" labour in the way Marx used the term because that would mean

⁷⁸ Lise Vogel, *Marxism and the Oppression of Women* (Rutgers University Press, 1983).

⁷⁹ Ferguson, *supra* note 64 at 50.

⁸⁰ Rebecca Hall, "Reproduction and Resistance" (2016) 24:2 *Historical Materialism* 87 at 88.

⁸¹ Isabella Bakker, "Social Reproduction and the Constitution of a Gendered Political Economy" (2007) 12:4 *New Political Economy* 541. Isabella Bakker & Stephen Gill, *Power, Production and Social Reproduction* (London: Palgrave Macmillan, 2003). Susan Donath, "The Other Economy: A Suggestion for a Distinctively Feminist Economics" (2000) 6:1 *Feminist Economics* 115. Silvia Federici, "Caliban and the Witch," *supra* note 77. Federici, "Revolution at Point Zero," *supra* note 77. Nancy Fraser, "Contradictions of Capital and Care" (2016) 100 *New Left Review* 99. Hall, *supra* note 80.

⁸² On one hand, autonomist Marxist feminists such as Mario Tronti, Mariarosa Dalla Costa, Silvia Federici and Selma James argue that unpaid domestic labour generates exchange value. They believe that the realm of reproduction is temporally and spatially separate from the sphere of production. On the other, Margaret Benston, Paul Smith and Lise Vogel, among others, disagree on the basis that unpaid domestic labour has use value but not exchange value as is not affected by changes in the formal market (wages' increase or decrease, profit losses). Black feminists have agreed with non-autonomous feminist Marxists and explained that unpaid labour started during the transatlantic slave trade and that the division line between work and leisure was blurred. Serap Saritas Oran, "Pensions and Social Reproduction," in Tithi Bhattacharya, ed, *Social Reproduction Theory: Remapping Class, Recentering Oppression* (Pluto Press, 2017).

perpetuating the ideal of the “productive” worker in androcentric terms.⁸³ Paying women wages for housework will not solve the indefensible inequality and “what is catastrophic about a social and natural world organized by the imperatives of “the capital-labour relation (...).”⁸⁴ As I have argued elsewhere, instead of encouraging the commodification of women’s unpaid work in the home, we should push for decommodification of social services, disruption of the privatization of social reproduction, and collectivization of the means of subsistence.⁸⁵

SRF sheds light on how capital needs social reproduction and vice-versa. Profit-making depends on the “free” labour of social reproduction workers, such as on the labour of mothers who receive the AUH. Simultaneously, social reproduction needs capital: mothers in Presidencia Roque Sáenz Peña rely on childcare provided by the market as they do not have access to State-provided *guarderías* for their children. Women and families pay for those services with wages and other incomes resulting from their participation in the market, as the AUH is not enough to afford childcare. Of course, women find inventive non-market strategies to resolve the lack of public childcare and other needs, such as collectives, *merenderos* (communal kitchens), kinship relations, and leaving children alone at home.⁸⁶ However, the latter are exceptions to the rule that, in principle, the means of subsistence are under the control of humans who own capital and not under communal control.

⁸³ Hall, *supra* note 80 at 93-96. Hester & Srnicek (2017) advocate for a *post-work model* to reduce work dependency on wage labour and reproductive work; re-imagining the “domestic” and creating communal kitchens, laundries, libraries, health care. Helen Hester & Nick Srnicek, *After Work: A History of the Home and the Fight for Free Time* (Verso, 2023). See also Helen Hester & Nicholas Srnicek, “The Crisis of Social Reproduction and the End of Work,” in *he Age of Perplexity: Rethinking the World We Knew* (Barcelona: BBVA, 2017).

⁸⁴ Beverley Best, “Wages for Housework Redux: Social Reproduction and the Utopian Dialectic of the Value-form” (2021) 24:4 *Theory & Event* 896 at 901.

⁸⁵ Melisa Handl & Susan Spronk, “Women’s Empowerment vs. Women’s Emancipation: Social Reproduction and the Contradictions of Conditional Cash Transfers” (forthcoming).

⁸⁶ See section 4.3.1.1, “Presidencia Roque Sáenz Peña, Chaco, in an Unevenly Developed Argentina.”

The example above illustrates how the ruling relations of accumulation and dispossession inherent to the capital-labour relation are determinative but not absolute. Ferguson (2016) explains that “determinative” means that this capitalist logic imposes pressures and limits on social reproduction but does not entirely swallow all other co-constituting compounding relations such as gender, class, race, Indigeneity, language, and geopolitical location, among others.⁸⁷ Social relations are composed of many oppressions, and some precede capitalism. However, capitalism is determinative because it reinforces and sanctions certain practices – through the law and institutions – and socially, even though those practices are continuously disputed.⁸⁸

3.6 Core IE Methodological Concepts

Some particular notions are essential to understanding an IE project: standpoint, discourse, work, ruling relations, institution, ideology, texts, and problematic.

3.6.1 Standpoint

A standpoint is an empirical location informed by the embodied experiences of the actual worlds of people.⁸⁹ This inquiry began from a standpoint: an empirical stance where recipient women are positioned within the complex regime of social security governance in Argentina. It is essential to clarify that Smith’s standpoint is not traditional feminist standpoint methodology⁹⁰ as a collective affiliation “where knowledge of one group of people is favoured over the knowledge of another group.”⁹¹ IE’s notion of standpoint is non-essentialist. “It does not universalize a particular

⁸⁷ Ferguson, *supra* note 64 at 45.

⁸⁸ *Ibid* at 56.

⁸⁹ Janet Rankin, “Conducting Analysis in Institutional Ethnography: Analytical Work Prior to Commencing Data Collection” (2017) 16:1-9 *International Journal of Qualitative Methods*.

⁹⁰ Smith’s use of “standpoint” came before Harding’s, and it is a different idea. Sandra Harding, *Feminism & Methodology* (Bloomington, IND: Indiana University Press, 1988). Sandra Harding, *The Feminist Standpoint Reader* (New York: Routledge, 2003). Stanley, *supra* note 45 at 102.

⁹¹ Laura Bisaillon, “An Analytic Glossary to Social Inquiry Using Institutional and Political Activist Ethnography” (2012) 11:5 *International Journal of Qualitative Methods* 607 at 619. Feminist standpoint theories were fiercely criticized in the 1990s from the postmodern perspective for being essentializing and inattentive to difference. Carroll, *supra* note 19 at 21.

experience. It is rather a method that, at the outset of inquiry, creates the space for an absent subject, and an absent experience...”⁹² As Stanley (2018) explains, standpoint in IE is an “empty” position with no “a priori ontological baggage”: it is not a fixed, collective “women” category. Actualities “are people’s lived experiences as they describe knowing and living them.”⁹³

In short, the standpoint is thus “the ground zero of the analysis...which begins in the experience and returns to it, having explicated how the experience came to happen as it did.”⁹⁴ However, one of the most prominent features of IE is that while I start researching from the standpoint of AUH recipient women, in due course, I shift to an inquiry of the translocal ruling relations that organize the experiences with the AUH that informants may not be able to elucidate from their social positions. Smith’s (1987) work sees power in local actualities organized by extra-local relations of ruling and thus overcomes the “micro vs. macro” dichotomy.⁹⁵ It is important to note that IE is not a conventional ethnography⁹⁶ and that “no institutional ethnography is a case study; each is an investigation of the ruling relations explored from a given angle.”⁹⁷ As Smith (2018), explained during an interview:

I [was] (...) unhappy about recent IE presentations that I saw, partly because it seemed to me that when people were doing kind of localized studies, which is fine to do in

⁹² Dorothy E. Smith, *The Everyday World as Problematic: A Feminist Sociology* (Toronto: University of Toronto Press, 1987) at 105, 106.

⁹³ Bisaillon, *supra* note 91 at 610.

⁹⁴ Marie L. Campbell, “Research for Activism: Understanding Social Organization from Inside It,” in C. Frampton, G. Kinsman, A. Thompson, & K. Tillecze, eds, *Sociology for Changing the World: Social Movements/Social Research* (Black Point, NS: Fernwood Press, 2006) 87 at 91.

⁹⁵ Smith, “Institutional Ethnography: A Sociology,” *supra* note 1 at 36.

⁹⁶ Ethnography originated in the disciplinary home of anthropology as a “thick description” that explores complex networks of meaning of cultural dynamics of a human population. Clifford Geertz, *The Interpretation of Culture* (New York: Basic Books, 1973) at 33-54. Ethnography, as characterized by Whitehead: (1) relies on multiple methods, (2) takes place from an insider and outsider perspective, (3) depends on fieldwork, (4) is exploratory, (5) is highly flexible, (6) is iterative, and (7) is interpretive and reflexive. Tony L. Whitehead, “What Is Ethnography? Methodological, Ontological, and Epistemological Attributes,” in *Ethnographically Informed Community and Cultural Assessment Research Systems* (EICCARS) Working Paper Series, Rev. Ed (2004) online <<http://www.cusag.umd.edu/documents/workingpapers/epiontattrib.pdf> at pages 6-20>

⁹⁷ Smith, “Institutional Ethnography: A Sociology,” *supra* note 1 at 219.

Institutional Ethnography but you need to begin to make visible the forms of organization that enter into part of the organization but you are not able to explore.⁹⁸

Thus, you should not read this work as a product of a “micro-sociology” (ethnomethodology) because I am not looking to describe particular individuals but to identify broader relations “which have a generalizing, standardizing kind of character.”⁹⁹

3.6.2 Ruling Relations, Institution, and Texts

Ruling relations “are activities of governing that depend on selecting, categorizing, and/or objectifying aspects of the social world in order to develop facts and knowledge upon which to base decisions.”¹⁰⁰ IE understands ruling relations as particular social practices – people’s doings – produced at a distance from the standpoint that “activate” things that happen to people in a local setting, “organize work from afar,”¹⁰¹ and can be empirically described.¹⁰² Relations of ruling are institutional priorities that allow governance to happen because they permit specific individuals and institutions to manage, govern, and administer society.¹⁰³ They do so in several manners: by allowing coordination; shaping people’s lives; replacing what is known from the standpoint; and making authoritative discourses that represent certain voices but silence others.

First, ruling relations allow governance to happen at the magnitude that we observe today. Texts – which will be explained in detail further below – transmit these ruling relations, for example, through the legislation that is set up as an ideological pillar in how people in Argentina think about social welfare – namely, Decree 1602/09.¹⁰⁴ Relations of ruling within the AUH

⁹⁸ Kearney, Corman, Gormley, Hart, Johnston & Smith, *supra* note 68 at 304.

⁹⁹ Carroll, *supra* note 19 at 17.

¹⁰⁰ Rankin, *supra* note 89 at 3. Crawley, Whitlock & Earles (2021) define them as “macro-structural-discursive-relations.” Crawley, Whitlock & Earles, *supra* note 7 at 146.

¹⁰¹ Rankin, *supra* note 89.

¹⁰² *Ibid* at 3.

¹⁰³ Smith, “The Conceptual Practices of Power,” *supra* note 29.

¹⁰⁴ AUH Decree of Necessity and Urgency 1602/09, online <
<https://www.ilo.org/dyn/travail/docs/1804/DECRETO%201602.pdf>>.

institution are composed of the myriad individual expertise that comes together historically in the construction of social security governance in Argentina, including, at the very least, recipients and their families, legislators, doctors, social workers, obstetricians, nurses, teachers, psychologists, lawyers, sociologists, demographers, economists, and politicians.

Second, relations of ruling shape and are shaped by people's experiences. For instance, institutional priorities of the ANSES mould how work being carried out at the standpoint of recipient women must occur and how that work will be represented in particular texts.¹⁰⁵ Third, ruling relations shape individuals' lives by replacing their interests with the ruler's priorities. Ruling does not occur through extraordinary public displays but routinely, as institutions and actors organize people's everyday work to benefit somebody else's concerns.¹⁰⁶

Fourth, practices that produce knowledge and textual representations are at the core of ruling relations. Ruling relations activate a knowledge framework that defines how people know and experience the social world, which in turn creates discourses and forms of logic that organize and guide people's responses, even if the ruling knowledge is not aligned with what is known from the standpoint. Rankin (2017) conceptualizes ruling relations as governing practices that "select[], categori[ze], and/or object[ify] aspects of the social world in order to develop facts and *knowledge* upon which to base decisions."¹⁰⁷ For instance, it might be regarded as rational for the government to offer financial support to a bank facing a potential bankruptcy threat to restore confidence in the finance sector. However, some may not think the same if someone requiring a bailout is poor, unemployed, or an immigrant. It may be considered sensible for the government to transfer money to those willing to comply with conditionalities but considered unacceptable if individuals are seen

¹⁰⁵ See section 7.4.3, "Institutional Circuits: A Different Version of AUH Recipients Hooking into The System."

¹⁰⁶ Nancy Taber, "The Profession of Arms: Ideological Codes and Dominant Narratives of Gender in the Canadian Military" (2009) 34:1 *Atlantis*.

¹⁰⁷ Rankin, *supra* note 89 at 3.

as “undeserving.” We all participate in social relations as members of the social world and contribute to ruling others and being ruled by others – sometimes deliberately and sometimes inadvertently.

In this dissertation, I find traces and expose relations of ruling in informants’ descriptions of their everyday work, particularly those governing practices that failed to support informants’ aspirations. In spotting ruling relations, I find it paradoxical that for some informant women, a decreasing sense of dignity and wellbeing transpires when they become the target of the AUH in Argentina. In this work, I describe the various times the standpoint of recipient women’s knowledge was misaligned with how policy designers, policymakers, bureaucrats, and professionals knew the AUH program and its supposedly “benign” conditionalities.

I thus discovered junctures and disjunctures in recipient women’s knowledges and experiences about issues related to AUH work and how they intersected – or failed to intersect thereof – with authoritative, expert-generated forms of knowledge – ruling relations. The expert-generated knowledge expands beyond the texts and procedures of frontline State workers and professionals into an AUH ideology that is controlled by abstract modes of knowing: through the prevalence of concepts such as the dignity of formal labour, the instrumentalization of women, human capital accumulation, the deification and exploitation of motherhood, and the erasure of social reproduction work, among others.

3.6.3 Institution

IE focuses on institutional processes but does not use the notion of the institution in the traditional sense.¹⁰⁸ In this dissertation, institutions do not refer to a particular organization or institutional locales such as ANSES UDAI’s, schools, hospitals, salitas, or the Civil Registry. Smith (1987)

¹⁰⁸ Bisaillon, *supra* note 91 at 614; Smith, “Institutional Ethnography: A Sociology,” *supra* note 1.

described “institution” not as a brick-and-mortar structure but as a complex of “relations forming part of the ruling apparatus, organized around a distinctive function – education, health care, law and the like.”¹⁰⁹ For my research, the “distinctive function” is the environment of interaction and engagement between the social security agency and recipients, other State actors and recipients, the World Bank, the State and recipients, and AUH recipients. The AUH program is thus an institutional complex in the Smithean sense.¹¹⁰

3.6.4 Discourse

Smith incessantly focuses on people’s doings and relations, but she does not disregard the importance of discursive practices. The discursive and material constantly interact because the social is constructed by people, texts, and material objects in motion and coordination. Discourse is understood as a “systematic way of knowing something that is grounded in expert knowledge and that circulates widely in society through language, including most importantly language vested in texts.”¹¹¹ IE pays attention to how discourses oppress certain people.¹¹² For example, discourses of responsible motherhood circulate in society, oppressing AUH recipients for the most part, and benefiting the State, which relies on women to reproduce its population.

Like Foucault,¹¹³ Smith focuses on discourse to reveal social power differentials and their effects on people.¹¹⁴ Unlike Foucault, for Smith, discourse exists because people participate in

¹⁰⁹ Smith, “The Everyday World as Problematic,” *supra* note 92 at 160.

¹¹⁰ Smith, “Institutional Ethnography: A Sociology,” *supra* note 1 at 225.

¹¹¹ Eric Mykhalovskiy, “Understanding the Social Character of Treatment Decision Making,” in Michael Bresalier, Lorelee Gillis, Craig McClure, Liza McCoy, Eric Mykhalovskiy, Darien Taylor & Michelle Webber, *Making Care Visible: Antiretroviral Therapy and the Health Work of People Living with HIV/AIDS* (Toronto, Ontario, 2002) 37 at 39. Cited by Bisailon, *supra* note 91 at 610.

¹¹² Smith, “Institutional Ethnography: A Sociology,” *supra* note 1 at 41.

¹¹³ Michel Foucault, *The Archaeology of Knowledge and the Discourse on Language* (New York, NY: Pantheon Books, 1972). Michel Foucault, *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977* (New York, NY: Pantheon Books, 1980). Michel Foucault, “The Order of Discourse,” in R. Young, ed, *Untying the Text: A Poststructuralist Reader* (London, United Kingdom: Routledge, 1981) 51.

¹¹⁴ Bisailon, *supra* note 91 at 611.

social relations, and she focuses on “texts as in action,” that is, on texts as they are used by people within the institution following mandated sequences of institutional actions.¹¹⁵ For Smith, discourse “never loses the presence of the subject who activates the text in any local moment of its use.”¹¹⁶ Regarding discursive constructions of subjectivity, Smith (1997, 2010) forthrightly rejects them.

On the issue of the subject, this is a very straightforward thing. I go back to Marx: actual individuals. We are talking about actual people. Not just subjects but people, people in bodies (...) You cannot dissolve bodies back into discourse (...) [b]ecause there are always people who are practicing the discourse. So the discourse is something people are doing, it is in the actual (...).¹¹⁷

Smith (1990) depicts her understanding of discourse in “Femininity as Discourse,”¹¹⁸ in which she communicates not femininity as an “essence” but as a practice mediated by texts that occurs because of people’s practices are linked to the market and other interacting actors. She articulates femininity as a discourse and discourse as social relations “in which women are active as subjects and agents” that “create themselves” and are not simply “passive products of socialization.”¹¹⁹

3.6.5 Holding Texts Dear

Texts are crucial within IE because they are integral to what individuals do. Texts circulate and replicate across time and space in contemporary societies, mediate social relations, connect people

¹¹⁵ Smith and Foucault both focus on governance, power, and texts. Bisaillon, *ibid*.

¹¹⁶ DeVault & McCoy, *supra* note 58 at 772. Cited by Campbell & Frances, *supra* note 6 at 40. From a Foucauldian lens, discourse always works through our subjectivities. While Foucault de-centres the subject, Smith characterizes the subject as a knowledgeable actor. While Foucault explains the knowledge/power relation (1984), Smith focuses on social relations among people who are experts in their own lives. Campbell & Frances, *ibid* at 41.

¹¹⁷ Carroll, *supra* note 19 at 27. Dorothy E. Smith, “Telling the Truth after Postmodernism” (1996) 19:3 Symbolic Interaction 171.

¹¹⁸ Smith, “Texts, Facts, and Femininity,” *supra* note 16 at 161, 176, 193.

¹¹⁹ *Ibid* at 176.

in a particular setting with people elsewhere, and coordinate institutional processes by carrying standardized and reproducible messages, and regulating people's lives.¹²⁰

IE's notion of texts is not restricted to the conventional concept of texts as written documents. Texts are replicable pieces of language that can also include legislation, policies, codes, instructions, radio, images, webpages, memes, social media, videos, audio, software, data processing and storing systems, cartoons, comics, pictures, photographs, logos, maps, newspapers, forms, pamphlets, among others.¹²¹

One of IE's most significant contributions to this dissertation is that texts are the technology by which an individual practice is related to – and helps mould – broader institutional practices. In the context of the AUH, texts can be illustrated as the channel that connects the individual experience of any recipient woman and the institutional priorities of social policy in Argentina that mould that connection.

Texts as artifacts are crucial to understanding institutional priorities because of their material properties. Firstly, as Smith argues, “texts are key to regulating the concerting of people's work in institutional settings in the ways that they impose *accountability* to the terms they establish.”¹²² Secondly, texts are significant because of their reproducibility and predetermined form, carrying standardizing messages. Thirdly, texts also offer stability, as they serve as a record of practices. Texts give the aspect of stability to the social: it is not that people exist as essential static identities, but the illusion of stability derives from the reiterative activation and reproduction of texts in everyday life. For example, the law – Decree 1602/09 and interrelated texts – establishes the criteria under which a person can become the legal recipient of the AUH under that regulation.

¹²⁰ DeVault & McCoy, *supra* note 58, in Smith, “Institutional Ethnography as Practice,” *supra* note 4.

¹²¹ Smith, “Texts and the Ontology of Organizations and Institutions,” *supra* note 50.

¹²² Smith, “Institutional Ethnography: A Sociology,” *supra* note 1 at Chapter 8.

A particular individual would fit such categories if they are not formally registered workers, are unemployed, *monotributistas* or domestic workers, and have children.¹²³

From an IE perspective, texts do not have human agency but are not static and inert. When readers read the text, they activate it and become mediators and agents for it: people give meaning to it, act, and proceed in specific ways as they respond to a particular text.¹²⁴ Smith (1999) explains that “the text creates something like an escape hatch out of the actual and is foundational to any possibility of social forms of abstraction of whatever kind, including this one written here.”¹²⁵ As they are distributed widely across Argentina, the texts of the AUH will be read by diverse people for various purposes, connecting the “here and now” with abstract ideas of human capital development that escape time and space constraints.

“Texts are like a central nervous system running through and coordinating different sites.”¹²⁶ Thus, in this dissertation, texts allowed me to move beyond describing the experience of informants to explicate the ruling relations within the AUH institution, which permit social coordination of social security in Argentina.¹²⁷ I pay attention to how relevant texts are organized concerning each other, how texts coordinate action sequences – such as institutional circuits and accountability circuits –, and for which objective.

Texts do not exist in a vacuum but within networks of interconnected texts.¹²⁸ Smith (2006) understands texts as “texts in action,” in the happening, which allow sequences of actions and happen within a hierarchy of texts – textual hierarchy.¹²⁹ Thus, a “boss text” is one that provides

¹²³ See section 4.2.2.1, “Legal Texts “in Action”

¹²⁴ Smith, “Institutional Ethnography: A Sociology,” *supra* note 1.

¹²⁵ Smith, “Writing the Social,” *supra* note 20 at 39.

¹²⁶ DeVault & McCoy, *supra* note 58 at 765.

¹²⁷ Smith, “Texts and the Ontology of Organizations and Institutions,” *supra* note 50 at 158.

¹²⁸ Smith describes both linear sequences and circuits of texts. Smith, “Institutional Ethnography: A Sociology,” *supra* note 1.

¹²⁹ Dorothy E. Smith, “Incorporating Texts into Ethnographic Practice,” in Smith, “Institutional Ethnography as Practice,” *supra* note 4 at 65.

instructions on how to read other subordinate texts and sits at the top of the intertextual hierarchy.¹³⁰ This hierarchy stipulates which knowledge is of value to the institution.¹³¹ Texts also allow for institutional and accountability circuits. Institutional circuits are mandated sequences of action: because texts are replicable and predetermined, they organize people's actions as they pass from person to person in the course of institutional action.¹³²

3.6.6 The Problematic

This IE of the AUH explicates how ruling relations organize the problematic of administrative and obstetric violence against AUH recipient women to occur as it does. Given that Smith refuses hypothesis testing and abstract theorizing, I only arrived at the problematic – administrative violence against AUH recipient women – during and after talking to informants.¹³³

Smith (1987) defined a problematic as a “disjuncture between experience and the forms in which experience is socially expressed.”¹³⁴ I have found it helpful for this dissertation to illustrate it as what Smith called a “line of fault”¹³⁵: a divergence between knowing the world from the ruling standpoint and knowing from “what actually happened.”¹³⁶

Formulating a problematic oriented my research project and allowed me to explicate when informants' knowledges “shifted.”¹³⁷ Thus, in this project, the problematic encapsulates the disjunctures I discovered between the black-letter law and recipient women and frontline workers'

¹³⁰ Bisaillon, *supra* note 91.

¹³¹ Smith, “Institutional Ethnography: A Sociology,” *supra* note 1.

¹³² See section 3.6.5, “Holding Texts Dear.” According to Pence (2001), the organization implicated in handing over texts from one location to another is a “processing interchange.” Ellen Pence, “Safety for Battered Women in a Textually Mediated Legal System” (2001) 7:2 *Studies in Cultures, Organizations and Societies* 199 at 215-222. See sections 7.5.1, “Accountability Circuits: Making Sense of Bureaucrats' Agency,” and 7.4.3, “Institutional Circuits: A Different Version of AUH Recipients Hooking into The System.”

¹³³ See section 3.8.1, “Talking to People.”

¹³⁴ Smith, “The Everyday World as Problematic,” *supra* note 92 at 50.

¹³⁵ *Ibid* at 49-54, 140-143.

¹³⁶ Smith, “The Conceptual Practices of Power,” *supra* note 29 at 71.

¹³⁷ Smith, “Institutional Ethnography: A Sociology,” *supra* note 1.

knowledge and experiences. Several other disconnections are apparent in the observations I gathered during the interviews with informants and the texts that organize their work: (1) the disjuncture between women's experiences with the AUH and bureaucrats' experiences and accounts of the AUH; (2) a disconnect between bureaucrats' knowledge and expertise of current State-enacted formal regulations that mandate institutional processes related to the AUH; and (3) a mismatch between what happened to AUH recipient women and how what happened was abstracted within the law, regulations, policies, procedures, and institutional narratives. Smith (1987) clarified that lines of fault result from social processes that create textual representations of reality so that facts can be useful to institutions.¹³⁸

These disjunctures led me to the problematic of violence against AUH recipient women, which allows for a coherent analysis in IE. In defining the problematic, I make clear my standpoint and “tak[e] a side,”¹³⁹ explicitly admitting that, in this dissertation, I aim to put AUH recipient mothers' experiences at the front and centre of the inquiry. I formulate the problematic at the juncture of what institutional actors and State bureaucrats think the AUH legislation and policies are producing – poverty alleviation, human capital accumulation, empowering women, recognizing women as subjects of rights – and what is actually happening – AUH recipient women suffering administrative and obstetric violence when complying with the conditionalities imposed by the program. I am troubled by how women's unpaid work appears excluded from the theoretical construct of the causal model of the AUH.

Rankin (2017) explains that a problematic is a “critical heuristic device” that allows the researcher to pull a thread of data among a multiplicity of threads.¹⁴⁰ Once I conceptualized the

¹³⁸ Smith, “The Everyday World as Problematic,” *supra* note 92 at 50.

¹³⁹ Campbell & Gregor, *supra* note 6 at 48.

¹⁴⁰ Rankin, *supra* note 89.

problematic, it was easier to manage the copious amounts of empirical data I had gathered – much of which I could not fit into this dissertation. It also provided analytical coherence to the presentation of my research findings. When analyzing and presenting the data, I describe various small problematics which could be formulated as part of a more extensive problematic – administrative and obstetric violence against recipient women.¹⁴¹ I then meticulously selected the evidence in the data that empirically confirmed the problematic I am explicating to show you, readers, how the State, through the AUH, enables and facilitates administrative and obstetric violence against AUH recipient women.

3.7 Reflexivity

IE is a critical project from the start, which requires me to describe my critical subjectivity and to recognize that my knowledge did not remain unproblematized during the investigation. I thus evaluated my epistemological and ontological assumptions to determine if my research aligns with IE's tenets, including not replicating discourses that objectify people.

I tried to position myself in the political and social landscape, being open about my research persona by filling in the fashionable “badges:”¹⁴² I am a feminist, a socialist, cisgender woman, from the Global South, *latina*, an immigrant, a settler, agnostic, bisexual, able-bodied, middle-lower-class, a domestic violence survivor, educated, divorced, a mother. However, it is not sufficient to display these “badges” as they precede the research experience creating an illusion of self-awareness while failing to describe how “we also create ourselves in the field.”¹⁴³

The real challenge of being reflexive was to do so at the time of conducting the research and analyzing the data. For instance, I realized that my emotional responses shaped my

¹⁴¹ Rankin, *supra* note 89.

¹⁴² Natasha S. Mauthner & Andrea Doucet, “Reflexive Accounts and Accounts of Reflexivity in Qualitative Data Analysis” (2003) 37 *Sociology* 413.

¹⁴³ Lincoln, Lynham, & Guba, *supra* note 27 at 124.

interpretation of my interviewees' accounts, including my experiences as a mother, my childhood experiences in a low-income family where my parents struggled to make ends meet by the end of the month, and particularly, my own experiences as a survivor of domestic violence. I am convinced that I saw the violence exerted on AUH recipient mothers in the way explicated in this dissertation partially because I went through the experience of domestic violence myself. It allowed me to understand the complexity and nuances of the phenomenon.

I am not interested in pretending my research is a “neutral” and “impartial” product; it results from a struggle of competing interests, aspirations, and emotional responses. Feminist researchers rejected the notion that knowledge is objective and ask to recognize other influences in our research – what became a distinguishing feature of feminist methodology.¹⁴⁴ As Ramazanoglu (1992) explains, “it is more logical to accept our subjectivity, our emotions and our socially grounded positions than to assume some of us can rise above them.”¹⁴⁵ All these pages are infused with how I understand the world, what I learnt in the past, my aspirations for the future, emotions, personality, and synergies created with informants. I challenge the notion of value-free knowledge because it is impossible to escape what is being researched from a “view from nowhere”¹⁴⁶ or a “God’s eye view.”¹⁴⁷ Since the social and political position of the researcher affects the research, making this position clear helps avoid bias:

Bias comes not from having ethical and political positions – this is inevitable – but from not acknowledging them. Not only does such acknowledgment help to unmask any bias

¹⁴⁴ Nicole Westmarland, “The Quantitative/Qualitative Debate and Feminist Research: A Subjective View of Objectivity” (2001) 2 Forum: Qualitative Social Research, online <<http://nbn-resolving.de/urn:nbn:de:0114-fqs0101135>>.

¹⁴⁵ Caroline Ramazanoglu, “On Feminist Methodology: Male Reason versus Female Empowerment” (1992) 26 Sociology 207 at 211.

¹⁴⁶ Thomas Nagel, *The View from Nowhere* (Oxford University Press, 1986).

¹⁴⁷ Donna Haraway, *Primate Visions: Gender, Race, and Nature in the World of Modern Science* (Routledge: New York, 1989).

that is implicit in those views, but it helps to provide a way of responding critically and sensitively to the research.¹⁴⁸

As you read and activate this dissertation, you will find my voice and influences scattered all over it as I strive to be as reflexive about my opinions as my human psyche allows me to. Moreover, as any researcher, I do not have privilege epistemologically because, as Stanley (2018) points out, there are different versions of what “actualities” are.¹⁴⁹ In this sense, this IE project is one more of many competing interpretation of people’s experiences and accounts of an institution, such as the AUH. My account of the institution of the AUH is one tiny version – *un granito de arena* or a grain of sand – among a multiverse of possible versions. As a grain of sand swirling around in a multiverse of sandstorms, this project does not claim to be the only possible account, “the” account of the AUH. I am aware that I, too, am producing an ideological account, using the assumptions of IE and complying with the requirements of academia to share the narratives informants shared with me, an irony noticed by Smith (1990b).¹⁵⁰ You, the person activating this text, are to scrutinize whether this account adheres to the predominant modes of thinking about the AUH or whether it brings invisibilized facets of the everyday world into focus.

3.8 Data Collection & Fieldwork

My research is qualitative,¹⁵¹ exploratory, inductive, and iterative. Data collection focused on learning from informants’ work and experiences and institutional processes. My methods –

¹⁴⁸ Morwenna Griffiths, *Educational Research for Social Justice: Getting off the Fence (Doing Qualitative Research in Educational Settings)* (McGraw-Hill Education (UK), Open University Press, 1998) at 133.

¹⁴⁹ Stanley, *supra* note 45 at 74,75.

¹⁵⁰ Smith, “Texts, Facts, and Femininity,” *supra* note 16. I use the discourses and schemas authorized by academia which determine the structure of the dissertation, the language in which is written, the referencing style, the length of citations, and the conventions of the discipline with which I engage.

¹⁵¹ Qualitative methods better acknowledge subjectivity and address the unequal relationship between researcher and subject. Liz Stanley & Sue Wise, “Method, Methodology and Epistemology in Feminist Research Processes,” in Liz Stanley, ed, *Feminist Praxis* (London: Routledge, 1990) 20.

“techniques for gathering evidence”¹⁵² – involved talking to people and examining texts, imbued with a concern for social justice, emphasis on mutual trust, and regard for informants as experts of their own lives.

The research process, however, began well-before empirical fieldwork started. I arrived at the stage of empirical fieldwork not “empty” but with baggage of literature accumulated throughout the Ph.D. process, namely, from my preparation for the comprehensive exams, the multiple conferences and workshops I attended, the literature I relied on to write and publish papers, and the defence of my research proposal. Reading literature is an essential part of data collection and analysis. Nevertheless, IE required me to read the literature critically.¹⁵³ This was a challenge because I had learnt to understand the AUH from different theoretical viewpoints, but IE required me to consider that the scholarship also contributes to producing and perpetuating relations of ruling in the AUH – and CCTs, more broadly speaking.¹⁵⁴

One fair and helpful criticism I received during the defence of my P.h.D. research project proposal was that I arrived at the inquiry with pre-determined concepts, ideas, and hypotheses. Such an approach was not only disrespectful to informants and counterproductive for intellectual exploration but would not have allowed me to conduct a good IE because Smith rejects hypothesis testing and theorization.¹⁵⁵ Following such advice, I ensured the research field was left essentially enigmatic to me before embarking on fieldwork, allowing the space necessary to describe what was happening empirically. In this way, the problem of violence against recipient women was invisible to me prior to entering the field, as it was to many informants.

¹⁵² Sandra Harding, *supra* note 11 at 2-3.

¹⁵³ Rankin, *supra* note 89. See section 2), “Literature Review on Approaches to the AUH Program.”

¹⁵⁴ Campbell & Gregor, *supra* note 6.

¹⁵⁵ Unlike grounded theory, IE does not theorize from the data collected, even though it also builds from the ground. Rankin, *supra* note 89 at 2.

3.8.1 Talking to People

Smith (2010) stated that “in the work that [she has] done to develop the capacity to tell the truth, to find out, to discover, you cannot do it all. There has got to be other people.”¹⁵⁶ Within the bounds of my ethics approval, I grabbed every opportunity to talk to people as an empathetic listener until reaching data saturation on a first-come, first-serve basis.¹⁵⁷

The bulk of the data was collected directly from recipients of the AUH and a variety of institutional actors through a combination of qualitative methods comprised of in-depth individual interviews, focus group discussions, and to a lesser extent, narrative photovoice.¹⁵⁸ I interviewed thirty-nine AUH recipient women – through in-depth semi-structured individual interviews, focus group discussions, and narrative photovoice – and nineteen professionals working in AUH fields as part of their everyday routine – through in-depth semi-structured individual interviews.

Doing “online interviews” meant I conducted a real-time conversation with informants in a flexible format, but we were situated in different spatial locations and contexts. The online interviewing process was carried out by mobile phone and computers – laptops or desktops – using audio-visual interfaces such as Zoom, with audio-visual interactivity and textual synchronicity. Live interviews allowed me to seek clarification, creating rapport with my participants and discovering new threads through human interaction mediated by technology and human empathy.

¹⁵⁶ Carroll, *supra* note 19 at 29.

¹⁵⁷ This research project was reviewed and approved by the University of Ottawa’s Office of Research Ethics and Integrity, which ensures compliance and coherence with the *Tri-Council Policy Statement* and University of Ottawa policies. I take full responsibility for the quality of this research. Ethics File Number S-11-20-6188, approved 13/03/2021, University of Ottawa Office of Research Ethics and Integrity. See section 11.1, Annex “Ethics File.”

¹⁵⁸ Preliminary fieldwork took place during July-August 2016. I had also conducted two practice interviews for the course SOC7141A (Advanced Qualitative Methods) that I took with the Department of Sociological and Anthropological Studies of the Faculty of Sciences of the University of Ottawa.

Table: Research Methods and Participants¹⁵⁹

Method	Number of Participants	Total
Individual Interviews with AUH Recipient Women	12	12
Focus Group Discussions	1 x 5 1 x 2 1 x 5 1 x 5 1 x 4	21
Key Informant Interviews	19	19
Narrative Photovoice	6	6
Total		58

* Participants for narrative photovoice were drawn from the focus group discussions pool.

I interviewed twelve AUH recipient mothers through in-depth, semi-structured interviews. The rest of the twenty-one AUH recipient women were part of focus group discussions organized in five groups. Each group was composed of four to five participants, except for the second group, attended only by two recipient women.¹⁶⁰

Six women – drawn from the pool of informants that participated in focus groups – participated in narrative photovoice. I interviewed nineteen informants – what is commonly known as “key informants interviewees” – located in different corners of the AUH institution, specifically: a family lawyer, an obstetrician, a principal of a high school, two nurses, a teacher, an expert and activist in gender issues, a provincial Ministry of Social Development social psychologist, a psychologist who worked with VAW survivors, five scholars working in different fields (law and human rights, constitutional law, labour law, sociology, anthropology, social work), the principal of an Indigenous elementary school, a World Bank economist, a World Bank social protection

¹⁵⁹ See section 11.2, Annex “Tables Detailing Informants’ General Demographic Data.”

¹⁶⁰ A brief review of the literature shows that it is optimal for focus groups to have no more than six participants because online focus groups depend on technology issues such as internet dropouts, lagging, and interruptions. James Kite & Philayrath Phongsavan, “Insights for Conducting Real-Time Focus Groups Online Using a Web Conferencing Service” (2017) 6 F1000 Research 122. Rachel Flynn, Lauren Albrecht & Shannon D. Scott, “Two Approaches to Focus Group Data Collection for Qualitative Health Research” (2018) 17:1 International Journal of Qualitative Methods.

specialist, and two ANSES bureaucrats (a high-ranking agent and another bureaucrat that worked in the legal department and had experience as a frontline worker).

Two locally-hired research assistants from Presidencia Roque Sáenz Peña and a social worker from *Cáritas Argentina*¹⁶¹ assisted with the methods below.¹⁶² I was able to hire the research assistants thanks to an IDRC Doctoral Research Award, which provided me with the funds to finance this research project.¹⁶³ The research assistants had a background in gender issues, psychopedagogy, and feminist activism, and served as gatekeepers. They facilitated negotiating entry into the “field” as they controlled access to information and allowed me to more easily “build rapport,” which translated into more reliable and sincere data.¹⁶⁴ It was an exciting opportunity to mentor both research assistants; it contributed to the reciprocity of this research, created bonds of solidarity, consolidated a friendship, and allowed me to facilitate a job opportunity for them.¹⁶⁵

Even though letters/posters distributed by the gatekeepers recruited the initial informants, most informants were recruited via snowball sampling.¹⁶⁶ World Bank informants were referred

¹⁶¹ I had partnered up with the local *Cáritas* branch while applying for the IDRC Award. However, given the Covid-19 situation, the NGO input for this project was limited. I would like to thank Marisa Salomón and Rosaura Benítez for their help and guidance.

¹⁶² *Cáritas Argentina* is a very well-known and well-regarded organization in the province of Chaco.

¹⁶³ I am forever grateful to Andrea Schaffer[†] and Gianna Tourn, two committed and outstandingly empathetic human beings I am proud to call my comrades. Their work and dedication helped make this research project a reality.

¹⁶⁴ Whitehead, “What Is Ethnography?,” *supra* note 96 at 24. Tony L. Whitehead, “Basic Classical Ethnographic Research Methods: Secondary Data Analysis, Fieldwork, Observation/Participant Observation, and Informal and Semi-Structured Interviewing,” in *Ethnographically Informed Community and Cultural Assessment Research Systems (EICCARS) Working Paper Series* (2005) online <<http://www.cusag.umd.edu/documents/WorkingPapers/ClassicalEthnoMethods.pdf>> at 14.

¹⁶⁵ I would like to express my condolences and pay my respects to Andrea Schaffer, one of my research assistants for this project who sadly lost her life recently (January 2023) partly due to a disease being misdiagnosed. Andrea was an activist who helped many VAW survivors and supported women who were battling breast cancer. Andrea had always been vocal in raising consciousness about the importance of understanding breast cancer as a social problem, not as an isolated disease that affected women individually. Andrea’s insights were key in helping me identify obstetric violence against recipient women. Perversely and ironically, Andrea became yet another victim of a broken health system that neglects women’s concerns and treats them as secondary citizens. Andy Schaffer, “Nota de Opinión, Más que Octubre Rosa, el cáncer como una cuestión social y de género” (26 October 2022) *Eres Chaco*, online <<http://www.ereschaco.com/inicio/noticia/13711/Ms-que-Octubre-Rosa-el-cncer-como-una-cuestin-social-y-de.html?fbclid=IwAR3rGQC4GC95Jp7NZtD8vaavT1GwmLl4M2qHkjiLCenQG3X7R5Edg451Okc>>.

¹⁶⁶ See section 11.1, Annex “Ethics File.”

to me via the institution, and ANSES workers were referred to me via the institution and snowball sampling as they heard about the research opportunity from colleagues we had in common. There was a genuine interest in the study in the city of Presidencia Roque Sáenz Peña, and the group of informants quickly grew like a rolling snowball: most recipient women participated in the study because they had heard about it from other recipient women, were referred to it by other recipient women, or heard it from someone they knew.

3.8.2 Note on Sampling in IE

Snowball sampling is a chain referral method, meaning I worked with non-representative, non-randomized samples. I asked a few informants to recommend me to others with whom to talk, and I was handed from informant to informant, exponentially increasing the sample with each meeting.¹⁶⁷ This qualitative study draws from what is conventionally understood as statistically non-representative samples. Snowball sampling is not a representative sample because well-known people have more probability of being referred. Those recommended to me by informants were their friends, known or well-connected community members, those who are most likely to have an agreeable personality and enjoy conversing, and those vulnerable informants who needed money.

Representativity is related to the epistemological claims qualitative researchers can make: how does the data I collected from my informants relate to the experience of a larger group? For instance, in this dissertation, how do the accounts of AUH recipient women I interviewed relate to AUH recipient women in Argentina and CCTs recipients more broadly? Emmel (2013) explains that statistically inferring from a sample to a broader population is unsuitable for qualitative

¹⁶⁷ Harvey Russell Bernard, *Research Methods in Anthropology: Qualitative and Quantitative Approaches* (Lanham: AltaMira Press, 2011).

research.¹⁶⁸ The scholarships, however, differ on whether observations from an empirical study apply to broader social phenomena and even if generalizability should be an objective of a research endeavour.¹⁶⁹ The fact is that “in wider social, political and policy debates, the specifics of a research study are read to signify something about a wider picture... regardless of the intention of the researcher.”¹⁷⁰

Notwithstanding the shortcomings of my study, snowball sampling permitted me to talk to people who typically have a deep distrust in others and would not have talked to me provided they had not had a reference for me that put their minds at peace. As I worked with non-representative samples of informants, my observations cannot be generalized or said to be representative of all Chaco, Argentina, or Latin America.

The latter does not mean that my methodology cannot be trusted or that I cannot say anything meaningful about the social organization of the AUH for various reasons. First, I focus on a “thick description”¹⁷¹ rather than a thin description, “which is a superficial account and does not explore the underlying meanings of cultural members.”¹⁷² Rather than deriving from statistical

¹⁶⁸ Nick Emmel, *Sampling and Choosing Cases in Qualitative Research: A Realist Approach*, 1st Ed (SAGE Publications, 2013). Cited in Kate Summers, “For the Greater Good? Ethical Reflections on Interviewing the ‘Rich’ and ‘Poor’ in Qualitative Research” (2020) 23:5 International Journal of Social Research Methodology 593.

¹⁶⁹ Geertz (1973) argues that ethnographers should not make broad generalizations based on their observations. He argues: “The notion that one can find the essence of national societies... is palpable nonsense.” Clifford Geertz, “Thick Description: Towards an Interpretive Theory of Culture” (1973) 3:31 The Interpretation of Cultures at 320. For this debate, see Mario Luis Small, “How Many Cases Do I Need?: On Science and the Logic of Case Selection in Field-Based Research” (2009) 10:1 Ethnography 5. Samuel R. Lucas, “Beyond the Existence Proof: Ontological Conditions, Epistemological Implications, and In-Depth Interview Research” (2014) 48:1 Quality and Quantity 387.

¹⁷⁰ Summers, *supra* note 168 at 598.

¹⁷¹ Gilbert Ryle (1949) introduced the concept of “thick description” in the field of anthropology by comparing it to “thin description.” However, it was Clifford Geertz who made thick description famous. Gilbert Ryle, *Concept of the Mind* (New York: Hutchinson and Company, 1949). Clifford Geertz, “Thick Description: Towards an Interpretive Theory of Culture” (1973) 3:31 The Interpretation of Cultures.

¹⁷² Immy Holloway, *Basic Concepts for Qualitative Research* (New York: Basic Books, 1997) at 154.

significance and representativity, the value of my work derives from the rich explication of complex webs of the social, thoughts, emotions, their nuances, and details.¹⁷³

Second, IE is unorthodox as it avoids categorical descriptions that consider its informants – local and extra-local – a “sample.”¹⁷⁴ Instead, it emphasizes that they are experts and help generate research findings.¹⁷⁵ Informants are thought of in terms of diversity of experience, each providing a unique but partial window into the AUH regime.¹⁷⁶ IE is like “a jigsaw puzzle that grows piece by piece into its own direction,”¹⁷⁷ whereby an individual puzzle piece or lived experience often connects to other lived experiences and pieces.

Third, as Rankin (2017) mentions, in IE, researchers refer to “generalizability” rather than “rigour” or “representativity,” terms most commonly used in other empirical approaches.¹⁷⁸ The emphasis is on “generalizing relations”¹⁷⁹ such as ruling relations that impact the problematic of violence against recipient women. I recognize that the findings emerging from this IE are specific and thus limited: this IE of the AUH does not promise to produce findings that can apply across all contexts and times; instead, it allows readers to identify and uncover ruling relations that operate in a generalizing manner in and across institutions, including the ANSES and the World Bank.¹⁸⁰

¹⁷³ Ponterotto (2006) refers to rich account of details as “verisimilitude,” or “the appearance of truthfulness,” which means that the account gains credibility by providing rich details. Ponterotto cites Denzin here in explaining verisimilitude in research: “truthlike statements that produce for readers the feeling that they have experienced, or could experience, the events being described.” Norman K. Denzin, *Interpretive Interactionism* (Newbury Park, CA: Sage, 1989) at 83,84. Cited by Joseph G. Ponterotto, “Brief Note on the Origins, Evolution, and Meaning of the Qualitative Research Concept Thick Description” (2006) 11:3 *The Qualitative Report* 538.

¹⁷⁴ IE may be considered unorthodox compared to conventional positivist studies and other empirical studies because it does not require a rigorously pre-determined “sample” of informants.

¹⁷⁵ Campbell & Gregor, *supra* note 6.

¹⁷⁶ Smith, “Institutional Ethnography: A Sociology,” *supra* note 1. Cited by DeVault & McCoy, *supra* note 58 at 6,7.

¹⁷⁷ *Ibid.*

¹⁷⁸ Rankin, *supra* note 89.

¹⁷⁹ Smith, “Institutional Ethnography: A Sociology,” *supra* note 1 at 39.

¹⁸⁰ Smith, “The Everyday World as Problematic,” *supra* note 92.

The worth of this work does not come from rigorous sampling or representativity; instead, its “rigour” arises from “the corrigibility of the developing map of social relations.”¹⁸¹

One of the main contributions of the analysis of qualitative data that arises from this dissertation is that it provides a “map” of the AUH program, empirically tracing institutional relations that permeate the AUH as gradually revealed during the investigation.¹⁸² Of course, the process of “mapping” involved in this doctoral dissertation did not yield a cartographic landscape but an orientation, “a social landscape that comprises the problematic under investigation,” whereby I show how informants are hooked into ruling relations, how they activate them, and what texts – including the law – shape those mechanisms.¹⁸³ Smith (2018) used the metaphor of an IE project as a magnifying glass during another interview:

I use this metaphor sometimes of when, a long time ago I went (...) cross country skiing in Vermont. (...) [I]n the hotel lobby there was a map of the trails of the region which focused on where the hotel was. They had this magnifying glass that made the trails that were closest more visible, and in a sense if you think of an Institutional Ethnography as rather like that magnifying glass and that what you are doing is that you are actually bringing out and making visible this area but you are not cutting it off from its connections with others.¹⁸⁴

Likewise, in this dissertation, I have applied a magnifying glass to the institution of the AUH and selected some of its many inter-connected trails, focusing my study on the problematic of administrative and obstetric violence against recipient women.

¹⁸¹ DeVault & McCoy, *supra* note 58. In IE, generalizability is independent from sampling; “[g]eneralizability in institutional ethnography relies on discovery and demonstration of how ruling relations exist in and across local settings, organizing the experiences talked about.” Campbell & Gregor, *ibid* at 89.

¹⁸² Smith, “Writing the Social,” *supra* note 20 at 95.

¹⁸³ Nicole K. Dalmer, “Mapping Ruling Relations: Advancing the Use of Visual Methods in Institutional Ethnography,” in P. C. Luken & S. Vaughan, eds, *The Palgrave Handbook of Institutional Ethnography* (2021) 81 at 81.

¹⁸⁴ Kearney, Corman, Gormley, Hart, Johnston & Smith, *supra* note 68 at 304.

3.8.3 Interviewing

Interviewing is “a process in which the respondent works up and tests the status of her experience, knowledge, and definitions of events against the knowledge etc. imputed to the interviewer as representative of the culture at large.”¹⁸⁵ Through the interviews, informants and I actively constructed what counts as data for this study.¹⁸⁶

In depth-interviews with women allowed for more time and closeness with each informant: they opened up about their emotions – particularly sadness – past trauma, experiences of intimate partner violence, and mental health issues; they cried and disclosed feelings they needed to share in a way women during focus group discussions did not. Focus group discussions, by contrast, elicited dynamism as informants proactively engaged with others, requiring less probing. Mothers displayed a sense of humour and solidarity during focus groups: they made jokes, laughed, and shared helpful information with other women. For instance, they shared the address of the cyber café that is more effective in obtaining ANSES appointments. They recommended that other women try to get appointments for their children with a particularly well-regarded pediatrician that worked at the hospital. During focus group discussions, women also reported being angry and confused about AUH-related procedures.

I commenced data collection shortly after ethics approval,¹⁸⁷ starting with local (standpoint) informants: AUH recipient women. Initially, I did not commit to any specific analytic “thread;” instead, the interviews were open-ended and semi-structured. Interviewing women

¹⁸⁵ Smith, “Texts, Facts, and Femininity,” *supra* note 16 at 16. Cited by Stanley, *supra* note 45 at 67.

¹⁸⁶ Smith, *ibid* at 17.

¹⁸⁷ Ethics Approval was given on 13/03/2021. See section 11.1, Annex “Ethics File.” The first interview took place on March 19th, 2021.

meant conversing with and learning from them. With maybe one exception – Consuelo –¹⁸⁸ informant women were enthusiastically engaged in our conversations.

After going over the consent forms and obtaining their consent orally, I introduced myself and explained to the informants that they were the experts in AUH work and that I was there to learn from them. Informants introduced themselves and described their daily lives, how their families were composed, and their experiences with the AUH. I found that recipient women liked to talk and share their experiences, and I was sometimes concerned about their time – as the interviews were generally extended. Women generally drank *mate* while talking to me through their computers or cellphones. On the other side of the screen, I was listening to their stories, learning from their experiences, and guiding the course of the interview while drinking *mate*, an integral part of Argentine culture and everyday life.¹⁸⁹

Throughout the data collection process, I recorded my sensory impressions and insights by writing them down in my field notes, which allowed me to discover patterns, adjust my tactics, develop interpretations, and eventually write my conclusions.¹⁹⁰ Because the research process was iterative, I went back and worked with and through my field notes which helped me identify the need for collecting more data and shaping and guiding the research process.¹⁹¹

3.8.4 Work

In interviews with informants, I asked about “the work they are doing [to] make visible in this way how the institutional regime enters into the organization of that work.”¹⁹² I grounded the interviews

¹⁸⁸ Consuelo is a shy woman, “*una mujer de pocas palabras*.” This was one of the only interviews that required me to probe more and did not extend in time.

¹⁸⁹ *Mate* is a caffeinated hot drink inherited from the Guaraní Indigenous peoples. Drinking *mate* is a ritual, and its ceremony is tied to feelings of friendship, kinship, and confiding in one another.

¹⁹⁰ Whitehead, “Basic Classical Ethnographic Research Methods,” *supra* note 164 at 13, 14.

¹⁹¹ Whitehead, “What is Ethnography? Methodological,” *supra* note 96 at 21.

¹⁹² Alison I. Griffith & Dorothy E. Smith, *Mothering for Schooling* (New York: Psychology Press, 2005) at 4. Cited by Dalmer, *supra* note 183 at 83.

in informants' actual experiences and work knowledges using Smith's (2005) generous definition of work as "anything and everything people do that is intended, involves time and effort, and is done under definite local conditions,"¹⁹³ which expands the notion past its usual equivalence with a "job." Think of the time women spend sitting at the ANSES waiting to be served by a frontline worker – that is work. What we get to know about recipient women's works is restricted by the conceptual categories considered institutionally significant, while different ways of working and knowing are ideologically disregarded.

Smith's approach to work develops from feminist debates around social reproduction and the wages for housework campaign.¹⁹⁴ DeVault (1991) emphasizes women's countless decision-making activities to sustain their families, such as looking for lower prices and preparing affordable but nutritious meals.

Smith (2005) defines work knowledge as "a person's experience of and in their own work, what they do, how they do it, including what they think and feel."¹⁹⁵ I considered my informants to be experts on what they were doing, experiencing, feeling, and knowing, and I sought to learn from them. However, it was often tricky to elicit descriptions of forms of work that are often taken for granted and deemed "unimportant."¹⁹⁶ The routinary character of work may make it

¹⁹³ Smith, "Institutional Ethnography: A Sociology," *supra* note 1 at 10. Smith also defined work as what "people do that takes some effort and time, that they mean to do, that rel[y] on definite resources, and [that] is organized to coordinate in some way with the work of others." Smith, "Institutional Ethnography: A Sociology," *supra* note 1 at 46.

¹⁹⁴ See section 3.5, "Theoretical Framework: Social Reproduction Feminism."

¹⁹⁵ Smith, "Institutional Ethnography: A Sociology," *supra* note 1 at 151.

¹⁹⁶ The term "taken-for-granted" is usually used in IE, similarly to ethnomethodology's mindset. "Ethnomethodology is that sociology that seeks to uncover the taken-for-granted that is prenormative and prior to discursive positing." Harold Garfinkel, *Studies in Ethnomethodology* (Englewood Cliffs, NJ: Prentice-Hall, 1967). See also Dorothy E. Smith, "Textual Realities and The Boss Texts That Govern Them" [PowerPoint slides] (2010) Centre for Women's Studies in Education (Toronto, ON: Ontario Institute for Studies in Education). Bisailon, *supra* note 91 at 620. Dorothy E. Smith, "Comment on Hekman's 'Truth and Method: Feminist Standpoint Theory Revisited'" (1997) 22:2 *Signs* 392 at 395.

unexceptional and “so deeply familiar [it is] rarely questioned.”¹⁹⁷ It may also be caused by the marginalized social status of those working, whose voices are invisibilized.¹⁹⁸

Smith (1997) refers to the term “tacit knowledge” as developed by Polanyi (1967), “the knowledge people have by virtue of their experience ... a knowing that is the very texture of our daily/nightly living in what we know how to do, how we go about things, and what we can get done.”¹⁹⁹ Paraphrasing Smith (1997), informant women know by virtue of their experience in their practices: they knew “how and where to go shopping; ... washing dishes, sweeping floors, cleaning; ... putting on makeup and washing [their] hair; ... how to recognize the boundary between street and sidewalk; ... what it is to suckle children; ... menstruation; ... getting on a bus and going to work; ... how to do [their] work and who works with [them].”²⁰⁰ Recipient women know as a matter of doing, and their knowing is socially organized around living with others.

DeVault (2014) developed four tactics to examine invisibilized work: focusing on everyone’s work and how it is divided, paying attention to work that enables access, going beyond procedural protocols and policies, and concentrating on unnoticed work.²⁰¹ However, it was difficult to disentangle informants’ experiences because as we partake in social relations, we understand ours and others’ experiences “in terms of dominant language and meaning; thus, women themselves (researchers included) often have trouble seeing and talking about their experiences.”²⁰² I found the latter to be accurate, as informant women would respond

¹⁹⁷ Elizabeth Kamarck Minnich, *Transforming Knowledge* (Philadelphia: Temple University Press, 1990) at 51.

¹⁹⁸ S. L. Star, “The Sociology of the Invisible: The Primacy of Work in the Writings of Anselm Strauss,” in D. Maines, ed, *Social Organization and Social Process: Essays in Honor of Anselm Strauss* (Hawthorne, NY: Aldine de Gruyter, 1991) at 265.

¹⁹⁹ Smith, “Comment on Hekman’s ‘Truth and Method,’” *supra* note 196 at 394.

²⁰⁰ *Ibid* at 395.

²⁰¹ Marjorie L. DeVault, “Mapping Invisible Work: Conceptual Tools for Social Justice Projects” (2014) 79:4 *Sociological Forum* 775.

²⁰² Marjorie L. DeVault, *Liberating Method: Feminism and Social Research* (Philadelphia, PA: Temple University Press, 1999) at 66. Cited by Dalmer, *supra* note 183 at 84.

“ideologically” when I asked them what their work was; for instance, mothers would reply that they “do not work” if I asked them about their work, and that they did not have a job outside the household. Thus, faced with this particular challenge to data collection, I probed into informants’ knowledge and positioned it analytically; specifically, I asked women to be explicit about the tasks they performed at home and explained to them that I take a broad approach to “work.”

AUH recipient women I interviewed then described activities that they might not usually think of as work: cooking and feeding, waking the children, serving dinner, cleaning and wiping the kitchen, making the beds, doing laundry and ironing clothes, getting their children to brush their teeth and getting ready to go to bed, combing their children’s hair, helping the children do homework and checking for any school paperwork, setting up phones and computers so children can attend online classes, handling the family’s appointments, communicating with the school teachers and principals, packing children’s school bags, signing school reports, attending hospital and dentist appointments for the children, turning the clothes right side out when folding them and putting them away, getting prescriptions from the pharmacy, buying clothing for the children, queuing in line at the ANSES, hospital, and *salitas*, and managing affordable transportation.

Once I had completed approximately 65% of the interviews with recipient women, I started delineating the problematic: administrative and obstetric violence against AUH recipients. I then moved to interview extra-local informants, collecting level-two data.²⁰³ I asked extra-local informants about their work, knowledge, and understanding of the AUH.

²⁰³ J. L. Deveau, “Examining the Institutional Ethnographer’s Toolkit” (2008) 4:2 *Socialist Studies/Études socialistes* 1 at 15.

3.8.5 Note on Narrative Photovoice

Narrative photovoice as a data collection method was the least popular among participants in this research study. Only six women were interested in narrative photovoice, and all women except one did not provide a narrative explaining what they had documented. I used participants from the pool of focus groups to reduce the burden of identifying further participants and build on the rapport developed with my informants. Beforehand, we discussed potential concerns and safety risks, mitigating measures, consent, and I sent informants a detailed but accessible outline about conducting narrative photovoice.²⁰⁴

Photovoice is a participatory action research method.²⁰⁵ I asked informants to take photos of their everyday experiences with the AUH with their cellphones to facilitate the exploration of potentially sensitive topics such as inequalities in everyday life and help visualize articulation of their often-invisible care-related work.²⁰⁶ I was surprised at the low takeup of what had been intended as an emancipatory form of research participation.²⁰⁷ Three main reasons emerged for why informant women were not interested in photovoice: time poverty, lack of interest, and insecurity with the task. Most women did not show interest in narrative photovoice, did not know what to photograph, and indicated they did not have the time to participate or to provide a description of the photographs they had taken. Informants were uncertain about what an image of their experiences with the AUH might include. I offered examples of everyday life activities, but

²⁰⁴ See section 11.1, “Ethics File ”

²⁰⁵ Caroline Wang & Mary Ann Burris, “Photovoice: Concept, Methodology, and Use for Participatory Needs Assessment” (1997) 24:3 Health Education & Behavior 369 at 369.

²⁰⁶ Shan Simmonds, Cornelia Roux & Ina ter Avest, “Blurring the Boundaries between Photovoice and Narrative Inquiry: A Narrative-Photovoice Methodology for Gender-Based Research” (2015) 14:3 International Journal of Qualitative Methods 33.

²⁰⁷ Photovoice is becoming a popular visual method in IE studies. See for example, Felicia Newell, “Exploring the Link between Food Insecurity, Social Stigma and Social Marginalization among Low-Income Lone Mothers” (2018) Doctoral Dissertation, Mount Saint Vincent University. Mark Padilla, Armando Matiz-Reyes, José Félix Colón-Burgos, Nelson Varas-Díaz & John Vertovec, “Adaptation of PhotoVoice Methodology To Promote Policy Dialogue among Street-Based Drug Users in Santo Domingo, Dominican Republic” (2019) 11:2 Arts & Health 147.

most informants showed no real interest. In fact, this lack of interest made me reflect on how translating concepts of academic interest into practical activities of visual expression is challenging and demanding. Thus, despite its “participatory” nature, narrative photovoice was not “accessible” as an activity and thus was not a productive emancipatory method. In reflecting on this, I understood how a reluctance to participate might reflect informants’ many pressures and burdens, including caring responsibilities. Thus, it is comprehensible that informant recipient women did not want to take on an additional task.

3.8.6 Note on Compensation

I compensated AUH recipient women for their time. I understand that paying and not-paying participants for their time can reinforce power asymmetries. Paying informants may imply that they would not participate without compensation and that the one who transfers the money – the researcher – is in a position of power.²⁰⁸ On the other hand, not paying participants for their time also reinforces power asymmetries: it would be hypocritical and contradictory to highlight the importance of valuing women’s unpaid labour through this dissertation and simultaneously asking vulnerable women to talk to me without compensating them for their labour. We live in market societies, and this money is essential for women: as they described during the interviews, every single *peso* counts. From my conversation with women, it was clear that they are not as concerned about possibly reinforcing power differentials as providing substance to their family, paying the electricity bill, or affording a pair of tennis shoes for their children.

²⁰⁸ Christina R. Clark-Kazak, “Research as “Social Work” in Kampala? Managing Expectations, Compensation and Relationships in Research with Unassisted, Urban Refugees from the Democratic Republic of Congo,” in S. Thomson, A. Ansoms, & J. Murison, eds, *Emotional and Ethical Challenges for Field Research in Africa. The Story Behind the Findings* (London: Palgrave Macmillan, 2013) 96. Laura Cecilia Porras Santanilla, ““Viviendo del Rebusque:” A Study of How Law Affects Street Rebuscadores in Bogotá” (2018) Doctoral Dissertation, Faculty of Law, University of Ottawa at 41.

There is a significant power differential between myself as a researcher and the vulnerable informants I interviewed. I can do nothing substantial to change the structural conditions that sustain the power differential. The latter can be taken as “paralyzing” or as highlighting the importance of taking action – compensating participants – no matter how modest, to alleviate the situation of disadvantaged people and to listen to what is important to them. Finally, another ethical concern was that monetary compensation for informants in under-resourced contexts would constrain their ability to withdraw from the research. For this reason, when obtaining written and oral consent, I reiterated to informants that they could withdraw at any time across the research process before the publication of the findings, without losing the compensation money.

3.9 Data Analysis and Processing

I followed the analytical threads that allowed me to select evidence to describe and explicate how AUH ruling relations organized the problematic of administrative and obstetric violence against AUH recipient women. Institutional ethnographers tend to stay away from formal analytic strategies and computer-aided analysis.²⁰⁹ Thus, I did not use qualitative analysis software but analyzed the data through thinking, writing, and collaborative discussion with colleagues.

I recorded all interviews using software, with the informants’ consent obtained before commencing any sessions. I used *Zoom* software²¹⁰ to ensure simple, face-to-face, in-depth-individual interviews. As for focus group discussions, the video was off to ensure participants’ confidentiality. I sent the link to connect to *Zoom* to participants in advance, as well as copies of informed consent forms and a document with the questions I would rely on to guide the

²⁰⁹ Some IE researchers, though, use qualitative data analysis software to connect pieces of transcripts. Other researchers straightforwardly reject the use of software because they do not suit the approach of IE. According to Smith, cited by DeVault & McCoy’s (2002), software programs will work in IE when the categorization by themes is done in a simple manner, in the same way indexing for a book would work. DeVault & McCoy, *supra* note 58 at 387.

²¹⁰ License was funded thanks to an IDRC Doctoral Research Award. Zoom, online < <https://zoom.us/>.>

interview.²¹¹ *Zoom* has recording capabilities for easy transcription, but this software did not allow me to transcribe from Spanish – only English was available. I thus use another artificial intelligence software: *Sonix.ai*, a paid service that allows for transcriptions and translation from Spanish to English.²¹² However, transcripts and translations needed to be cleaned and edited for accuracy, which allowed me to review the data and familiarize myself with it thoroughly.

The analysis of the data I collected occurred at three distinct levels. The data collected from talking to people was organized in entry-level data (local, standpoint of AUH recipient women) and level-two analysis, which focused on the extra-local setting, the experience of frontline workers, technocrats, bureaucrats, and myriad other professionals. Additionally, at a third level, I conducted legal analysis and identified formal legal regimes in the institution of the AUH. The first-level data analysis is presented in this dissertation in the section *Hooking-in*,²¹³ where I present the everyday world of AUH recipient women. The second level of analysis explicates interviews with a diversity of extra-local informants to understand organizational processes that shape the problematic of VAW. I analyzed how informants talked about their work and the texts – forms, legislation, software, among others – they “activated;” for this reason, the analysis of this level is presented in a section entitled *Activating*.²¹⁴

To the aforementioned entry-level data and second-level data analysis we often find in IE projects, I add one more in this dissertation: a third level that examines legal regimes interacting within the institution of the AUH. At this level, I specifically address the second research question of my dissertation: how do legal regimes work to influence the lives of AUH recipient women?²¹⁵

²¹¹ See section 11.1, “Ethics File ”

²¹² License was funded thanks to an IDRC Doctoral Research Award. Sonix Artificial Intelligence, online < <https://sonix.ai/>>.

²¹³ See section 6), “Hooking-in: The Experience of AUH Recipient Women.”

²¹⁴ See section 7), “Activating: Operators’ and Frontline Workers’ Accounts.”

²¹⁵ See section 8), “Extending & Mapping Cartographic Laws: Fantastic Rights and Where to Find Them.”

I conducted legal analysis of the different official normative systems that are influencing the arrangements between informants and ruling relations: human rights and constitutional law, administrative law, and the legislation on VAW in Argentina. I consulted key rulings regarding non-contributory social security and an array of laws, codes, decrees, and resolutions that impact recipient women. All the legal documents were analyzed through classical doctrinal legal methods focusing on a description of positive provisions of the body of law. In this section, I take the legal system “as the main supplier of concepts, categories and criteria,”²¹⁶ thus prioritizing analysis of legal rules based on authoritative texts. The analysis I undertake at this level is complex and rule-bound. I identify, locate, synthesize, and systematically expose the rules formally governing the lives of AUH recipients, understanding each segment of the law – human rights, constitutional, administrative, and VAW laws – as part of a more extensive hierarchical system of law.²¹⁷

The use of classical legal methods involved in section *Extending* is descriptive of positive legal provisions – the rules regarded as relevant by the legal system itself. However, it is essential to note that classical legal methods involve more than a collection of primary legal materials because they need to be analyzed contextually.²¹⁸ Even though the work is highly descriptive, it “require[d] a good deal of tidying up, of synthesis, analysis, restatement, and critique.”²¹⁹ I thus used my legal training “to organize dispersed, fragmentary, prolix, and rebarbative material.”²²⁰

²¹⁶ Pauline Westerman, “Open or Autonomous? The Debate on Legal Methodology as a Reflection of the Debate on Law,” in Van Hoecke, Mark Van Hoecke, ed, *Methodologies of Legal Research: Which Kind of Method for What Kind of Discipline?* (Hart Publishing, 2011) 77 at 94. Cited by Terry Hutchinson & Nigel Duncan, “Defining and Describing What We Do: Doctrinal Legal Research” (2012) 17:1 Deakin Law Review 83 at 114.

²¹⁷ Hutchinson & Duncan, *supra* note 216 at 101.

²¹⁸ *Ibid* at 107, 108.

²¹⁹ Richard Posner, “In Memoriam: Bernard D. Meltzer (1914–2007)” (2007) 74:2 University of Chicago Law Review at 435.

²²⁰ Posner, *supra* note 219 at 437. Cited by Hutchinson & Duncan, *supra* note 216 at 107.

3.9.1 Language and Translation

Language is a fundamental component of this project because it connects the local site to extra-local institutional sites by organizing people's consciousness. IE presumes that although there is actuality beyond language, people's access to it happens through language.²²¹ For Smith, language is dialogical and inherently social, enabling exchanges between individuals, and it "is made material through texts."²²²

Language and translation have been challenging in my research, especially considering that I conduct my interviews in Spanish and report my findings in English. I have used software which relies on artificial intelligence to translate most of the interviews.²²³ However, I had to go over the transcriptions and translation and edit them in detail: the software was unable to understand the accent of participants frequently – Argentine Spanish with a northern accent –, it did not understand slang, and it did not capture the nuances of the language, the specificities of the context, and those small discursive clues that could let my audience grasp the socio-cultural background of informants. The particularities of one language cannot easily be compressed into another, especially when I do not have training in translation.

The complexities of transcribing and translating interviews are not surprising to IE researchers. Yañez (2018) summarized the shortcomings of "language" in her IE project, which focused on women's experiences with obstetric care in Argentina.²²⁴ The author explains that some

²²¹ Smith, "Institutional Ethnography: A Sociology," *supra* note 1. Smith relies on Bakhtin in understanding language at heart of organizing the social world. Bakhtin understands language as dialogic and happening through "utterances," meaning a word gets meaning in listening and responding to other individuals' utterances. Language is not just a grammatical structure: it is associated with ideology. He uses the notion of "speech genres" to explain that every group has a particular way of using words. Mikhail Mikhailovich Bakhtin, *Speech Genres and Other Late Essays*. Translated by Vern W. McGee (Austin, Texas: University of Texas Press, 1986) at 65.

²²² Stanley, *supra* note 45 at 43.

²²³ I got a Sonix.ai license, thanks to the funds provided by the IDRC Doctoral Research Award. See <<https://sonix.ai/>>.

²²⁴ Yañez, *supra* note 52.

experiences cannot be put into words and “are not yet expressed as extra-institutional or oppositional discourses.”²²⁵ Yañez (2018) cites a quote from Sontag, who explained that “there are ways of thinking that we don’t yet know about.”²²⁶ It is therefore sensible to acknowledge that my ethnographic investigation cannot reach the deepest and most intimate corners of recipients’ lives and their multifaceted subjectivity. I also must admit that abuse and violence are complex phenomena, and I am aware that it eludes my capabilities to capture and analyze them in all their profound and multifaceted intricacies and non-shareable aspects.²²⁷

3.9.2 Writing Strategy

There are two general strategies for presenting interview-based analyses in IE studies.²²⁸ In the first one, the researcher uses “exhibits” of interview excerpts for readers to inspect. In the second one, the researcher uses interview data to produce an analysis in her own voice.²²⁹ For this dissertation, I adopted the first approach, creating “windows” by including quoted excerpts of transcripts within my writing whereby participants can “talk” about their experiences. I develop more on this decision in the introduction to the section *Hooking-in*.²³⁰

3.9.3 Use of Graphs and Photographs

IE projects are meant to be used by ordinary people, knowledge users, stakeholders, and policymakers beyond academia.²³¹ I incorporated photographs, graphs, and maps to add visual

²²⁵ Yañez, *supra* note 52.

²²⁶ Susan Sontag, in Adrienne Rich, *Of Woman Born. Motherhood as Experience and Institution* (New York: WW Norton, 1986) at 283. Cited by Yañez, *supra* note 52 at 75.

²²⁷ Byron J. Good, Mary-Jo DelVecchio Good, Sandra Teresa Hyde & Sarah Pinto, “Postcolonial Disorders: Reflections on Subjectivity in the Contemporary World,” in Mary-Jo DelVecchio Good, Sandra Teresa Hyde, Sarah Pinto & Byron J. Good, eds, *Postcolonial Disorders* (Berkeley: University of California Press, 2008) 1.

²²⁸ DeVault & McCoy, *supra* note 58 at 388, 389.

²²⁹ *Ibid* at 388.

²³⁰ See section 6), “Hooking-in: The Experience of AUH Recipient Women.”

²³¹ Alexa R. Ferdinands, “Reflections on Applying Institutional Ethnography in Participatory Weight Stigma Research with Young Women” (2022) 21 *International Journal of Qualitative Methods*.

interest and present complex notions in a more accessible manner. Ninomiya, Hurley & Penashue (2020) articulate how IE enables knowledge mobilization and that because IE focuses on institutions rather than individuals, it can facilitate debates with stakeholders as they will not feel personally blamed.²³² I hired a local photographer and a graphic designer.²³³ The photographer specialized in anthropological photography and had creative freedom. I met with the photographer virtually to discuss the purpose of the study. I also virtually met with the graphic designer multiple times to refine the graphs and infographics to convey complicated information concisely in a visual, easy-to-follow way that can encourage readers' engagement.²³⁴ I want to note that I blurred all faces in photographs shared by participant women and gatekeepers to protect individuals' identities and also to protect informants. The photographer I hired was responsible for obtaining consent from the individuals he photographed on his end, as he was a contractor.

3.10 Ethical and Methodological Challenges: Limitations of this Dissertation

As I hinted in the sections that precede this, this study has many shortcomings. I worked with non-representative samples. It was challenging to move from ethnographic descriptions to an explication of ruling relations, maintaining the core methodological focus in IE. Because of Covid-19, fieldwork had to be conducted online. The nuances of the language are likely to be lost in translation from Spanish to English. Narrative photovoice was not an engaging method. In the following sections, I will detail the challenges and shortcomings of this dissertation – both at the methodological and epistemological levels–: (a) mistrust and fear of retaliation; (b) being an

²³² Melody E. Morton Ninomiya, Natasha Hurley & Jack Penashue, "A Decolonizing Method of Inquiry: Using Institutional Ethnography to Facilitate Community-Based Research and Knowledge Translation" (2020) 30:2 Critical Public Health 220.

²³³ I want to thank Jissela Noelia Polasek (graphic designer) and José Franciso Malina (photographer) for their work.

²³⁴ For example, research shows we absorb more information from visually stimulating materials than conventional only written material. Lynsey J. Martin, Alison Turnquist, Brianna Groot, Simon Y.M. Huang, Ellen Kok, Brent Thoma & Jeroen J.G.van Merriënboerd, "Exploring the Role of Infographics for Summarizing Medical Literature" (2019) 5:1 Health Professions Education 48.

outsider; (c) finding common ground with women; (d) being an insider and institutionally captured; (e) doing interdisciplinary work and finding a legal audience; (f) researching vulnerable populations; and (g) conducting online research.

3.10.1 Mistrust and Fear of Retaliation

When I conducted preliminary fieldwork in 2016 in Argentina, I noticed a general mistrust of people towards me, which increased their reactivity level, decreased their openness, and made me feel nervous and cautious. At that period, Argentina was under the presidency of Mauricio Macri – a centre-right government – and women were worried that I had a political affiliation related to *macrism*, which tended to support neoliberal policies and that the poor should “help themselves.” Interestingly, in 2016, I also talked to a high-ranking ANSES leader who was hesitant and mistrusted me, even though this person was strongly associated with *macrist* politics.

Institutional ethnographers are accountable for prioritizing informants’ best interests throughout the investigation,²³⁵ which involves making the research experience positive for participants. When I embarked on depth-interviews with recipient women in 2021, I was nervous about recipient women feeling uncomfortable talking with me, which is understandable for vulnerable individuals living in a hostile society.²³⁶ That did not happen. Most women opened up roughly fifteen minutes into the conversation. In the process of obtaining oral consent from informants, I explained to them in detail that I had no political affiliation, that it was my duty to ensure their confidentiality and anonymity, and that they could deny answering questions, leave the interview, and withdraw from the research anytime before publication.

²³⁵ Smith, “Institutional Ethnography: A Sociology,” *supra* note 1.

²³⁶ I was also self-conscious. I feared women would dislike me because I am not religious, for example.

Moreover, I told informants that I was there to learn *from* them, to listen to them, that they were the experts, and that there were no right or wrong answers. Informants felt comfortable, which lowered their reactivity and made the interaction productive and gratifying.²³⁷ Conducting interviews with informants was undoubtedly one of the research stages I enjoyed the most.

3.10.2 An Outsider in Informants' Perspectives of Reality

A researcher is unmistakably an outsider when coming from a different geopolitical location, nationality, class, and racial background. In this project, I talked to informants who shared my origins, nationality, language, and gender. However, even though I shared a sense of cultural identity with most informants, there was a substantial differential along vectors of class and education between myself and informant women.

Being from Chaco, Argentina, and having been educated in its mores reduced the cognitive and emotional effort required to understand a foreign culture. However, I was not a “complete member” of the community, not only because I am an Argentine-Canadian citizen residing in Canada for many years but also because studying the lives of “others” generates a distance. I thus see my work as conducted by someone who is sometimes an insider and, others, an outsider.

I was born in a working lower-class family in Chaco. My mother worked as an elementary school teacher, and my father as an administrative employee in the local hydro company all their lives. The family’s income relied solely on their work. My parents often struggled economically to raise three children. Education was of utmost importance to my parents, so despite the financial hurdles and constraints, my parents prioritized academic performance and enrolled us in various extra-curricular activities.

²³⁷ With a few exceptions. See section 3.8.3, “Interviewing,” at note 138. See section 7.5.1, “Accountability Circuits: Making Sense of Bureaucrats’ Agency,” at note 114.

The difference in literacy, education, and formal training between AUH recipient women with whom I conducted qualitative research was significant. Most informant women were part of the bottom 57% of the Argentine low-income population who did not finish high school,²³⁸ while I was part of the upper 20% of the population that holds a Bachelor's degree and the 1% that holds a Master's degree.²³⁹ I have two Master's degrees and am completing my doctoral degree, which places me in a position of even more privilege than most recipient women informants.²⁴⁰

Differences in economic status and ethnic background were also significant,²⁴¹ although not as substantial as differences in educational background. At first sight, I was part of Argentina's wealthiest 17% of the population, while AUH recipient women were part of the poorest 30%.²⁴² Thus, differences in economic status were considerable – even though I have the modest income of a student and research assistant – which means that there are likely to be differences in our positionality, aspirations, and world views. My accent, the way I talked, the words I used, and my rhythm were differentiating factors. They reminded us that we have different degrees of privilege, even though AUH recipient women and I spoke the “same” Spanish: Argentine Spanish with a northern *chaqueño* accent.

²³⁸ María Cecilia Ibañez, Todo Jujuy, “Radiografía del Secundario: la Tasa de Graduación Sigue Siendo Baja” (21 October 2020) online <<https://www.todojujuy.com/pais/radiografia-del-secundario-la-tasa-graduacion-sigue-siendo-baja-n140834>>.

²³⁹ UniPage, “Education in Argentina. Higher Education” (12 July 2021) online <https://www.unipage.net/en/education_argentina#:~:text=In%20Argentina%2C%20only%2020%25%20of,graduates%20have%20an%20employment%20advantage.>. OECD, Country Note, “Education at a Glance: Argentina (2019),” online <https://www.oecd.org/education/education-at-a-glance/EAG2019_CN_ARG.pdf>.

²⁴⁰ There were exceptions of women who had higher formal education: for example, Isabel and Olivia had a bachelor's degree; Valentina was enrolled in Medicine. Leonor had been enrolled in university but had to drop out. The only illiterate woman I interviewed was Indigenous. See section 11.2.9, Annex “Short Biographies of Informant AUH Recipient Women,” for a short biography of each informant AUH recipient mother.

²⁴¹ See 4.3.1.1, “Presidencia Roque Sáenz Peña, Chaco, in an Unevenly Developed Argentina,” at note 386.

²⁴² C5N, “Cuánto Tiene que Ganar una Familia para Ser de Clase Media” (8 August 2022) online <[https://www.c5n.com/economia/cuanto-tiene-que-ganar-una-familia-ser-clase-media-n22676#:~:text=C%C3%B3mo%20es%20la%20pir%C3%A1mide%20social%20en%20Argentina&text=Clase%20media%20baja%3A%20el%20ingreso,5%25%20de%20las%20familias\).>](https://www.c5n.com/economia/cuanto-tiene-que-ganar-una-familia-ser-clase-media-n22676#:~:text=C%C3%B3mo%20es%20la%20pir%C3%A1mide%20social%20en%20Argentina&text=Clase%20media%20baja%3A%20el%20ingreso,5%25%20de%20las%20familias).>)>

3.10.3 Finding Common Ground with Poor Informant Women

As a female researcher conducting in-depth interviews with poor mothers and enquiring about their daily activities, I can confirm that my gender and relationship status contributed to building rapport with informant women, as most women I interviewed were also divorced/separated/single cis-gender mothers who self-identified as women. Many women I interviewed felt comfortable talking to me about delicate issues such as intimate partner violence, mental health issues, and their frustrations with motherhood. I was not perceived as threatening to informant women; quite the contrary, most of them felt comfortable sharing their worries. This gender advantage in field research strengthens the belief that in order to understand women's experiences, more research should be led by women and for women.²⁴³

Being a mother and divorced made me closer to the women I interviewed. Cassell (1987) argued that children act as a “guarantee of good intentions,”²⁴⁴ which helped me identify common ground with recipient women. For example, women in Focus Group 1 were interested in debunking the myths about “blissful” motherhood, and they sought other women's validation when sharing their feeling of ambivalence regarding the so-called relentless and unconditional maternal affection. Many recipient women explained how motherhood had changed their life in the most trivial and also in the most significant ways, yet informant women had no one to share the negative emotions associated with the experience, as they feared being shamed for the disclosure. Rich (1986) explained that in occidental capitalist societies where care is privatized and falls on women's backs, mothers are not permitted to feel ambivalence, that is, the fluctuation between feelings of joy and anger, affection and bitterness when pondering their own needs over the

²⁴³ Betsy Ettorre, “Women and Substance Use/Abuse: Towards a Feminist Perspective or How to Make Dust Fly” (1989) 12 *Women's Studies International Forum* 593.

²⁴⁴ Joan Cassell, ed, *Children in the Field* (Philadelphia: Temple University Press, 1987) at 281.

mandate to place children's needs above theirs.²⁴⁵ As a mother, I could empathize with women's feelings of having their feelings of ambivalence suppressed or not validated, which according to Rich (1986), characterizes experiences of motherhood in our societies.²⁴⁶

Lilen was another recipient woman who profusely shared her most intimate experiences, and I believe this would not have been the case should she have felt uncomfortable with me. She brought up her experiences with domestic violence, explaining she had recently "separated because of gender violence" [Lilen 00:48:37]. "He came home drunk and always looked for a fight with me; he is very *macho*. He controlled everything I did" [Lilen 00:50:05]. As her narrative continues, Lilen explains that her ex started to "get violent" when she started to gain economic independence. "[H]e always got mad at me because I was collecting it [the AUH]. But I told him the money belonged to the kids" [Lilen 01:06:27]. As a survivor of domestic violence, I could empathize with Lilen's experiences.

Talking to women who suffered violence was an experience that made me face my limits and push my boundaries. Emotionally challenging topics affected what I was capable of documenting empirically. For instance, after reviewing the interviews' recordings, I realized I did not take as many notes during difficult interviews. Instead, I either "froze" or tried to empathize with informants, privileging eye contact over notetaking. As Thomson, Ansoms & Murison (2013), cited by Porras (2018), explain, in violent settings, the research process involves "positive and negative emotions – delight, frustration, anxiety, joy, anger, relief, panic and sadness, to name but a few – that will be experienced daily."²⁴⁷ After analyzing the recordings after the interviews had concluded, I realized that I had missed much data while emotionally and physically drained. I

²⁴⁵ Adrienne Rich, *Of Woman Born. Motherhood as Experience and Institution* (New York: WW Norton, 1986) at 23.

²⁴⁶ *Ibid* at 23.

²⁴⁷ Susan Thomson, An Ansoms & Jude Murison, eds, *Emotional and Ethical Challenges for Field Research in Africa. The Story behind the Findings* (Houndmills: Palgrave Macmillan, 2013) at 3.

put things in perspective and kept in mind that informants experienced distressing, challenging, negative, and extreme emotions daily; that was their reality.

3.10.4 Being an Insider and the Risk of Institutional Capture

As I moved on from the “local” to the “extra-local” sites in the interviewing process, I realized that being an “insider” is also a challenge in data collection and analysis for this IE. Here I relate “being an insider” with what Smith (2005) called being “institutionally captured,” which happens when the researcher resorts to institutional ways of thinking and uses institutional language and categories, subsuming people’s everyday experiences into ruling institutional discourses.²⁴⁸ A researcher is institutionally captured when she applies abstract theoretical formulas to explicate the problematic without examining what people do. It means that “the informant’s account is in institutional terms and is descriptively empty,”²⁴⁹ which restricts the quality of data collection and analysis. For example, this doctoral project started with the notion of “female empowerment,” a descriptively vacuous term that I ditched because it is a floating signifier. Some informants rejected the liberating potential of the notion of “empowerment” and even laughed at it.²⁵⁰

As I move from explicating the local to the extra-local in this dissertation, I think of “institutional capture” as “non-stranger danger”: a risk inherent to being an insider in the institutional discourses and the culture of a particular organization or profession. In fact, many key informants had a background in Law and spoke a lexicon that I have been trained to navigate. As a lawyer and legal scholar, I have been trained to use words that sound sophisticated but tend to erase people’s existence; I have been trained to erase myself from the account as well. As a feminist lawyer, I am more likely to be persuasive with those in a position of power if I follow the rules of

²⁴⁸ Smith, “Institutional Ethnography: A Sociology,” *supra* note 1.

²⁴⁹ *Ibid* at 156.

²⁵⁰ See section 9), “In Lieu of a Conclusion: From Empowerment to Emancipation.”

legal writing, which avoids direct appeals to subjectivity or emotion – seen as being “novice”²⁵¹ – and instead favours objective and logical reasoning – features that early feminists explicitly rejected.²⁵² Instead, I join feminists who add subversive tones into their works through the renaming of legal phenomena, by listening to voices unacknowledged by the law, and through literary devices like irony, paradox, metaphor, sarcasm, poetic voice, and shifting standpoint.²⁵³

Institutional ideological processes produce institutional discourses via texts.²⁵⁴ Ideological refers to “ideology” as used by Marx and Engels in *The German Ideology*.²⁵⁵ It is a practice of reasoning²⁵⁶ that moulds how official accounts are constructed. Smith (1974) explains how ideology works through objectification in three steps: (1) whereby an element of actuality is written up into a text; (2) subsequently, this text is used as authoritative by institutions in representing that actuality and thus is imprinted back onto actuality; and (3) then people’s practices and experiences are subjected to these texts.

Institutions such as the law have distinct underlying ideological schemas that regulate what labels we can give to experience, what gets represented, and what does not.²⁵⁷ Common legal abstractions include simplifications through which complex realities have been turned into abstract categories considered “the facts.” Such concepts include categories such as “rights” and “dignity.” The social organization of law knowledge tends toward objectified accounts and abstract

²⁵¹ K.M. Stanchi, “Feminist Legal Writing” (2002) 39 San Diego Law Review 387 at 390, 396.

²⁵² Ann Oakley, “Science, Gender, and Women’s Liberation: An Argument against Postmodernism” (1998) 21:2 Women’s Studies International Forum 133. Ann Oakley, “Interviewing Women: A Contradiction in Terms,” in Helen Roberts, ed, *Doing Feminist Research*, (London: Routledge & Kegan Paul, 1981) 30. See also Sandra Harding, *supra* note 11 at 3. Barbara DuBois, “Passionate Scholarship: Notes On Values, Knowing and Method in Feminist Social Sciences,” in Gloria Bowles & Renate Duelli Klein, eds, *Theories of Women’s Studies* (London: Routledge, 1983) 105.

²⁵³ Stanchi (2002) reviewed feminist legal research and found that breaking the central rules of conventional legal advocacy could result in research that was both subversive and persuasive. Stanchi, *supra* note 251.

²⁵⁴ Bisailon, *supra* note 91 at 610-611.

²⁵⁵ Marx & Engels, *supra* note 43.

²⁵⁶ Dorothy E. Smith, “Ideology, Science, and Social Relations: A Reinterpretation of Marx’s Epistemology” (2004) 7:4 European Journal of Social Theory 445.

²⁵⁷ See section 3.6.3, “Institution.”

constructs: “things get done, but no one is present to do them.”²⁵⁸ One example is “violence.” Using this word without describing actualities makes it unclear who is doing the violence and receiving it; in this work, however, I keep these constructs descriptively full by drawing from people’s concrete and actual experiences.²⁵⁹

Despite my efforts to avoid institutional capture, I do not entirely abandon using metaphors and nominalizations.²⁶⁰ However, I ensure that they are not descriptively empty. I refer to agents, actions, the “whats,” the “whys,” and the “hows” of experts’ and technocrats’ doings. Guided by Srivastava & Hopwood (2009), I constantly ask myself throughout this work: what institutional discourses might I be taking for granted? What are my weak spots?²⁶¹

3.10.5 Doing Interdisciplinary Work & Finding a Legal Audience

Engaging in interdisciplinary research was challenging, especially in conversations where lawyers had not been especially involved. Debates around the AUH have been developed primarily by economists, sociologists, and political scientists using various methodologies.²⁶² Legal scholarship and education in Argentina – and Latin America – is doctrinal, codified, and formal, conventionally seen as a server of the legal profession inclined to replicate the work of law practitioners, remaining confined to “the black-letter law” tradition. The latter is a doctrinal scholarship involving the “systematic categorization and analysis of legal sources” to expound “the ‘correct’ interpretation of the law in particular contexts.”²⁶³ Thus, legal scholars have seldom

²⁵⁸ Smith, “Institutional Ethnography: A Sociology,” *supra* note 1 at 70.

²⁵⁹ Dorothy E. Smith, “Making Change from Below” (2008) 3:2 *Socialist Studies* 7.

²⁶⁰ Common elements of institutional discourse are nominalizations and metaphors, such as the use of “-tion” words. Nominalizations entails using verbs as nouns. Smith, “Institutional Ethnography: A Sociology,” *supra* note 1 at 70.

²⁶¹ Prachi Srivastava & Nick Hopwood, “A Practical Iterative Framework for Qualitative Data Analysis” (2009) 8:1 *International Journal of Qualitative Methods* 76.

²⁶² See section 2), “Literature Review on Approaches to the AUH Program.”

²⁶³ Paul Chynoweth, “Legal Scholarship: A Discipline in Transition” (2009) 1:1 *International Journal of Law in the Built Environment* at 5-8.

participated in discussions about the AUH, and when they do, they engage with it from its perception as a right or assistance and the view of social rights²⁶⁴ or analyze the procedural aspects of the enactment of the AUH²⁶⁵ and its constitutionality.²⁶⁶

I wanted to focus on neglected rationalities, examine how things occurred, focus on processes rather than on results, and identify which actors were involved in the institution. I chose to intellectually move from focusing on lawyers' immediate concerns to focusing on policy and law-reform considerations, paying attention to society's broader concerns and understanding the law as an instrument for social change.²⁶⁷ It is in this context that I was driven with eagerness to the field of sociology to educate myself in the intricacies and beauty of qualitative research.

However, I was also faced with the challenge of using qualitative methodologies that lawyers have not traditionally used. I am not a sociologist, and I use IE, a methodology that comes from sociology. Sophisticated analysis in IE is complex. However, I had been trained in qualitative research while working as a research assistant on two different projects.²⁶⁸ I also took a graduate course in qualitative research methods in the sociology department as my elective course in the

²⁶⁴ See section 2), "Literature Review on Approaches to the AUH Program," especially see section 2.6, "Law and the AUH."

²⁶⁵ Ana María Bestard, "Asignación Universal por Hijo. Enfoque de Derechos y Marco Constitucional: ¿Por Qué Mediante Decreto de Necesidad y Urgencia?," online <<http://www.derecho.uba.ar/investigacion/investigadores/publicaciones/bestard-asignacion-universal-por-hijo-enfoque-de-derechos-y-marco-constitucional.pdf>>. See section 2), "Literature Review on Approaches to the AUH Program," especially see section 2.6, "Law and the AUH."

²⁶⁶ Horacio Javier Etchichury, "Planned Differences: Argentina's Universal Child Allowance from a Human Rights Perspective" (2018) 7 *Ius Humani, Revista de Derecho* 199. See section 2), "Literature Review on Approaches to the AUH Program," especially see section 2.6, "Law and the AUH."

²⁶⁷ Mathias M. Siems, "The Taxonomy of Interdisciplinary Legal Research: Finding the Way out of the Desert" (2009) 7 *Journal of Commonwealth Law and Legal Education*.

²⁶⁸ I worked as a Research Assistant for a research project on knowledge mobilization (KT/KMb): Ottawa Institutional Research and Impact Study (Ottawa IRIS) at the University of Ottawa. I also worked as a Research Coordinator for Indigenous Research Methodologies under the supervision of Prof. Tricia McGuire-Adams at the Faculty of Education, University of Ottawa.

Ph.D. program.²⁶⁹ Hence, I was eager to challenge myself, ask different questions, discover, and make mistakes.

3.10.6 Where is my Legal Audience?

The following challenge I faced relates to the previous one. I had trouble finding a legal audience for my research. Most lawyers in Argentina do not conduct interdisciplinary research nor use qualitative methodologies; thus, most are not concerned with the specific subject of this dissertation. There is a widespread belief that AUH work is not covered by labour law – a very well-developed area of the law in Argentina – which promotes the idea that AUH recipients’ work is outside the reach of formal law. The AUH is understood as related to rights such as social and economic rights, largely not seen as “justiciable” in Argentina’s legal culture.²⁷⁰ Moreover, due to the characteristics of the Argentine context, progressive and socio-legal scholars work primarily on the consequences of globalization and neoliberal policies, the administration of justice, sexuality and gender identity, childhood rights, violence and crime, grassroots movements, labour rights, migration, and legal education in Argentina, but not on CCTs or social programs.²⁷¹

As suggested above, legal scholarship in Argentina has largely remained formal, analyzing and describing within the more-or-less porous categories of knowledge known as “areas of the law” by focusing on codified legislation, legal theory, and jurisprudence. Therefore, I was often asked, “what kind of law” do I do: Administrative? Constitutional? Labour law? Human rights? Family law? Thus, I understand how this work can be irritating, controversial, allusive, and disconcerting for scholars who work within the boundaries of traditional legal analysis. However, such categorizations do not fit well with how I understand reality or my interests. I always look at the

²⁶⁹ See section 3.8.1, “Talking to People,” at note 158.

²⁷⁰ See section 8.4, “All Legal Roads Lead to Constitutional Law.”

²⁷¹ Manuela G. González & Carlos A. Lista, eds, *Sociología Jurídica en Argentina: Tendencias y Perspectivas* (Ciudad de Buenos Aires: Eudeba, Universidad de Buenos Aires, 2011).

broader “system” but never in search of methodological closure. Instead, I focus on open-ended connections and reject viewing problems in isolation.

I was not interested in only conducting a traditional doctrinal analysis of formal rules within a pre-identified area of the law. I wanted to approach the AUH by analyzing it by de-centring the law and focusing on social problems, in how the law affected people, assisted by other disciplines and methods, including sociology, legal anthropology – to understand informal laws – and some notions developed in critical development studies.²⁷²

The absence of an immediate legal audience I could access was challenging, and I asked myself: Would anyone consider this work relevant to the law? Would I be able to work on related issues after completing my Ph.D.? Thus, in going beyond the black-letter law and using an unorthodox interdisciplinary methodology, I took a chance while pursuing this dissertation.

3.10.7 Dealing with the Ethical Issues Related to Vulnerable Populations

There is an ethical concern when a researcher deals with poor populations, often termed “research with vulnerable populations,”²⁷³ where poverty is seen as an indicator of “vulnerability.”²⁷⁴ Fifty

²⁷² James C. Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven, CT: Yale University Press, 1985). James Ferguson, *The Anti-politics Machine: “Development,” Depoliticization, and Bureaucratic Power in Lesotho* (Cambridge: Cambridge University Press, 1990). Katharine N. Rankin, “Governing Development: Neoliberalism, Microcredit, and Rational Economic Woman” (2001) 30:1 *Economy and Society* 18. Katharine N. Rankin, “Social Capital, Microfinance, and the Politics of Development” (2002) 8:1 *Feminist Economics* 1. Harri Englund, *Prisoners of Freedom: Human Rights and the African Poor* (Berkeley: University of California Press, 2006). Tania Li, *The Will to Improve: Governmentality, Development, and the Practice of Politics* (Durham, NC: Duke University Press, 2007). The development field is interdisciplinary and contested and investigates processes that involve power – material and embedded in knowledge practices – that promote some individuals, groups, communities, actors, and nations and exclude others. It entails critical reflection on the goals of development – such as ending poverty, inequality, and human suffering – and the way it is implemented through policies such as CCTs and ideas such as “female empowerment,” among others. DSAA, “What is Development Studies?” online <<https://www.developmentstudies.asn.au/what-we-do/about/>>.

²⁷³ T. M. Simon Chan, Eli Teram & Ian Shaw, “Balancing Methodological Rigor and the Needs of Research Participants: A Debate on Alternative Approaches to Sensitive Research” (2017) 27:2 *Qualitative Health Research* 260. Virginia Dickson-Swift, Erica L. James, Sandra Kippen & Pranee Liamputtong, “Doing Sensitive Research: What Challenges Do Qualitative Researchers Face?” (2007) 7:3 *Qualitative Research* 327. Pranee Liamputtong, *Researching the Vulnerable* (SAGE Publications, 2007).

²⁷⁴ Summers, *supra* note 168 at 593.

years ago, Nader (1972) famously said we should not study “the poor and powerless because everything you say about them will be used against them.”²⁷⁵ In my perspective, Nader’s (1972) words – applied in the context of my research project – relate to (i) control, dominance, and privilege of the researcher vis-à-vis informants; (ii) the fetishization of poverty; and (iii) the emancipatory possibilities and limitations of research.

3.10.8 Control, Dominance, and Power Differentials

First, as I mentioned above, a power differential exists between informants – impoverished women – and myself as a researcher. I dominate the research and have a degree of privilege concerning AUH recipient mothers, among the most marginalized groups in Argentina along class, racial, and education vectors.²⁷⁶ Many of the informants I interviewed struggled in many ways to meet their basic daily needs. Therefore, it is essential to recognize my privileged position as a student-researcher from Canada: I do not have to worry about my day-to-day subsistence needs, I feel safe in my community, I have the privilege of extensive formal education, and I have had the opportunity, resources, and time to conduct an endeavour of the magnitude of this doctoral project.

I took a diversity of measures to ensure that I was protecting informants’ anonymity and confidentiality: de-identified the data and used pseudonyms, sent consent forms and guiding questions to informants in advance, obtained oral and written consent, allocated time to go over consent in detail at the beginning of each interview, asked informants if they had questions and concerns, and compensated recipient women for their time. However, I can do nothing to improve informants’ conditions of vulnerability substantially.

²⁷⁵ Laura Nader, *Law in Culture and Society* (Chicago: Aldine, 1972) at 18. She argued for anthropologists to study American society instead of other cultures as exotic objects. Nader also explored (in her famous essay “Up the Anthropologist”) how anthropologists could understand their own society by “studying up.” See Laura Nader, “Up the Anthropologist: Perspectives Gained from Studying Up,” in Dell Hymes, ed, *Reinventing Anthropology* (New York: Pantheon Books, 1972) 284.

²⁷⁶ Lincoln, Lynham, and Guba, *supra* note 27 at 118.

Brinkmann & Kvale (2015) distinguish between micro and macro ethics in research, which can be aligned or in tension.²⁷⁷ Microethics refers to the data collection process we often cover when seeking ethics approval as researchers. Macroethics asks us to “consider how the knowledge produced will circulate in the wider culture and affect humans and society.”²⁷⁸ In order to be a reflexive researcher, I consider both in this work.

Thus, it is crucial to admit that “decisions made on the basis of research may have effects on individuals as members of a group, even if individual research participants are protected by confidentiality and anonymity.”²⁷⁹ For instance, these consequences could involve reputational harm to the broader group of informants, in this case, recipient women or State agents. One of the implications of “researching private lives and placing accounts in the public arena”²⁸⁰ is that we appear to claim something about the group that informants are a part of and will thus affect how this group is treated.²⁸¹ Exposing the lives of the poor poses the danger that hostile readers and audiences find any evidence to confirm their biases and the stereotypes they hold about the poor, particularly those who believe poverty is a problem of individual failure.

3.10.9 Fetishizing Poverty

Equally problematic is to romanticize and fetishize the conditions of poverty. Intrinsic to the process of accumulating, analyzing, and consuming data on the poor is the commodification of the Other.²⁸² Commodifying poor people involves transforming their experiences into commodities

²⁷⁷ Svend Brinkmann & Steinar Kvale, *InterViews: Learning the Craft of Qualitative Research Interviewing* (SAGE Publications, 2015) at 353-356.

²⁷⁸ Brinkmann & Kvale, *ibid* at 167. Cited by Summers, *supra* note 168 at 595.

²⁷⁹ British Sociological Association, *BSA: Statement of Ethical Practice* (2017) online <https://www.britisoc.co.uk/media/24310/bsa_statement_of_ethical_practice.pdf>.

²⁸⁰ Melanie Mauthner, Maxine Birch, Julie Jessop & Tina Miller, *Ethics in Qualitative Research* (SAGE Publications, 2002) at 1. Cited by Summers, *supra* note 168 at 598.

²⁸¹ Summers, *supra* note 168 at 598.

²⁸² Per-Anders Forstorp, “Fundraising Discourse and the Commodification of the Other” (2007) 16:3 *Business Ethics: A European Review* 286.

that can be exchanged, disseminated, and accumulated. Unfortunately, this transaction's material and symbolic gains are not equally distributed because they are amassed mainly by me as the researcher. For example, this research might increase my quality of life: I use it to complete a degree, publish research, and disseminate my work, which would likely further my career, help me earn social esteem, and improve my living standards materially and symbolically. Ultimately, the power dynamics between researcher and informants are unbalanced. That being said, it does not mean that poor people are without agency; frequently, they have strong survival and adaptation skills, cleverly navigating a multiplicity of social norms to their benefit.²⁸³

However, idealizing the poor is being complicit with their oppression.²⁸⁴ Pine (2008) warns against a morbid celebration of street violence and from providing an affable explication of the human misery witnessed by the researcher.²⁸⁵ As Bourgois (2003) reflects, we should avert at any cost the voyeuristic celebration of the survival strategies of the poor, who live lives plagued by fear, instability, lack of trust, and sometimes resentment.²⁸⁶

Feminist legal authors have also emphasized the importance of not stereotyping women – and people – as either naïve victims or evil perpetrators but instead embracing nuance and complexity. Stereotypes about the “perfect” victim abound in law, especially in criminal law: myths that broadly classify women in categories without any nuance as helpless, passive victims or malevolent deviant criminals.²⁸⁷ We should resist categorizations of people that fall into these

²⁸³ See section 6.14, “The Rule of Avoiding Retaliation at all Costs.”

²⁸⁴ Philippe Bourgois, *In Search of Respect: Selling Crack in El Barrio* (New York: Cambridge University Press, 2003). Adrienne Pine, *Working Hard, Drinking Hard. On Violence and Survival in Honduras* (California: University of California Press, 2008). Marie-Eve Sylvestre, “Policing Disorder and Criminalizing the Homeless in Montreal and Rio de Janeiro: A Critique of the Justifications of Repression in Law and Practice” (2007) Dissertation, Harvard Law School, Cambridge, MA.

²⁸⁵ Pine, *supra* note 284 at 31.

²⁸⁶ Bourgois, *supra* note 284 at 208.

²⁸⁷ Elena Larrauri, “Cinco Tópicos sobre las Mujeres Víctimas de Violencia ... y Algunas Respuestas del Feminismo Oficial,” in Laurenzo, Maqueda & Rubio, eds, *Género, Violencia y Derecho* (Ciudad Autónoma de Buenos Aires: Editorial Del Puerto, 2008).

artificial and detrimental categories instead of seeing them in light of their humanity and complexities as multidimensional beings that do not necessarily comply with those standards.

Danieli & Woodham (2007) ask: “what if the views of the ‘marginalized’ are also marginalizing?”²⁸⁸ Wilkinson (2008) argues that we are responsible for describing things as they happen and not according to what and how we would like things to happen.²⁸⁹ I was convinced that describing the lives of vulnerable people as I perceived them was the right way of doing things. To think about real solutions, we need transparent and honest explications of what is happening on the ground and reject sugar-coating agendas. For instance, I rejected the idea of sanitizing AUH recipient women’s negative portrayals of other women they described as “*luchonas*,” even though such stereotypes further stigmatize all women who are welfare recipients.

Additionally, I was careful not to generalize sporadic cases of women’s struggle that would give the reader the misleading impression that there exists massive resistance against white capitalist patriarchy from below. For instance, two recipient mothers, Olivia and Leonor, admitted to creating their own collective “circles” to share their experiences and improve their situation.²⁹⁰ However, these cases were infrequent, and romanticizing such instances pushes us away from finding real solutions. In short, when in doubt about whether my descriptions reflected what I perceived or what I wanted the situation to be, I remembered Gloria Steinem’s famous quote: “The truth will set you free, but first it will piss you off!”²⁹¹ It served as a compass to remind me that discomfort and uneasiness are part of the research process.

²⁸⁸ Ardha Danieli & Carol Woodhams, “Emancipatory Research Methodology and Disability: A Critique” (2005) 8:4 *International Journal of Social Research Methodology* 281.

²⁸⁹ Cai Wilkinson, “Positioning Security and Securing One’s Position: the Researcher’s Role in Investigating Security in Kyrgyzstan,” in C. R. L. Wall & P. P. Mollinga, eds, *Field Work in Difficult Environments: Discussing the Divergence between Theory and Practice* (Berlin, Germany: Lit Verlag, 2008) 43 at 60.

²⁹⁰ See section 1), “Introduction.”

²⁹¹ Gloria Steinem, *The Truth Will Set You Free, But First It Will Piss You Off! Thoughts on Life, Love, and Rebellion* (Random House, 2019).

3.10.10 Emancipatory Potential and Limitations of Research

Finally, Nader's (1972) famous phrase about research on the poor being used against the poor made me reflect on research's emancipatory potentials and limitations.

It was during a sociology class that I first heard the assertion that most researchers in that discipline were more focused on studying poverty than privilege and that it was problematic.²⁹² As the story goes, famous sociologist Goffman's last words were: "we should have studied the rich."²⁹³ My first visceral and instant cognitive reaction was to think: wait, are we supposed to study the rich? Will the rich *also* gather researchers' attention, besides all the other resources they already possess? Of course, I now understand that studying "up" is also valuable for a variety of reasons and that the motivations behind researching "up" or "down" are not adversarial but rather inquisitorial, aimed at understanding better in order to challenge unequal power structures.²⁹⁴

However, it took me some time to understand that my irritation with this idea was a consequence of my own biases: I do not like those who unfairly accumulate wealth to the detriment of most, and I am biased toward the idea of seeing "research" as something positive that involves the distribution of resources and intellectual pursuit. However, research can injure informants, exacerbating and perpetuating dynamics of inequalities and further marginalizing vulnerable populations if we do not question the "what" and the "why" of what we do. Such questions call for a reflection on the ethical implications of researching the poor and not the rich.

²⁹² See section 3.8.1, "Talking to People," at note 158.

²⁹³ "Whether or not the rumour is true, the wry disappointment, the acknowledgement of a missed opportunity, continues to haunt the social sciences today... And yet, the lived experiences of the wealthy – as well as how they earn and maximize their wealth – often remains inscrutable, veiled from investigation thanks to the rich shielding themselves and their money through gated enclaves or offshore tax havens." Linsey McGoey, "The Elusive Rentier Rich: Piketty's Data Battles and the Power of Absent Evidence" (2017) 42:2 *Science, Technology & Human Values* 257 at 257.

²⁹⁴ For example, Harrington conducted an ethnography of wealth management and explained that this type of research is important to understand and challenge the power of the wealthy. Brooke Harrington, *Capital without Borders: Wealth Managers and the One Percent* (Harvard University Press, 2016).

My decision to study the poor is part of a broader ethical dilemma. I can shortly anticipate that, as researchers, we are damned if we study the poor, and we are damned if we do not. Ignoring poverty can be callous indifference. Studying the poor can end up objectifying the poor, fetishizing poverty, and marginalizing already vulnerable populations. “Studying disadvantage [is] often motivated to further the interests of the wider group ..., yet ... risks ... exacerbating negative experiences ... amongst participants ...”²⁹⁵ By contrast, “studying advantage frequently bolsters the positive identities or experiences of ... participants, even as the research findings challenge or subvert the interests of their group.”²⁹⁶

However, as Summers (2020) summarized, “it is at least ethically ambiguous that the researcher is piggybacking on low-income participants having aspects of their private lives disclosed.”²⁹⁷ Of course, as I mentioned in the previous section, for many informants – particularly marginalized women – interviews were experienced cathartically as a chance to share their experiences and be validated. Nevertheless, framing interviews as therapeutic distorts the purpose of research, blurs the boundaries in the relationship between informant/researcher, and poses ethical challenges to the extent that I am a researcher and not a counsellor.²⁹⁸

I am explicitly motivated by pursuing social justice, highlighting neglected voices, and understanding how different policy interventions might ameliorate the conditions of poverty. Nevertheless, it remains the case that vulnerable informants had to share aspects of their lives that may have been upsetting for some of them. For instance, AUH recipient women were asked to share parts of their identities that are highly stigmatized in contemporary Argentine society for this

²⁹⁵ Summers, *supra* note 168 at 593.

²⁹⁶ *Ibid* at 593.

²⁹⁷ *Ibid* at 597.

²⁹⁸ Maxine Birch & Tina Miller, “Inviting Intimacy: The Interview as Therapeutic Opportunity” (2000) 3:3 *International Journal of Social Research Methodology* 189. Kelly R. Rossetto, “Qualitative Research Interviews: Assessing the Therapeutic Value and Challenges” (2014) 31:4 *Journal of Social and Personal Relationships* 482 at 486. Summers, *supra* note 168 at 597.

research, including being poor, unemployed, and receiving social security benefits. By contrast, if I had researched the rich and privileged, they would have been asked to engage with identities that are revered in our societies during the interview. I believe that it is not possible to significantly surmount these structural constraints in the course of a research project.

Additionally, this IE of the AUH can be challenged because there are many other standpoints besides that of AUH recipient women on which I focus.²⁹⁹ For instance, the standpoint of fathers who receive the AUH would enter the frame of a rounded investigation yet remain beyond the scope of this IE of the AUH. It is true that men remain primarily absent in understandings of empowerment,³⁰⁰ which, as Cornwall & Rivas (2015) explain, offer images of women devoid of men in their lives instead of altering how women and men interact.³⁰¹ Indeed, gender is relational, some masculinities are stigmatized, and we must move away from the zero-sum way of thinking about gender issues.³⁰² On the other hand, men are excluded from this study for methodological³⁰³ and normative reasons. I am motivated by a normative concern to undo the privileges of those advantaged. Men are in a situation of privilege relative to women in our patriarchal societies, and I am more inclined to challenge that power than bring them into the study. Secondary and tertiary intervention that target abusive men to stop VAW is essential. Studying systems of privilege that sustain men's power is necessary. However, it is also crucial to give space

²⁹⁹ See section 3.6.1, "Standpoint."

³⁰⁰ Sylvia Chant, "The 'Feminization of Poverty' and the 'Feminization' of Anti-Poverty Programs: Room for Revision?" (2008) 44:2 *Journal of Development Studies* 165 at 184. See also Maxime Molyneux, "Conditional Cash Transfers: A 'Pathway to Women's Empowerment'?" (2008) 5 *Pathways to Empowerment Brief IDS Research Paper*. Sarah Bradshaw, "From Structural Adjustment to Social Adjustment: A Gendered Analysis of Conditional Cash Transfer Programs in Mexico and Nicaragua" (2008) 8:2 *Global Social Policy* 188.

³⁰¹ Andrea Cornwall & Althea-Maria Rivas, "From 'Gender Equality' and 'Women's Empowerment' to Global Justice: Reclaiming the Transformative Agenda for Gender and Development" (2015) 36:2 *Third World Quarterly* 396 at 407.

³⁰² Chant, *supra* note 300 at 182-184.

³⁰³ Cultural norms related to gender may restrict the information men may be willing to share with me, because I am a woman. Moreover, men who receive the AUH are a notoriously difficult to find group as they comprise the minority of those who cash the AUH.

for those voices who have been historically marginalized – women – that I have decided to prioritize in this study. Feminist concerns about further ceding spaces for men are understandable in a world where men take up most of the space. I thus oscillate between rationalizing the need to include masculinities, on the one hand, and the desire to provide and create spaces for women only, on the other hand. Both pragmatism and resentment co-exist, but the fact is that interviewing recipient men is beyond the scope of this work, and I have decided to allocate limited resources to give more space to women’s narratives.

Finally, Nader’s (1972) warning about not researching the poor made me think about the emancipatory potential of research. It points toward a normative question: what might be done? What can research do to change the dynamics of inequality if anything? I studied the poor partly because I believe that research has emancipatory potential: it can contribute to alleviating and improving – even if minimally – the conditions of disadvantaged individuals and communities by questioning taken-for-granted detrimental hierarchies. In Smith’s (1974) thinking, the researcher can be seen as a consciousness-raiser.³⁰⁴ Nichols & Ruglis (2021) believe that consciousness-raising is key to IE because it creates opportunities for people to “mak[e] sense of their lives and experiences.”³⁰⁵ Even though Smith sees people as expert knowers of their own lives, the extra-local is not immediately intelligible and can only be accessed by investigation.”³⁰⁶

Stanley (2018) argues that ideas about the researcher as a kind of consciousness-raiser are dated and should be rejected because “there seems no good reason to suppose that women and

³⁰⁴ Smith was moved by the consciousness-raising practices of second-wave feminism in Canada and saw IE as an alternative to a white male-dominated sociology that objectified people. In second-wave feminism, white women learned from each other by speaking “from themselves and their experience.” Smith, *supra* note 92 at 215. Ferdinands, *supra* note 231 at 2.

³⁰⁵ Naomi Nichols & Jessica Ruglis, “Institutional Ethnography and Youth Participatory Action Research: A Praxis Approach,” in P. C. Luken & S. Vaughan, eds, *The Palgrave Handbook of Institutional Ethnography* (Springer Nature Switzerland, 2021) 527 at 547.

³⁰⁶ Smith, “The Everyday World as Problematic,” *supra* note 92 at 151-154.

other people who are not sociologists have difficulties in grasping the extralocal...”³⁰⁷ I agree with Stanley (2018) in that women are capable of grasping relations of ruling; however, contrary to Stanley (2018), I believe in the consciousness-raising value of the researcher’s work. The researcher spends resources for a specialized investigation that would exceed most people’s capabilities of spending that amount, intensity, and variety of resources, such as time, labour, money, and training. I am confident in saying that none of the informants I interviewed – except the scholars, perhaps – had the time, financial resources, know-how, interest, or training to interview fifty-eight informants, review thousands of pages of transcripts and translations, coordinate and arrange interviews, analyze data, and write hundreds of pages, coupled to the years of training and education that preceded this project. Recognizing the value added by a specialized IE investigation does not mean that informants cannot comprehend ruling relations.

Nevertheless, it is essential to note that consciousness-raising practices have been criticized for excluding poor racialized women and other historically disadvantaged groups.³⁰⁸ Indeed, one of the shortcomings of this project is that many population groups were not represented; for example, it only included one Indigenous woman, all women were cis-gendered, and most were heterosexual and able-bodied, which means there is a need for future research. I should have taken a more inclusive approach to recruitment, using language that would also invite Indigenous women. Regrettably, I did not fully realize this until the later stages of the research.

Ultimately, I studied vulnerable populations because I believe research has the potential to contribute to progressive change. Such belief is ultimately a choice that has to do with how I understand the meaning of existence. Accepting the existence of oppressive structural forces and

³⁰⁷ Stanley, *supra* note 45 at 105.

³⁰⁸ Cherrie L. Moraga & Gloria E. Anzaldua, *This Bridge Called My Back: Writings by Radical Women of Color* (State Univ. of New York Press, 2015).

the inevitability of mortality every so often drives me to believe that it may be all pointless and that by discussing marginalization over overpriced drinks with colleagues in conference hotel bars, I am reinforcing the mechanisms that oppress the vulnerable people I research. I fear their stories will be written in this work, considered a novel contribution, but ultimately forgotten.

However, ultimately and eventually, we will all be forgotten, gone. Camus is attributed to saying, “Should I kill myself or have a cup of coffee?”³⁰⁹ Every day I wrote this dissertation during the last years of my doctoral path, I decided to have a cup of coffee – actually, half a litre of *mate* – and write. Unconsciously or not, this choice is a normative, value-laden decision. However, I must admit I agree with philosopher Duncan (2011), whom I paraphrase when saying that admitting that existence is meaningless does not mean we are prevented from experiencing it meaningfully.³¹⁰ The alternative option is to be paralyzed by the unbearable lightness of being.

I struggle with my undoubtedly naïve desire for more significant social change resulting from this project. A pervasive structural problem such as poverty and inequality cannot change overnight through a doctoral dissertation but requires redistribution of resources, decommodification of social services, a shift in societal thinking, and a multi-faceted approach that includes taking assets from the rich and putting them in the hands to the poor. However, I found some solace in the fact that this project is meaningful and has an impact, even if minimal. Even though I had no means to substantially better informants’ situations, for many people I interviewed, sharing their life stories was significant. At the end of an interview, for instance, Ruth, a mother who receives the AUH, told me:

³⁰⁹ The quote was popularized by the book “The Paradox of Choice” by American psychologist Barry Schwartz. Barry Schwartz, *The Paradox of Choice: Why More Is Less* (Eco, 2004).

³¹⁰ Glen Duncan, *The Last Werewolf* (Vintage, 2011) at 119.

I am very grateful to you. The truth is that when I read about the research project, I loved it, because the truth is that there is a need for research on the AUH program and everything that surrounds it. And it would be good to continue doing and research obviously to be able to improve the whole system. So again, it was a pleasure talking to you; the pleasure is mine. The truth is that I felt very comfortable, so good [Ruth 01:13:48].

I will end this section by pointing out that implicit arrogance is a challenge in using any theoretical approach. By becoming a “consciousness-raiser,” in Smith’s terms, one presumes the responsibility of communicating unequal dynamics of power to the general public. Thus, it suggests an implicit power asymmetry with the individual who disagrees with recognizing oppression. She might be taken as suffering from “false consciousness” in that her mental representations of the social relations around her systematically conceal realities of subordination. It is ethically problematic to treat people as non-agentic victims or ignorant actors, especially when vulnerable people often lack access to the resources available to us as researchers to publicly contest whatever we claim – such as professional networks and publishing venues.

On the other hand, I fear that not critically analyzing structures of inequality that constrain our agency, paraphrasing Walters (1996), “tends toward a voluntarism that ignores the multiple, felt, structural determinations on people’s everyday existence.”³¹¹ Suggesting that behaviours are voluntaristic and self-creating is politically petrifying and demobilizing and is helpful to those who benefit from subjugation. The structures that oppress most to the benefit of a few are complex to explicate, but they are not entirely undetectable. If we do not strive to problematize them, our responses to complex problems will be superficial and unrealistic.

³¹¹ Suzanna Danuta Walters, “From Here to Queer: Radical Feminism, Postmodernism, and the Lesbian Menace (Or, Why Can’t a Woman Be More Like a Fag?)” (1996) 21:4 *Signs: Journal of Women in Culture and Society* 830 at 841.

I started conducting interviews more than a year after Covid-19 was declared a pandemic which means that informants were somehow used to navigating technology to communicate with others while keeping social distance and had been working from their homes. AUH recipient mothers had navigated the challenges posed by the virtual schooling of their children; informants explained that the pandemic forced them to understand and use technology so that their children could have access to education. For example, women said it was typical for children's teachers to send homework via WhatsApp.

Fortunately, all recipient women had access to a cellphone and Wi-Fi, and most of them had access to a computer.³¹⁴ All informants used their computers for the interviews, except for two informant women – Lilen and Aurora – who used their mobile phones instead. Two recipients admitted sharing the Wi-Fi networks to split the bill with neighbours or utilizing the neighbours' signal. Out of the fifty-eight interviews, there were glitches in the network connection and communication interruptions only four times: during the interviews with recipient mothers Aurora and Isabel, and with a psychologist with expertise in VAW, and an elementary school principal. In the case of the interview with Aurora, I had to restart the interview three times and was forced to cut it short due to the substandard quality of the network signal. With Isabel, the interruptions were minor. I was forced to interrupt the interview with the VAW expert psychologist due to bad connectivity, but she was interested in rescheduling and talking to me, so we did for the following day. With the elementary school principal, we were interrupted approximately three times during the interview due to the video lagging and "freezing." As well, the fact that recipient women had to allocate their technological devices – computers and mobile phones – for their children's virtual schooling meant that they could not be interviewed during conventional working hours but rather

³¹⁴ Except AUH recipient mother Anahí, who required her daughter's help to navigate technology even though she did have access to a cellphone.

later during the day or during the weekends when their children were not using the devices and women had available time.

By the time I started conducting online interviews with informants for my doctoral project, I had participated as a research assistant in the IRIS project, and part of my work was helping conduct qualitative online interviews with key informants.³¹⁵ I also had experience transcribing and cleaning interviews as a research assistant for the Faculty of Education.³¹⁶ These experiences helped me feel more confident in my skills to conduct online “fieldwork.” Unfortunately, I did not have the chance to travel to Argentina, conduct participant observation, and meet informants in person, as I had done when conducting preliminary research.

However, to my solace, I was confronted by the fact that, provided I kept the focus on people’s accounts of their experiences, virtual methods should not be an impediment. I remember Smith’s words, her methodological straightforwardness and her desire to go back to the basics, to “be done with speculation and all this crap” and “start with actual people, their actual work.”³¹⁷ During the interviews, I could hear informants’ voices and experiences to the extent that experience “is in how people talk, the categories they use... and in what is taken for granted in their talk, as well as in what they can talk about.”³¹⁸ Thus, I maintained the same paradigm and style of interviewing I would have followed provided I had been able to be in person in the field.

Given the – physical – distance between informants and me, I had anticipated it would be harder to build rapport. However, informants also felt less intimidated and had a greater sense of personal space and control over their sites, as well as a sense of privacy and comfort, given that the interviews took place while they were in their own homes or familiar places. Moreover, women

³¹⁵ See section 3.10.6, “Where is my Legal Audience?,” at note 268.

³¹⁶ *Ibid.*

³¹⁷ Carroll, *supra* note 19 at 16.

³¹⁸ Smith, “Comment on Hekman’s ‘Truth and Method’,” *supra* note 196 at 394.

with caregiving responsibilities did not have to travel, commute, spend money on transportation, or seek someone to look after their children for the interview. Indeed, the location of the interviews for different informants involves ethical considerations the researcher must consider. Marginalized participants are frequently interviewed in public spaces such as *cafés*, libraries, or community centres; they are being hosted and ceding control. Interviews with the advantaged informants often occur in their office: they often host and thus remain in control.³¹⁹

It would have been unlikely to interview marginalized informants in *cafés* or public libraries in Chaco. Community centres are uncommon, libraries are spaces where silence must be kept and do not offer private rooms, and *cafés* are generally regarded as “posh” spaces frequented by people with disposable income, which is intimidating for poor informants. Because of cultural norms, the appropriate behaviour for me as a researcher would have been to visit informants at their homes or offices. These would have put AUH mothers in a burdensome position, as it is considered polite to clean and prepare the house to receive visits – even a researcher – and be hospitable, sharing *mates* with the guest. It would have increased recipients’ burdens. In short, the choices about location can perpetuate or challenge the constraints informants face, and online methods permit a more comfortable interviewing process.

3.11 Justification of Terminology Choices for this Dissertation

I will briefly explain why I use specific terms for this dissertation, including “recipient” women, “program,” “the poor,” “violence against women,” “bureaucrats,” and “technocrats.”

³¹⁹ Hannah Mason-Bish, “The Elite Delusion: Reflexivity, Identity and Positionality in Qualitative Research” (2019) 19:3 Qualitative Research 263 at 268.

3.11.1 Recipients, not “Beneficiaries”

In this work, I do not use the word “beneficiary” to refer to women who receive the AUH. I refer to women who receive the AUH as “recipients,” “recipient mothers,” or “recipient women.” I sometimes also refer to these informants as “poor women,” “mothers,” “poor mothers,” or “AUH mothers/women/recipients.”³²⁰ I rejected the signifier “beneficiaries,” which was regarded as derogatory and pointed out to me by two scholars I interviewed – scholars Mateo and Simona. To some extent, I felt ashamed, as I had used that term profusely during my comprehensive exams, research proposal, and other papers I had written during my doctoral path. “Beneficiary” is to be avoided as it refers to understanding the AUH as a transitory benefit or *asistencialismo* or “charity” from the State and society to the poor. As Simmel & Jacobson (1965) argue, charity is not a socialist project; it does not aim to close the gap between rich and poor but accepts and reifies it.³²¹

On the other hand, I noticed that recipient women themselves often used the term “beneficiaries,” which was the second most used term by recipients themselves to refer to mothers who cash the AUH – themselves and others – after the term “moms” (*las mamás*). I was thus confused. After much deliberation, I decided to ditch the word “*beneficiarias*,” not only because it did not reflect what the AUH was but also because I was going to meet criticism and contempt among other scholars and colleagues. In a way, it was also an “ideological” decision. I thus use the word “*receptoras*,” which translates as “recipients,” though it could also be interpreted as “addressees” (*destinatarias*).

In the literature about the AUH written in Spanish, it is common to come across the use of the word “*titular*,” which has a marked legal connotation in Argentine Spanish, and it is commonly

³²⁰ One colleague suggested I refer to recipient women using the same terms consistently. I reflected upon this suggestion but ultimately decided not to do so as I prefer using a diversity of designations.

³²¹ Georg Simmel & Claire Jacobson, “The Poor” (1965) 13:2 Social Problems at 459.

used in legal jargon: a “titular” is simultaneously a holder and subject of rights, the one who “has” the right. A *titular* would be the holder, owner, bearer, or tenured. It did not translate well to English; for this reason, I refer to “legal recipients” when trying to convey the notion of *titular*. Zehringer (2020) explains that Kirchnerist policies at the time the AUH program was institutionalized “conceived and nominated the subjects not as beneficiaries but as rights holders, as opposed to the precepts derived and promoted by multilateral credit organizations.”³²² I do agree with the view that AUH recipient women are subjects of rights and rights holders. However, I am uncomfortable using such terms to describe recipients because, as I will show in this dissertation, there is a gap between the formal law and what happens in women’s lives. Thus, I do not want to use a term that may serve to mask and romanticize what happens on the ground.

3.11.2 Woman, Women

In this dissertation, I use the words “woman” and “women.” Smith (1997), referring to the women’s movement, pointed out that “when we assembled as ‘women’ and spoke together as ‘women,’ constituting ‘women’ as a category of political mobilization, we discovered dimensions of ‘our’ experience that had no prior discursive definition.”³²³ But...what is “woman/women”?

Feminists in myriad disciplines often ask “the woman question” to recognize the gender repercussions of norms and practices that might seem objective or impartial.³²⁴ I recognize that what “woman”³²⁵ entails is contested in the literature: feminist scholars have extensively criticized

³²² Pilar Arcidiácono, Gustavo Gamallo & Angeles Bermúdez, *A 10 años de la Asignación Universal por Hijo: Debates sobre la Política Social No Contributiva*, 1st Ed (Ciudad Autónoma de Buenos Aires: Mario Rodolfo Filipini, 2020) at 168, online <<https://www.dspp.com.ar/wp-content/uploads/DSP-2003010-Debates-01.pdf>>.

³²³ Smith, “Comment on Hekman’s ‘Truth and Method’,” *supra* note 196 at 394.

³²⁴ Katharine T. Bartlett, “Feminist Legal Methods,” in Katharine T. Bartlett & Rosanne Kennedy, eds, *Feminist Legal Theory Readings in Law and Gender*, 1st Ed (New York: Routledge, [1990] 2019) at 371.

³²⁵ Meyer (2016) explains that the term “woman” as used in CEDAW means gender performance, anatomical, biological, genetic, and/or gender identity. Elise Meyer, “Designing Women: The Definition of ‘Woman’ in the Convention on the Elimination of All Forms of Discrimination Against Women” (2016) 16:2 *Chicago Journal of International Law* at 556.

this supposed uniformity of women's experiences³²⁶ because it obscures differences among women in terms of race, class, and sexual orientation, among others; it privileges white women; and it parts from a problematic unified notion of women and of the subject.³²⁷ As Kapur (2012) argues, the "emphasis on the commonality of women's experience" is "a slippery slope where it can easily slide into" essentialism.³²⁸ The problem with monolithic categories is that they stigmatize those who do not fit into them and isolate already vulnerable women, such as poor women of colour or Indigenous women. However, Snitow (1989) explained the paradox of embracing while dismantling the category of women: "how to use the category 'women' to take the category apart; how to be a woman, and make claims for women, without having that identity overdetermine one's fate?"³²⁹

I agree with Bartlett (1990) that despite the complications, the category of women remains helpful in "analyz[ing] and improv[ing] our world,"³³⁰ provided we remain critical and aware of the discrepancy of experiences and the hazards of categorizing. Thus, I use the term "women" to emphasize the gendered nature of violence experienced by informants and to acknowledge that in the cases discussed for this research, all informants self-identified as women and were perceived by other members of society as cis-gendered women.³³¹

³²⁶ Karen Engle, "International Human Rights and Feminisms: When Discourses Keep Meeting," in Doris Buss & Ambreena Manji, eds, *International Law: Modern Feminist Approaches* (Hart Publishing, 2005) 47. Chandra Talpade Mohanty, "Under Western Eyes: Feminist Scholarship and Colonial Discourses," in Chandra Talpade Mohanty, Ann Russo & Lourdes Torres, eds, *Third World Women and the Politics of Feminism* (Indiana University Press 1991) 51 at 70.

³²⁷ Bartlett, *supra* note 324 at 834, 835.

³²⁸ Ratna Kapur, "Un-Veiling Equality: Disciplining the 'Other' Woman through Human Rights Discourse," in Anver M. Emon, Mark Ellis & Benjamin Glahn, eds, *Islamic Law and International Human Rights Law* (Oxford University Press 2012) 265 at 276.

³²⁹ Snitow, "What's in a Name: Denise Riley's Categorical Imperatives" (1989) *Voice Literary Supplement* at 36. Cited by Katharine T. Bartlett, "Feminist Legal Methods" (1990) 103:4 *Harvard Law Review* 829.

³³⁰ Bartlett, *supra* note 324 at 835.

³³¹ See section 3.11.2, "Woman, Women."

Even though I may not be able to transcend the categories, signifiers, and cultural boundaries in which I have been trained to think about the world, if I remain critical, I might be able to stretch the available ways of thinking and find alternative solutions. Paraphrasing Barlett (1990), I hope that when in the dissertation I err on the side of ethnocentrism, oversimplifying, and homogenizing complex experiences, I will be corrected where I fail, “and that no failures, or corrections, will ever be deemed final.”³³²

3.11.3 Violence Against Women and Gender-Based Violence

In this work, I explicate gender-based violence against women and prefer to use the term “violence against women.” “Gender-based violence” (GBV) and “violence against women” (VAW) communicate similar ideas and are frequently used interchangeably.³³³ Nevertheless, some differences between the notions affect survivors, care providers, and policymakers.

GBV is more comprehensive than “violence against women.” It is broadly understood as violence directed against a person because of their gender.³³⁴ The advantage of this term is that it is more inclusive than VAW and points to the fact that violence is rooted in unequal power relations because “gender” is a relational concept.³³⁵ For instance, GBV encompasses violence experienced by gender non-conforming people and men. VAW is more precise than GBV in that it only pertains to people who identify as women. Most GBV is inflicted on women by men. Thus,

³³² Bartlett, *supra* note 324 at 836.

³³³ This issue of notions that refer to “women” or “gender” in the feminist development agenda has been summarized by Rathgeber (1990) through three phases in the development discourse: Women in Development (WID), Women and Development (WAD), and Gender and Development (GAD). The WID approach in the seventies is a liberal feminist view that emphasizes equality of employment and economic participation but ignores the heterogeneity of “women.” The WAD approach does not substantially address power differentials either. The GAD originated as a socialist-feminist approach in the eighties, focusing on structures that sustain differentials. Eva M. Rathgeber, “WID, WAD, GAD: Trends in Research and Practice” (1990) 24:4 *The Journal of Developing Areas* 489 at 493,494.

³³⁴ COFEM Secretariat Blog, “Is all Violence Against Women also Gender-Based Violence (GBV)?”, online <<https://cofemsocialchange.org/violence-against-women-gender-based-violence/>>.

³³⁵ Nora Nagels, “Gender, the World Bank, and Conditional Cash Transfers in Latin America” (2021) 23:5 *International Feminist Journal of Politics*, online <<https://doi.org/10.1080/14616742.2021.1895862>> at 16.

GBV and VAW overlap. VAW helps emphasize that women are the group most affected by GBV and helps target resources to survivors and generate awareness on the issue of GBV.

The violence that AUH recipient women suffer is gender-based violence against women, that is, “violence that is directed against a woman because she is a woman or that affects women disproportionately.”³³⁶ I use the term “VAW” rather than “GBV.” I prefer the specificity of the term VAW, that it fits this work best as all informants who suffer violence identified as women, that it draws attention to the problem that this violence is committed overwhelmingly against women, and that it is not a “watered down” or de-politicized term.

During The 1995 Beijing Conference³³⁷ – which indicated a turning point for the global agenda for women’s empowerment and gender equality –, human rights activists pushed for the use of the terminology related to the word “gender” to emphasize how the androcentric world was created by unequal structural power relations between men and women that privileged men.³³⁸ A women’s rights activist, COFEM³³⁹ member, and participant at the Beijing Conference explained that they “pushed really hard for gender inequality to be recognized at the Conference; gender mainstreaming was the primary mechanism used ...[and] in order to work with institutions and in political environments, feminists had to sanitize and play nice.”³⁴⁰

“Playing nice” required using GBV as a broader term beyond VAW. The latter is “a flawed approach to addressing violence [because] although violence against men and boys can have gendered dimensions, it does not stem from structural gender-based inequality, which is the root

³³⁶ Council of Europe, *The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), November 2014, ISBN 978-92-871-7990-6, online <<https://www.refworld.org/docid/548165c94.html>> at article 3.

³³⁷ “The Fourth World Conference on Women: Action for Equality, Development and Peace” was the conference convened by the United Nations during 4-15 September 1995 in Beijing, China.

³³⁸ COFEM Secretariat Blog, *supra* note 334.

³³⁹ The Coalition of Feminists for Social Change (COFEM) online <<https://cofemsocialchange.org/about-cofem/>>.

³⁴⁰ COFEM Secretariat Blog, *supra* note 334.

cause of violence against women and gender-based violence.”³⁴¹ In short, even though GBV is a broader term, it is less specific and such lack of specificity can be read as de-politicizing.

3.11.4 Victims, Survivors

Another terminology that raises controversy is that which refers to “victims” and “survivors.” I use both indistinctively in this work to refer to the AUH recipient women who have suffered violence. I also sometimes refer to “women who suffered/experienced violence.” All terms have advantages and drawbacks. Of course, it is vital to understand and respect each individual’s experience and how they identify themselves.

Some prefer the term “survivor” because it implies that those who experience violence have a life beyond violence. Thus, the term “survivor” is considered empowering because it emphasizes agency and the resilience of a person to overcome experiences of violence.³⁴² However, the term “survivor” excludes those who have not survived.³⁴³ In addition, most victims suffer from trauma and remain emotionally reactive to the trauma caused by violence for a long time, sometimes indefinitely.

Other commentators prefer the term “victim” to focus on the impacts of the perpetrator’s actions on the lives of those who suffer the violence.³⁴⁴ The term “victim” is gender inclusive, distinguishes straightforwardly those who suffer violence from those who perpetrate it, and discursively emphasizes vulnerabilities – necessary to avoid romanticizing resistance. It contributes to facilitating accountability for perpetrators by shifting framing the act of violence as

³⁴¹ COFEM Secretariat Blog, *supra* note 334.

³⁴² Melisa N. Handl, “Mujeres Abusadas que Matan: una Mirada de Género a la Legítima Defensa y al ‘Síndrome de la Mujer Golpeada’ en el Derecho Canadiense desde el Caso ‘R v. Lavallee’” (2020) *Revista Jurídica Austral*, online < <https://riu.austral.edu.ar/handle/123456789/1208>>.

³⁴³ Linda C. Neilson, *Enhancing Safety: When Domestic Violence Cases are in Multiple Legal Systems (Criminal, Family, Child Protection) A Family Law, Domestic Violence Perspective*, 2nd Ed (Department of Justice Canada, 2013) online < <https://www.justice.gc.ca/eng/rp-pr/fl-lf/famil/enhan-renfo/index.html> >. Handl, *supra* note 342.

³⁴⁴ Neilson, *supra* note 343. Handl, *supra* note 342.

a passive incident to an active violation of consent by a perpetrator who must be held accountable.³⁴⁵ In short, I use the terms “survivor,” “victims” and “women who have been abused/have suffered violence” interchangeably, as each of these terms have their advantages and also create exclusions.

3.11.5 Marginalized and The Poor

Anthropologist Correia (2017) unpacks the concept of marginality in her ethnographic work on the AUH because “when the term marginal is left unquestioned, it makes it so that certain people and places are irrelevant... or unwanted additions to more valued lives and processes.”³⁴⁶ Correia reminds us that “1) people are made marginal, not marginal intrinsically, and that 2) marginality is a designation made from a certain position and point of reference” because it assumes an epicentre.³⁴⁷ Correia cites Perlman (2010)³⁴⁸ to advocate for using verbs such as “excluded,” “exploited,” “repressed,” and “stigmatized” rather than stating that people are naturally outside of the system.

As VAW expert Lola explained, “we like to say women are *vulneradas*, not *vulnerables*.” In Spanish, “*vulnerar*” means to cause damage to someone. The adjective “*vulneradas*” (*made vulnerable*) means that women are those who suffer the actions of those who exert violence on them. It emphasizes that women are resilient and not inherently vulnerable or weak. Instead, their susceptibility is created and perpetuated by broader structures and systems of oppression. Informants at various corners of the AUH institutions reiterated the importance of semantics in

³⁴⁵ Neilson, *supra* note 343 at 344. Handl, *supra* note 342.

³⁴⁶ Justine Correia, “Relations that Make the AUH Work: Understanding Argentina’s Conditional Cash Transfer Program” (2017) Master’s Dissertation, Dalhousie University, Halifax, Nova Scotia, online <<https://dalspace.library.dal.ca/xmlui/bitstream/handle/10222/73234/Correia-Justine-MA-SocialAnthropology-August2017.pdf?sequence=1&isAllowed=y>> at 21.

³⁴⁷ Correia, *supra* note 346 at 21.

³⁴⁸ Janice Perlman, *Favela: Four Decades of Living on The Edge in Rio de Janeiro* (Oxford; New York: Oxford University Press, 2010) at 150. Cited by Correia, *supra* note 346.

speaking and identified it as having a role in creating positive change. Many informants kindly corrected my use of vocabulary and suggested terms and lexicon that would better reflect the emancipatory goals of my research endeavours. Informants' accounts suggested that grammatical habits of speech lead to habits of mind.³⁴⁹

Another term I use is “the poor” as a broad collective of destitute people. I do not use or understand the term “the poor” as a despective signifier, and I preserve it as informants referred to themselves and others as “*los pobres*” (the poor). Other words informants used were “*los humildes*” (*the humble ones*). For instance, Indigenous AUH recipient mother Anahí referred to poor Indigenous people like herself as “*los humildes*,” which translates from the Spanish, figuratively, like those of an unprivileged background (the poor). However, literally, “*humilde*” translates as being submissive, respectful, not-arrogant, modest.³⁵⁰

³⁴⁹ Another antiquated term that was no longer used by activists and scholars was that of “child” (*niño*). In Spanish, the default word for “child” is a masculine noun, and its use is frowned upon. Instead, *niñe/niñes* (in “inclusive” gender-neutral language) was preferred by those informants embedded in social justice struggles. Moreover, the preferred term to refer to “children” is now “*infancias*,” which translates as “*childhoods*.” It is now recognized that “it is necessary to stop thinking of a universal, unique, and homogeneous model of childhood.” Thus, the plural *infancias* “allows accounting for their diversity, dimensions, and complexities” of childhoods because they are “different according to gender, age, origin, ethnicity, religion, culture and living conditions.” Defensoría de Niñas, Niños y Adolescentes de la Provincia de Santa Fe, “16 de agosto: Día de las Infancias” (14 August 2020 online <<https://www.defensorianna.gob.ar/novedades/noticias/16-de-agosto-dia-de-las-infancias-3476#:~:text=Por%20eso%2C%20emplear%20el%20plural,y%20ni%C3%B1es%20quepan%20en%20ellas.>>

³⁴⁹ Alejandro López & Florencia Tola, “Qom (Tobas) y Moqoit (Mocovíes). Antiguas y Nuevas Andanzas por el Gran Chaco,” in Silvia Hirsch & Axel Lazzari, eds, Ministerio de Educación y Deportes de la Nación, *Pueblos Indígenas en la Argentina: Hhistorias, Culturas, Lenguas y Educación, 1st Ed* (Ciudad Autónoma de Buenos Aires: Ministerio de Educación y Deportes, 2016) online <<http://www.bnm.me.gov.ar/giga1/documentos/EL005239.pdf>> at 25.

³⁵⁰ Nevertheless, in the Indigenous Qom community, being “humble” has a different meaning. Instead of an anthropocentric vision of the world, in the Qom culture, it is essential to treat the land and all beings with humility. For example, the Qom awaken the compassion of the land and of the spirits that own the animals through an explicit submissive attitude that explains their needs, such as hunger. Anahí thus positions herself and her people as “the humbles” in their relationship with the State. López & Tola, *ibid* at 26.

In order to identify the poor, we need to refer to the ontological,³⁵¹ epistemological,³⁵² and aetiological³⁵³ assumptions we make about poverty.³⁵⁴ Indeed, who the poor are differs under diverse schools of thinking. The decision of how to study poverty raises several fundamental philosophical disputes, such as whether or not social reality exists free from human interpretation; whether there is an ordinary social reality common to all humans or just myriad context-specific realities; and whether or not generalizable rules govern the social. I cannot refer in detail to these debates in this work due to space constraints. However, I can mention that if I were to take an economic approach to identify “the poor” in Argentina, I would conceive poverty as a material outcome considered independently from its causes. In this empirical work that follows ethnographic approaches, people’s notions of poverty come to be visible *ex-post*, that is, after an inquiry into power relations and people’s experiences.

Debates and policies around poverty in Argentina are based on measuring poverty based on a national poverty line quantified using a Cost of Basic Needs (CBN) method. It proposes that welfare can be conveyed in monetary terms (or “utility”).³⁵⁵ It often focuses on a household as a stable unit that produces and spends.³⁵⁶ Poverty is understood as a deficiency of inputs required to satisfy minimum food and non-food needs. For example, in Argentina, the CBN is known as the “*canasta básica*” to evaluate poverty and indigence.³⁵⁷ In turn, the CBN is divided in “*canasta*

³⁵¹ Ontology refers to the presumed underlying being of the social world. Sam Jones & Inge Tvedten, “What Does it Mean to be Poor? Investigating The Qualitative-Quantitative Divide in Mozambique” (2019) 117 *World Development* 153 at 153.

³⁵² Epistemology refers to knowledge about social reality, what can be known about it, and what constitutes admissible data. Jones & Tvedten, *supra* note 351 at 153.

³⁵³ Aetiology refers to how is poverty is produced and perpetuated. Jones & Tvedten, *supra* note 351 at 153.

³⁵⁴ *Ibid* at 153.

³⁵⁵ Martin Ravallion, “Poverty Lines In Theory And Practice” (1998) World Bank Living Standards Measurement Study Working Paper at 30. Jones & Tvedten, *supra* note 351 at 155.

³⁵⁶ See for example, Thomas Juster, ed, *Education, Income, and Human Behavior* (National Bureau of Economic Research: 1975) 233.

³⁵⁷ Instituto Nacional de Estadística y Censos [INDEC], *Canasta Básica Alimentaria y Canasta Básica Total: Preguntas Frecuentes, 1st Ed* (Ciudad Autónoma de Buenos Aires: Instituto Nacional de Estadística y Censos, 2020) online < https://www.indec.gob.ar/ftp/cuadros/sociedad/preguntas_frecuentes_cba_cbt.pdf>.

básica alimentaria”³⁵⁸ (CBA, or “basic food basket”) and “*canasta básica total*”³⁵⁹ (CBT, or “total basic food basket”). The CBA is used in Argentina to establish the indigence threshold line, known as extreme poverty.³⁶⁰ The CBT is used to establish the poverty line, which means that those who make less than the CBT established value for a given period are considered “poor” for statistical purposes.³⁶¹ That means that, as of October 2022, the “poor” in Argentina are those households³⁶² making less than AR \$139,738 – approximately CAD \$1112.80 – per month. The extreme poor are those making less than AR \$62,106 – roughly CAD \$494.42– per month.³⁶³

What I understand by “poverty” and “the poor” does not follow a general conventional economic approach. Ontologically, the focus of economics approaches is predicting outcomes, whereas this IE focuses on unfolding processes.³⁶⁴ The CBN approach is common in neoclassical economics, which has an ontological focus on the utility-maximizing individual,³⁶⁵ understands society as composed of individuals who freely make transactions with others, and addresses the economy as a constant and self-standing system which tends to a stable state if there are no

³⁵⁸ The CBA is composed of a series of macro-nutrients that cover the monthly kilo-caloric and protein requirements of a male between thirty and sixty years of age. These foods are chosen on the study of the consumption habits of the population, as per the National Household Expenditure Survey conducted by INDEC. The basket includes meats, fruits, vegetables, bread, milk, noodles, rice and alcoholic and non-alcoholic beverages, among others. Manuel Tarricone, “Qué es la Canasta Básica Alimentaria del INDEC y Cómo se Compone” (24 January 2020) online <<https://chequeado.com/el-explicador/que-es-la-canasta-basica-alimentaria-del-indec-y-como-se-compone/>>.

³⁵⁹ The Total Basic Food Basket (CBT) includes non-food goods and services (clothing, transportation, education, health, for example). Tarricone, *supra* note 358.

³⁶⁰ INDEC, *supra* note 357 at 17.

³⁶¹ As of October 2022, the value of a Total Basic Food Basket for a family of four is AR \$139,738. Instituto Nacional de Estadística y Censos [INDEC], “Condiciones de Vida. Valorización Mensual de la Canasta Básica Alimentaria y de la Canasta Básica Total. Gran Buenos Aires” (2022) 6:212 Informes Técnicos, online <https://www.indec.gob.ar/uploads/informesdeprensa/canasta_11_22189425F24C.pdf>.

³⁶² Considering a household composed by a total of four family members. INDEC, *supra* note 361.

³⁶³ *Ibid.*

³⁶⁴ Isha Ray, “Outcomes and Processes in Economics and Anthropology” (2006) 54:3 Economic Development and Cultural Change 677. J. Allister McGregor, Andrew McKay & Jackeline Velazco, “Needs and Resources In The Investigation of Well-Being in Developing Countries: Illustrative Evidence from Bangladesh and Peru” (2007) 14:1 Journal of Economic Methodology 107.

³⁶⁵ Tony Lawson, “The Nature of Heterodox Economics” (2005) 30:4 Cambridge Journal of Economics 483. Tony Lawson, “What is this ‘School’ Called Neoclassical Economics?” (2013) 37:5 Cambridge Journal of Economics 947.

exogenous shocks.³⁶⁶ By contrast, my approach is not that poverty is traceable to individual behaviours. What being poor means has a lot to do with power, people's practices, and the meaning people attribute to it. People "are always acting in a world of structural constraints and possibilities that they did not produce"³⁶⁷ but contribute to actively reproducing and creating with others.³⁶⁸

In short, first, I do not reduce poverty to a person commanding economic resources and do not focus on *who is poor* as a state of being without interrogating how they came to be there.³⁶⁹ I do not provide a "count" of the poor. As illustrated for Presidencia Roque Sáenz Peña by the local understandings of poverty and various structural constraints that entrap people in misery, poverty is entangled in local, wide-ranging, complex social relations that defy stable quantification on an ex-ante basis.

Second, I do not adhere to an etic epistemology to understanding poverty; unlike economic approaches, the validity of my data does not rely on intersubjective observability of "hard" evidence by third-party observers, such as examining comparable external indicators – such as the amount of food consumed– without attending to the meanings people make.³⁷⁰ By contrast, my approach prioritizes intersubjective perceptions of the poor and the unequal circumstances under which socioeconomic processes unfold.³⁷¹

³⁶⁶ Jones & Tvedten, *supra* note 351 at 163.

³⁶⁷ Roy Bhaskar & Mervyn Hartwig, *Enlightened Common Sense: The Philosophy of Critical Realism* (London: Routledge, 2006). Cited by Jones & Tvedten, *supra* note 351 at 161.

³⁶⁸ Loïc Wacquant, "Symbolic Power and Group Making: on Pierre Bourdieu's Framing of Class" (2013) 13:2 *Journal of Classical Sociology* 274 at 277.

³⁶⁹ Quantitative approaches are useful because they allow seeing patterns in deficient consumption and its variations through time and space, and statistics help tracking progress, such as regarding the SDGs. Jones & Tvedten, *supra* note 351 at 162.

³⁷⁰ Quantitative approaches describe material deficits and estimate consumption by using aggregates and indicators, which may help policymakers make decisions and target specific groups of the vulnerable. However, alone these approaches cannot illuminate or challenge the dynamics of inequality that take place in Argentina. Jones & Tvedten, *ibid* at 162.

³⁷¹ See section 3.8.2, "Note on Sampling in IE," at note 169.

Aetiologically (how poverty is re-produced), while quantitative approaches focus on causation and probabilistic regularity,³⁷² I do not define poverty as an outcome separate from its underlying causes. My goal through this investigation is not to predict poverty on the consideration of *ex-ante*-determined conditions to count the poor but to visibilize the constellation of forces or mechanisms that tend to underpin social differences. Thus, causes and effects and “objective” and “subjective” facets of wellbeing are not easily disentangled. For instance, for the poor in Presidencia Roque Sáenz Peña, the most significant indications of extreme poverty are being unable to afford *calzados* (footwear) for their children and relying on plastic as a roof and ceiling of their dwellings. They show an absolute scarcity of economic means, and the first one – the inability to afford shoes for children – may lead to further marginalization and abject poverty because it is considered to violate what it means to be a good parent and member of the community.

3.11.6 Bureaucrats and Technocrats

Finally, I would like to note that I do not use the terms “bureaucrat” and “technocrat” pejoratively. I use the term “bureaucrat” to refer to a person who works in “an organization with formal procedures and standards, typically having a clear division of labour, explicit rules, and a hierarchy of authority.”³⁷³ Of course, the term “bureaucrat” is not without its controversies. It was coined by Vincent de Gournay to describe over-regulation in government that impedes trade and is often portrayed negatively.³⁷⁴ Weber (1947) understood bureaucracies as “the most striking case, the most crucial phenomenon of the modern Western state” and saw society as moving toward the

³⁷² Experimental and quasi-experimental research methodologies are popular in development economics and focus on causality, probabilistic, and statistical techniques. Jani Erola, “Why Probability has not Succeeded in Sociology” (2010) 44:1 Sociology 121. Paul Shaffer, “Two Concepts of Causation: Implications for Poverty” (2015) 46:1 Development and Change 148.

³⁷³ Kenton Bell, “Bureaucracy,” Open Education Sociology Dictionary (2013) online <<https://sociologydictionary.org/bureaucracy/>>.

³⁷⁴ *Ibid* at 373.

rationalism and compliance privileged in bureaucracies.³⁷⁵ Finally, as with any other institution, “some bureaucracies perpetuate inequalities of race, class, and gender.” I will illustrate this topic later in this dissertation.³⁷⁶

I use the term “technocrat” to refer to a technically trained person with expertise in a particular topic who believes that social problems can be solved by applying technologies. Due to the influence of the technocracy movement in the 1930s, technocracy was defined as “government by technical decision-making.”³⁷⁷ McDonnell & Valbruzzi (2014) recognize a technocrat as that one with “non-party political expertise which is directly relevant to the role occupied in government.”³⁷⁸ Njálsson (2005) distinguishes between technocrats, econocrats, and bureaucrats.³⁷⁹ The author understands “technocrats” as experts in a technical field with a degree or experience in engineering;³⁸⁰ econocrats as those with a background in commerce and economics; and bureaucrats as a flexible category with people from diverse backgrounds, such as social scientists and legal experts.³⁸¹ I use the term “technocrats” more loosely, focusing on the expertise of the person in question and not on the background. A bureaucrat will be a technocrat if she has technical knowledge and expertise in a particular field.

3.12 How is the Law Deployed in this Work?

My materialist legal approach aligns with SRF and focuses on women’s oppression within capitalism.³⁸² It highlights that formal legal equality alone is unable to attain meaningful change.

³⁷⁵ Max Weber, *The Theory of Social and Economic Organization* (Oxford: Free Press, 1947) at 337.

³⁷⁶ Diana Kendall, *Sociology in Our Times, 8th Ed* (Belmont, CA: Wadsworth, 2011) at 194.

³⁷⁷ Norman Abjorensen, *Historical Dictionary of Democracy* (Rowman & Littlefield Publishers, 2019) at 359.

³⁷⁸ Duncan McDonnell & Marco Valbruzzi, “Defining and Classifying Technocrat-led and Technocratic Governments” (2014) 53:4 *European Journal of Political Research* 654.

³⁷⁹ Gunnar K. A. Njálsson, “From Autonomous to Socially Conceived Technology: Toward a Causal, Intentional and Systematic Analysis of Interests and Elites in Public Technology Policy” (2005) 108 *Theoria: A Journal of Social and Political Theory* 56.

³⁸⁰ Njálsson, *supra* note 379 at 75.

³⁸¹ *Ibid* at 76.

³⁸² See section 3.5, “Theoretical Framework: Social Reproduction Feminism.”

Engaging with the State in combatting VAW is problematic because the violence that recipient women suffer is legally constructed and accentuated by the State, though women resist. I contribute to the socio-legal scholarship by pointing toward the possibilities and paradoxes of the role of the law, human rights discourse, and the role of the State.

3.12.1 Towards a Non-Essentialist Take on Law

“The Law” is not a free-floating “thing,” something whose essence can be captured in the abstract. Following Smith, I am working with a non-essentialist notion of the law, away from an “abstract conceptual plane;”³⁸³ indeed, I am not concerned with describing the law as a conceptual category nor trying to depict its supposed “Truth” in one single definition.³⁸⁴ I agree with legal pluralist Tamanaha (2000) in that “law is whatever people identify and treat through their social practices as ‘law’ ... determined by the people in the social arena through their own common usages, not in advance by the social scientist or theorist.”³⁸⁵

Instead of focusing on essentialist and formalistic ideas of the law, I place informants’ norm-generating activity within discussions on legal pluralism and informal laws. Here it is worth mentioning the theoretical contributions of Scandinavian feminist legal authors who rejected to begin any analysis “with preconceived legal concepts from above”³⁸⁶ rather than beginning from women’s lived experiences to comprehend their legal positions.³⁸⁷ Scandinavian feminists arrived

³⁸³ Marie Campbell, “Dorothy Smith and Knowing the World We Live in” (2003) 30:1 Journal of Sociology and Social Welfare 3 at 8.

³⁸⁴ Mariana Valverde, *Laws Dream of a Common Knowledge* (Princeton: Princeton University Press, 2003) at 8, 9.

³⁸⁵ Brian Z. Tamanaha, “A Non-Essentialist Version of Legal Pluralism” (2000) 27:2 Journal of Law and Society 296 at 313. A challenge to legal pluralism is who and how many people must recognize a phenomenon as law for it to be considered such. I follow Tamanaha (2020, 319) in that such decision will be made arbitrarily but not unreasonably. “Transient or idiosyncratic identifications of law” would not be included. Responding to this challenge, however, will be highly contextual.

³⁸⁶ Karin Widerberg & Anne Hellum, “Tove Stang Dahl – An Appreciation” (1993) 2:4 Social & Legal Studies 371 at 372.

³⁸⁷ Jenny Morgan & Regina Graycar, *The Hidden Gender of Law* (Leichhardt, Australia: Federation Press, 1990). Petersen (1992) also enquired into informal and formal law; this is an approach consistent with my research endeavour.

at the same realizations as legal anthropologists and sociologists, who explained that the absence of formal law does not equal a “normative vacuum”³⁸⁸ because other relevant norms impact women’s legal positions.³⁸⁹

Joining legal pluralists, I use ideas established in legal anthropology, a field that has addressed notions of law in a broader way than modern legal doctrine, and also understand as law normative orders established within non-State societies and informal, unwritten norms.³⁹⁰ These ideas originated in legal anthropology and legal theory allow me to transgress the idea of “modern law”³⁹¹ to understand better and improve women’s legal positions and lives.

In this dissertation, I de-centre the law from the start, focus on the everyday, and refer to “ruling apparatuses” rather than “The Law.”³⁹² Rose & Valverde (1998) argue that we must eliminate the assumptions that problems necessarily originate within the law if we are to “analyse

Hanna Petersen, “On Women and Legal Concepts: Informal Law and the Norm of Consideration” (1992) 1:4 Social & Legal Studies 493

³⁸⁸ John Griffiths, “What is Legal Pluralism?” (1986) Journal of Legal Pluralism and Unofficial Law 24 at 34.

³⁸⁹ Sandra Harding, *The Science Question in Feminism* (New York: Cornell University Press, 1986).

³⁹⁰ Griffiths, *supra* note 388. Sally Falk Moore, *Social Facts and Fabrications: Customary Law on Kilimanjaro, 1880-1980* (New York: Cambridge University Press, 1986). Peter Fitzpatrick, “Law and Societies” (1984) 22:1 Osgoode Hall Law Journal 115. Boaventura De Sousa Santos, “Law: A Map of Misreading. Toward a Postmodern Conception of Law” (1987) 14:3 Journal of Law and Society 279. Boaventura De Sousa Santos, *Toward a New Legal Common Sense. Law, Globalization, and Emancipation* (London: Butterworths. LexisNexis, 2002). Boaventura De Sousa Santos, “The future of the World Social Forum: The Work of Translation” (2005) 48: 2 Development 15. Boaventura De Sousa Santos & César A. Rodríguez Garavito, eds, *Law and Globalization from Below. Towards a Cosmopolitan Legality* (Cambridge: Cambridge University Press, 2005). Gunther Teubner, “Legal Pluralism in World Society,” in Gunther Teubner, ed, *Global Law without a State* (Dartmouth, Aldershot: Ashgate Publishing Company, 1997). Tamanaha, “A Non-Essentialist Version,” *supra* note 385. Paul Bohannan, “The Differing Realms of the Law” (1965) 67:6 American Anthropologist 33. Patricia Ewick & Susan Silbey, *The Common Place of Law: Stories from Everyday Life* (Chicago: The University of Chicago Press, 1998). Sally Engle Merry, “Legal Pluralism” (1988) 22:5 Law and Society Review 869.

³⁹¹ Broadly speaking, “modern law” is understood as State-enacted, universal, uniform, and formal, different than all other normative systems (including morals and ideological systems), issued and sanctioned within the structure of the Nation-State. Marc Galanter, “The Modernization of Law,” in Myron Weiner, ed, *Modernization. The Dynamics of Growth* (New York and London: Basic Books, 1966). This sacralized form of law was described as the most critical instrument and the way for the nation-State to achieve progress. Griffiths, *supra* note 388 at 8.

³⁹² Rose & Valverde (1998) use the term “legal complex” instead of the “Law” to refer to “the assemblage of legal practices, legal institutions, statutes, legal codes, authorities, discourses, texts, norms and forms of judgement.” Smith refers to “ruling apparatuses” as “those institutions of administration, management, and professional authority, and of intellectual and cultural discourses, which organise, regulate, lead and direct, contemporary capitalist societies.” Nikolas Rose & Mariana Valverde, “Governed by Law?” (1998) 7:4 Social & Legal Studies 541 at 542. Smith, “Texts, Facts and Femininity,” *supra* note 16 at 2.

the ways in which problems form at the intersection of legal and extra-legal discourses, practices and institutions.”³⁹³ The empirical research of critical scholars, legal anthropologists, and sociologists, among others, on the workings of law in everyday contexts has challenged the law’s one and only “Truth,” investigating uncomfortable realities of people’s daily experiences with the law, always interconnected to extra-legal processes, discourses, and practices.³⁹⁴ I join their voices and challenge the idea that law should be reduced to official legal instruments produced by or recognized by the State. Thus, I turn away from the official, dogmatic, recognized “sites of legal reason, and turn towards the minor, the mundane, the grey, meticulous and detailed work of...”³⁹⁵ the workings of institutions that suppress women’s knowledges.

Smith did not theorize about what the law is. However, Smith’s work contributed to the armoury of tools available to feminist legal scholars through the ideas of ruling relations,³⁹⁶ ideology,³⁹⁷ and texts.³⁹⁸ For Smith, ruling relations cannot be reduced to imposing rules from above in a formalistic, top-down technocratic manner: “they rely on people knowing how to take them up and act in the appropriate manner.”³⁹⁹ As Campbell & Gregor (2002) explain, “some elements of ruling arise formally and explicitly through legally binding discourses.”⁴⁰⁰ Among these binding elements of ruling in the AUH, I identified the AUH Decree 1602/09, Law 24,714, ANSES resolutions, constitutional and administrative law provisions, family law about parental responsibility, human rights law, and provisions in regards to the protection of women against violence and on access to justice.⁴⁰¹ However, “often ruling appears less explicitly as people

³⁹³ Rose & Valverde, *supra* note 391 at 545.

³⁹⁴ See the brilliant work of Ewick & Silbey, *supra* note 390. Engle Merry, “Legal Pluralism” (1988), *supra* note 390.

³⁹⁵ Valverde, “Laws Dream of a Common Knowledge,” *supra* note 384 at 13.

³⁹⁶ See section 3.6.2, “Ruling Relations, Institution, and Texts.”

³⁹⁷ See section 3.10.4, “Being an Insider and the Risk of Institutional Capture,” at notes 255 and 256.

³⁹⁸ See section 3.6.5, “Holding Texts Dear.”

³⁹⁹ Campbell & Frances, *supra* note 6 at 33.

⁴⁰⁰ *Ibid* at 41.

⁴⁰¹ See section 8), “Extending & Mapping Cartographic Laws: Fantastic Rights and Where to Find Them.”

consult their own understandings of prevailing and dominant discourses and act accordingly.”⁴⁰²

In this work, these less explicit ruling discourses – which I refer to using Smith’s idea of ideological codes (consensus vocabulary, taken-for-granted discourses that replicate in society) –⁴⁰³ include narratives such as the AUH child-centred ideology, the privileging of formal employment and contributory systems, the deservingness of the poor, the role of poor mothers in the fight against poverty, and the importance assigned to “responsible mothering.”⁴⁰⁴ These codes are part of a plurality of “normative orders not attached to the State which nevertheless are law.”⁴⁰⁵ The analysis of interviews and empirical observations in this work show that there exist patterns of normative behaviour (informal law) which refer to wider and less formalistic conceptions of normative phenomena. For instance, the ruling relations of the AUH accomplish a specific organization of what happens in women’s lives and their families. No particular determinate legal authority oversees how women do this work within their household, but informants know and learn what they should and should not do to remain in the program.

Of course, a mother may withdraw from the program. A mother would escape the imposition of verifying the conditionality in such a case and would not be punished by a specific authority. Nevertheless, she will be judged irresponsible because the AUH stipend is primarily regarded as “for the children,”⁴⁰⁶ and a “good mother” would not deny their children the possibility of receiving the AUH. This is how informal laws establish how a mother knows she is not doing

⁴⁰² Campbell & Frances, *supra* note 6 at 41.

⁴⁰³ See section 7), “Activating: Operators’ and Frontline Workers’ Accounts.”

⁴⁰⁴ See section 7.6.2, “The AUH, Ideological Circles, and the Social Organization of Facticity.” Other ideological discourses included the political incorrectness of criticizing the legality of the AUH from a progressive viewpoint, such as from the field of social work. Data showed the reluctance of social workers to criticize the AUH because it is deemed a historical debt from the State to the poor.

⁴⁰⁵ Tamanaha, “A Non-Essentialist Version,” *supra* note 385 at 298.

⁴⁰⁶ See section 6.15, “Obstetric Violence against AUH Recipient Women,” at note 213.

an adequate job of helping her children escape poverty.⁴⁰⁷ The AUH ruling discourses – which include the legal apparatus – structure these relations, and mothers accept the legitimacy of their responsibility because they see themselves as good mothers who care about their children. There is no explicit awareness of how the AUH transfers the responsibility of combatting poverty to poor mothers, even though it requires informants’ active involvement.

3.12.2 So...Is the Law Merely an Instrument of Domination?

Different scholars have responded to the question of whether the law is only an instrument for domination in myriad ways. Althusser (1971) argued that diverse State apparatuses impose the “ruling class” ideology.⁴⁰⁸ Hay (1976) believes that law is the primary ideological instrument “by which the many submit ... to the few,”⁴⁰⁹ serving the powerful to dominate the poor because of “unquestioned common sense” that drives the actions of the powerful.⁴¹⁰ In my opinion, the law can be a powerful instrument of ruling because it is an authoritative discourse that enjoys institutionalized legitimacy. As an authorized discourse, it has definitional privileges over other discourses. However, my findings showed that the law is not *only* an instrument of domination because sometimes informants used the law, specifically the language of rights, as an emancipatory terminology that allowed them to channel their dreams and concerns.⁴¹¹ Thus, in this dissertation, I conceptualize resistance⁴¹² by recognizing that even though certain powerful actors – such as high-ranking technocrats or representatives of the State – have easier access to legal discourses

⁴⁰⁷ See section 7.6.1.2, “Mothers are Less Irresponsible, Spend More on Food, and Spend More Time with Children than Men.”

⁴⁰⁸ Louis Althusser, “Ideology and Ideological State Apparatuses” (1971) *Lenin and Philosophy and Other Essays*: 121-176.

⁴⁰⁹ Douglas Hay, “Property, Authority and the Criminal Law,” in *Albion’s Fatal Tree: Crime, and Society in Eighteenth Century England* (New York: Pantheon Books, 1976) at 26.

⁴¹⁰ John Beattie, Jim Phillips, James Muir & Douglas Hay, “Symposium on Property, Authority and the Criminal Law” (2006) 10 *Legal History* at 31.

⁴¹¹ See section 9), “In Lieu of a Conclusion: From Empowerment to Emancipation.”

⁴¹² See section 6.10.1, “Erasing Financial Abuse and Economic Violence.”

that shape the social world, they never exercise a total monopoly over norm-setting and meaning-making practices. Indeed, they co-exist in a pluralistic realm where other narratives contest prevailing understandings of justice, including recipient women's narratives.⁴¹³

Some academics see the law as necessary for building a more just society; they focus on the law's meaning-building nature.⁴¹⁴ Other scholars inquire about violence but do not explicate the connection between law and domination.⁴¹⁵ Critical theorists remind us that law is violent in a multiplicity of ways: in its objectifying epistemology, how it represents peoples' actualities, how it deploys language, denies specific experiences, and silences particular perspectives.⁴¹⁶ For example, feminist legal scholars focused on the legal regulation of motherhood and reproduction.⁴¹⁷

Cover (1986) argued that the meaning-creating aspect of the law should not divert us from the fact that it "takes place in a field of pain and death."⁴¹⁸ As Sarat (2018) put it, "law without violence is unthinkable, yet if law were to be no more than violence it would not be law at all ... But the violence on which law depends always threatens the values for which law stands."⁴¹⁹ Cover

⁴¹³ Winslade (2019) explains that counter-narratives illuminate alternative ways of doing. John Winslade, "Can Restorative Justice Promote Social Justice?" (2019) 22:3 Contemporary Justice Review 280. According to Medina (2018), counter-narratives produce epistemic fractures, which can also be the objective of resistance. Jose Medina, *The Epistemology of Resistance: Gender and Racial Oppression, Epistemic Injustice, and Resistant Imaginations* (New York: Oxford University Press, 2018).

⁴¹⁴ For example, James Boyd White, *Justice as Translation* (Chicago: University of Chicago Press, 1990).

⁴¹⁵ See for example, David Garland, *Punishment and Modern Society* (Chicago: University of Chicago Press, 1990).

⁴¹⁶ See the work of Catherine MacKinnon, *Feminism Unmodified* (Cambridge: Harvard University Press, 1987). Martha Minow, *Making All the Difference: Inclusion, Exclusion, and American Law* (Ithaca: Cornell University Press, 1990). Robin West, "Disciplines, Subjectivity, and Law," in Austin Sarat & Thomas R. Kearns, eds, *The Fate of Law* (Ann Arbor: University of Michigan Press, 1991).

⁴¹⁷ Alice Belcher, "The Not-Mother Puzzle" (2000) 9:4 Social & Legal Studies 539. Susan B. Boyd, "Is there an Ideology of Motherhood in (Post)Modern Child Custody Law?" (1996) 5:4 Social & Legal Studies 495. Dorothy E. Chunn & Shelley A. M. Gavigan, "Welfare Law, Welfare Fraud, and the Moral Regulation of the 'Never Deserving' Poor" (2004) 13:2 Social & Legal Studies 219. Alison Diduck, "Legislating Ideologies of Motherhood" (1993) 2:4 Social & Legal Studies 461. Eileen V. Fegan, "Recovering Women: Intimate Images and Legal Strategy" (2002) 11:2 Social & Legal Studies 155.

⁴¹⁸ Robert Cover, "Violence and the Word" (1986) 95 Yale Law Journal.

⁴¹⁹ Austin Sarat, "Situating Law Between the Realities of Violence and the Claims of Justice," in Austin Sarat, ed, *Law, Violence, and the Possibility of Justice* (Princeton, NJ: Princeton University Press, 2018) at 3.

(1986) pointed out both law's "jurisgenerative" and "jurispathic" facets;⁴²⁰ the first refers to the role of law in creating visions of possibilities to "create and maintain a world of right and wrong, of lawful and unlawful, of valid and void."⁴²¹ The *jurispathic* qualities refer to the coercive organization of the societies in which we live. Law can thus be understood as a conflict between a symbolic arena that strives for justice and a sphere of violence, oppression, and suffering.⁴²²

Fitzpatrick (2018) explains that law is more than violence, even though it is always violent. It seeks justice though it cannot ever be completely just.⁴²³ In this work, I take up the challenge of explicating and mapping the ways that law can be both coercive and liberating, just and unjust, violent and non-violent, not as an *ante facto* analysis but drawing from the experiences of real people on the ground and their experiences with formal and informal laws. In short, law entails "the social organization of violence through which state power is exercised in a partisan, biased, [gendered, colonial, classist] and sometimes cruel way, and the arena to which citizens address themselves in the hope that law can, and will, redress the wrongs that are committed in its name."⁴²⁴

⁴²⁰ Sarat, "Situating Law," *supra* note 419 at 4.

⁴²¹ *Ibid.*

⁴²² *Ibid* at 5, 9.

⁴²³ Peter Fitzpatrick, "Why the Law is also Nonviolent," in Austin Sarat, ed, *Law, Violence, and the Possibility of Justice* (Princeton, NJ: Princeton University Press, 2018) at 142, 143.

⁴²⁴ Sarat, "Situating Law," *supra* note 419 at 6.

3.12.3 The Insufficiency of Formal Equality and the Perils of Engaging with the State

Since the 1990s, feminist scholars have condemned how legal reforms to address VAW have been co-opted by punitive agendas of the State, criminalizing marginalized communities⁴²⁵ and allowing the State to back away from its socio-economic redistributive obligations.⁴²⁶

Law has political implications that refer to the distribution of power and resources in our highly unequal societies. My approach to the law is materialist, energized by the recent revival of social reproduction feminism.⁴²⁷ Socialist feminists rejected the idea that legal reform alone can bring about substantial change.⁴²⁸ Boyd (1997) explains that expectations that legal forms of equality will lead to socio-economic equality are “based on a false assumption that the state was a relatively neutral institution that could be won over to a feminist cause that urged its use in dismantling discriminatory assumptions in laws and social policies.”⁴²⁹ I argue that we need to consider the State as not neutral but working or interfering when maintaining power relations, the status quo, and specific legal arrangements that have distributional consequences. We must be aware of the contradictions and limitations of liberal social protection policies such as the AUH

⁴²⁵ Kristin Bumiller, *In an Abusive State: How Neo-liberalism Appropriated the Feminist Movement Against Sexual Violence* (Durham: Duke University Press, 2008). Marxist feminists made significant critiques of modern law as a system based on masculine standards as “universal” systems. See Catharine A. MacKinnon, “Feminism, Marxism, Method, and the State: Toward Feminist Jurisprudence” (1983) 8:4 *Signs* 635. Racialized scholars emphasize the importance of intersectionality. Indigenous feminists warned against the role of State colonialism in hyper-criminalizing Indigenous women and communities. See Kimberlé Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics” (1989) *University of Chicago Law Forum* 139. Kimberlé Crenshaw, “Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color” (1991) 43 *Stanford Law Review* 1241.

⁴²⁶ Vanessa E. Munro, “Violence against Women, ‘Victimhood’ and the (Neo)Liberal State,” in Margaret Davies & Vanessa Munro, eds, *The Ashgate Research Companion to Feminist Legal Theory* (Aldershot: Ashgate, 2013) 233 at 242.

⁴²⁷ See section 3.5, “Theoretical Framework: Social Reproduction Feminism.”

⁴²⁸ Susan B. Boyd & Elizabeth A. Sheehy, “Canadian Feminist Perspectives on Law” (1986) 13: 3 *Journal of Law and Society* 283. As Bannerji puts it, “the ‘formal’ equality” espoused by liberal democracy “always collides against actual inequality,” and “pushes liberal citizenship against actual subjection.” Himani Bannerji, in B. Brenna & R. Ziadah, eds, *Revolutionary Feminisms: Conversations on Collective Action and Radical Thought* (London: Verso Books, 2020) at 107.

⁴²⁹ Susan B. Boyd, *Challenging the Public/Private Divide: Feminism, Law, and Public Policy* (Toronto: University of Toronto Press, 1997) at 16.

that promote women's integration into existing socio-economic and legal arrangements that presuppose the State and the rule of law. It is in casting some light on these contradictions where IE's emancipatory potential comes into play. Thus, this socio-legal cartography of the AUH can be utilized to better understand and contest powerful social forces – such as the law – affecting people.⁴³⁰

⁴³⁰ Marie L. Campbell, "Research on Health Care Experiences of People with Disabilities: Exploring the Social Organization of Service Delivery," in Barbara M. Altman & Sharon N. Barnartt, eds, *Expanding the Scope of Social Science Research on Disability (Research in Social Science and Disability, Vol. 1)* (Bingley: Emerald Group Publishing Limited, 2000) 131. Caelie Frampton, Gary Kinsman, A. K. Thompson & Kate Tilleczek, eds, *Sociology for Changing the World: Social Movements/Social Research* (Halifax: Fernwood Publishing, 2006). George W. Smith, "Political Activist as Ethnographer" (1990) 37 *Social Problems* 629.

4) Setting the Stage: Characterizing CCTs, the AUH, and the Research Site

In this descriptive section of the dissertation, I explicate what CCTs are, describing the historical context and trajectory of these social policy instruments. I then describe and explicate the AUH program in detail. Finally, I introduce and illustrate the research site.

4.1 What are Conditional Cash Transfers?

Argentina was one of the countries to catch the train of one of the most “hegemonic front[s] in the field of social-welfare policy”¹ in contemporary Latin America: transferring cash to poor mothers on the condition that they invest the payment in education and health of their children. CCTs work as advertised: they are a governmental transfer of money – generally, a small stipend – to low-income households, provided they “play by the rules,” that is, they comply with health and education conditionalities, attend domestic hygiene, perform tasks such as go for a prenatal check-up, get their child vaccinated and make sure they are enrolled and go to school, “building the human capital of the next generation.”² Theodore & Peck (2014) summarize the idea behind CCTs, the “world’s favourite anti-poverty device:”³ “paying for good behavior.”⁴

The causal model behind this social delivery paradigm is that it alleviates poverty and increases consumption in the short run, while in the long run, it is supposed to build human capital and overcome the intergenerational transmission of poverty.⁵ Conditioning the transfer of cash is

¹ Jamie Peck & Nik Theodore, “On the Global Frontier of Post-Welfare Policymaking: Conditional Cash Transfers as Fast Social Policy,” in Philipp Sandermann, ed, *The End of Welfare as We Know It? On the Global Frontier of Post-Welfare Policymaking: Conditional Cash Transfers as Fast Social Policy* (Leverkusen: Verlag Barbara Budrich, 2014) at 53.

² *Ibid.*

³ The Economist, “Give the Poor Money” (31 July 2010), online <*The Economist* <<https://www.economist.com/leaders/2010/07/29/give-the-poor-money>>. As cited by Peck & Theodore, *supra* note 1 at 54.

⁴ Peck & Theodore, *supra* note 1 at 54.

⁵ Pablo Villatoro, “Las Transferencias Condicionadas en América Latina: Luces y Sombras” (2007) CEPAL, IPEA, Santiago de Chile, Seminario Internacional “Evolución y Desafíos de los Programas de Transferencias Condicionadas” online <https://www.cepal.org/sites/default/files/events/files/2007-nov-cepal_pablovillatoro_ptc.pdf>.

the crucial tactic here, for this changes what might be seen as “just giving money to the poor” into an investment that is seen as “pro-poor” and “pro-market.”⁶ CCTs, in this respect, can be seen as encapsulating a new safety-net policy rationality, which underscores “responsibilities over rights, and long-term investment over short-term amelioration...[and] proactively substantiate an aspirational project.”⁷

4.1.1 Background & History of CCTs

Even though the origin of CCTs is frequently traced to the Mexican CCT program in the nineties, the first CCTs were implemented under non-constitutional and authoritarian regimes.⁸ “Pinochet’s Chile ... pioneered the conditional safety net, establishing the *Subsidio Único Familiar* in August 1981.”⁹ Despite this dark history, CCTs are more progressive than the social policies that characterized the first generation of neoliberalism in the 1980s and 1990s.

First, as the ECLAC (2006) notes, in Latin America, most social policies aimed to provide families were premised on the German welfare State model, where there was one male breadwinner, and social security was tied to formal sector employment.¹⁰ In this respect, the fact that these programs are accessible to a broader range of workers – both waged and unwaged – is progressive because there is a high level of informality in countries such as Argentina. Particularly,

⁶ Peck & Theodore, *supra* note 1 at 54.

⁷ *Ibid* at 62.

⁸ Lena Lavinas, “21st Century Welfare” (2013) 84 New Left Review. Marcos Ancelovici & Jane Jenson, “Standardization for Transnational Diffusion: The Case of Truth Commissions and Conditional Cash Transfers” (2013) 7:3 International Political Sociology 294.

⁹ “Combining the ideas of human capital with the principles of targeting, it provided a stipend equivalent to \$6 per month to indigent mothers with school-age children, conditional on school attendance, to pregnant women and to women with care responsibilities for disabled people.” Lavinas, *ibid*.

¹⁰ CEPAL, *La Protección Social de Cara al Futuro. Acceso, Financiamiento y Solidaridad (Síntesis) Trigésimo Primer Período de Sesiones de la CEPAL* (Montevideo, Uruguay: CEPAL, 2006) at 6, 7.

in Argentina, female labour market participation reaches 49.2%, whereas for men, participation reaches 71.2%. Informal male workers men make 35.6% more in salary than women.¹¹

Second, CCTs are also more progressive than the welfare policies of the 1980s and early 1990s, whereby the most vulnerable recipients were cut off from social services or made to enrol in work-for-welfare programs that have since been abandoned in most jurisdictions because of the high social cost.¹² As part of the second generation of neoliberal reforms, characterized by the proliferation of micro-credit schemes and the institutionalization of “neoliberalism with a human face,”¹³ it has now been accepted in international policy networks that you *can* just give money to the poor, although with certain conditions.¹⁴

CCTs represent a broader shift in international development paradigms.¹⁵ During the eighties and nineties, the social protection model was marked by the Washington Consensus, which included structural adjustment plans imposed by the International Monetary Fund and the World Bank. These neoliberal precepts encouraged labour market flexibilization, the privatization of social security and pensions, and the defunding of universal health and education schemes.¹⁶

¹¹ Dirección Nacional de Economía, Igualdad y Género del Ministerio de Economía de la Nación, *Las Brechas de Género en la Argentina. Estado de Situación y Desafíos* (2020) online <https://www.argentina.gob.ar/sites/default/files/las_brechas_de_genero_en_la_argentina_0.pdf>.

¹² See section 4.2.1, “Historical Framework.”

¹³ Henry Veltmeyer & James Petras, eds, *The New Extractivism: A Post-Neoliberal Development Model or Imperialism of the Twenty-First Century?* (London: Bloomsbury Publishing, Ted Books: 2014).

¹⁴ Joseph Hanlon, Armando Barrientos & David Hulme, *Just Give Money to the Poor: The Development Revolution from the Global South* (Boulder, Colorado: Kumarian Press, 2010). See also James Ferguson, *Give a Man a Fish: Reflections on the New Politics of Distribution. The Lewis Henry Morgan Lectures* (Durham: Duke University Press, 2015).

¹⁵ Tara Patricia Cookson, *Unjust Conditions: Women’s Work and the Hidden Cost of Cash Transfer Programs* (Oakland, CA: University of California Press, 2018).

¹⁶ Santiago Boffi, “La Asignación Universal por Hijo en el Contexto Latinoamericano: ¿Cambio de Paradigma en la Política Social?” (2020) Doctoral Dissertation, Facultad Latinoamericana de Ciencias Sociales at 47. See also Isabella Bakker & Stephen Gill, “New Constitutionalism and Social Reproduction,” in Isabella Bakker & R. Silvey, eds, *Beyond States and Markets: The Challenges of Social Reproduction* (New York: Routledge, 2008) 19. Rianne Mahon & Fiona Robinson, “Introduction to Feminist Ethics and Social Policy: Towards a New Global Political Economy of Care,” in Rianne Mahon & Fiona Robinson, eds, *Feminist Ethics and Social Policy: Towards a New Global Political Economy of Care* (Vancouver: University of British Columbia Press, 2011) 1. Arne Ruckert, “The Forgotten Dimension of Social Reproduction: The World Bank and the Poverty Reduction Strategy Paradigm” (2010) 17:5 Review of International Political Economy 816.

Women bear the burden of these policies as they had to provide income for their household in a deteriorating labour market while assuming primary responsibility for carework.¹⁷ The nineties was “the decade of despair”: living conditions had worsened, and poverty and inequality had increased.¹⁸ What comes after this period is referred to as the “post-Washington Consensus,”¹⁹ when international institutions such as the World Bank re-directed their attention to addressing the crushing effects of structural adjustment plans through a new paradigm of social policies.²⁰

Thus, in the late 1990s and early 2000s, massive non-contributory CCT programs emerged in Latin America as a new strategy to address social risks. According to Boffi (2020), the new strategy increased the levels of social coverage of vulnerable groups, moving from the “micro-focalization” of the 1990s to a “macro-focalization” under the paradigm of social investment.²¹ CCTs replaced the old contributory component of social security with conditionalities in health and education to enhance human capital investment by “borrow[ing] concepts from behavioral economics and motivational psychology, melding these with the pragmatic, best-practice style characteristic of the ‘new’ Washington Consensus.”²² The logic behind it frames poverty as a problem that originates because an individual is unable to participate in the labour market as she lacks human capital, that is, the knowledge, experiences, opportunities, and resources that are

¹⁷ Diane Elson, *Male Bias in the Development Process*, 2nd Ed (Manchester, UK: Manchester University Press, 1995).

¹⁸ UNDP [United Nations Development Program], *Human Development Report* (New York: Oxford University, 2003). Cited by Cookson, *supra* note 15.

¹⁹ Joseph E. Stiglitz, *More Instruments and Broader Goals: Moving toward the Post-Washington Consensus* (Helsinki: United Nations University World Institute for Development Economics, 1998). Cited by Cookson, *supra* note 15.

²⁰ Armando Barrientos, Jasmine Gideon & Maxine Molyneux, “New Developments in Latin America’s Social Policy” (2008) 39:5 *Development and Change* 759. Maxine Molyneux, “Change and Continuity in Social Protection in Latin America: Mothers at the Service at the State?” (2007) Geneva: UNRISD. Ruckert, *supra* note 16. Cited by Cookson, *supra* note 15.

²¹ Boffi, *supra* note 16. Heinz & Lund (2012) explain that “social protection” are policies and programs that attempt “to reduce economic risks, directly address vulnerabilities and protect individuals from possible harmful actions by third parties that may compromise their well-being.” James Heinz & Francie Lund, “Regímenes del Bienestar y Política Social: Revisando el Papel del Trabajo y el Empleo” (2012) 81 *Serie Avances de Investigación*. Instituto de Investigaciones de las Naciones Unidas para el Desarrollo Social y Fundación Carolina at 4.

²² Peck & Theodore, *supra* note 1 at 54.

obtained through access to education and pre-emptive health care. CCTs also meant a shift from a post-war supply-side financing scheme to a new system of direct demand-side financing.²³ However, even though these new strategies broadened targeting, universal health and education schemes continued to be defunded and privatized.²⁴

This focus on targeting specific vulnerable groups was part of what has been described as “inclusive development,” which meant that governments mixed market-driven strategies “with social policies targeting rural populations, indigenous groups, and other poor people.”²⁵ This way, CCT programs are the policy instrument that best exemplifies the shift to the “inclusive development” paradigm that aims to be pro-market and pro-poor.²⁶

The first massive and profusely studied CCT program was created in Mexico in 1997 to combat extreme poverty in rural areas, which originated as an “immaculate invention”²⁷ with its own “inbuilt evaluation infrastructure.”²⁸ The most significant CCTs in the region are the *Bolsa Família*²⁹ – Brazil – and the *PROGRESA/Oportunidades/PROSPERA* – Mexico.³⁰ Most Latin

²³ Boffi, *supra* note 16 at 53.

²⁴ Ruckert, *supra* note 16.

²⁵ Cookson, *supra* note 15 at 7.

²⁶ Ruckert, *supra* note 16. Simone Cecchini & Aldo Madariaga, *Conditional Cash Transfer Programmes: The Recent Experience in Latin America and the Caribbean*. United Nations Economic Commission for Latin America and the Caribbean, 95 Cuadernos de la CEPAL (New York: United Nations, 2011). Cited by Cookson, *supra* note 15.

²⁷ Mexico’s CCT program originated as a model and then gained a reputation of being “iconic,” “secured through a combination of astute technocratic design and enduring political will...championed by Santiago Levy (a US-trained economist and senior official in the Ministry of Finance, previously a World Bank consultant on poverty issues) and José Gómez de León (a demographer...)” Peck & Theodore, *supra* note 1 at 55.

²⁸ *Ibid* at 63.

²⁹ The *Bolsa Família* was implemented in Brazil in 2003. Currently, it is the largest CCT program in the world, with more than 13 million recipient households and a coverage reaching 27.9% of the Brazilian population. Simone Cecchini & Bernardo Atuesta, *Programas de Transferencias Condicionadas en América Latina y el Caribe. Tendencias de Cobertura e Inversión* (2017) Serie Políticas Sociales, CEPAL-ONU, Chile.

³⁰ The program has changed its name several times. Between 1997 and 2002 it was called *PROGRESA*; between 2002 and 2014, *Oportunidades*; and finally, between 2014 and 2018, it was called *PROSPERA*. At the beginning of 2019, the government eliminated *PROSPERA*, replacing it with a new educational scholarship program called *Programa Nacional de Becas para el Bienestar Benito Juárez* (Benito Juárez National Welfare Scholarship Program).

American countries have a CCT program³¹ with a multiplicity of different levels of coverage, targeting, and operation. Compared to the cost of providing universal, affordable, quality education and health to all citizens, CCTs are relatively cost-effective and cheap to deliver. For instance, in 2015, Latin America allocated 0.33% of its GDP to finance CCTs. The highest expenditures on their GDP were Argentina (0.59%), Brazil (0.50%), Dominican Republic (0.43%) and Uruguay (0.39%).³² At the regional level, the GDP investment in CCTs steadily increased from 0.06% in 2000 to 0.33% of the GDP in 2015.³³ Moreover, the amount of cash these programs transfer to poor households is comparatively low for the substantial boost in social services they can create through the imposition of the conditionality.

CCTs have fast spread throughout Latin America and every continent and have become a global phenomenon³⁴ to the extent “the international development community has clearly defined CCTs as the new norm”³⁵ in the fight against poverty.³⁶ According to Morais de Sá e Silva (2017), “a fifth of all countries have adopted some sort of CCT program [and] almost a third of all low-income or middle-income economies have adopted the CCT solution.”³⁷ In 2009, Fiszbein &

³¹ Throughout the 2000s, CCTs expended in Latin America, including, for example: *Más Familias en Acción* in Colombia (2001), *Chile Solidario* in Chile (2002), *Bono de Desarrollo Humano* in Ecuador (2003), *Tekoporâ* in Paraguay (2005), *Juntos* in Perú (2005), *Avancemos* in Costa Rica (2006), *Red de Oportunidades* in Panamá (2006), *Bono Juancito Pinto* in Bolivia (2006), and *Progresando con Solidaridad* in Dominican Republic (2012).

³² Boffi, *supra* note 16 at 76, 77.

³³ *Ibid.*

³⁴ Anthony Hall, “The Last Shall be First: Political Dimensions of Conditional Cash Transfers in Brazil” (2012) 11: 1-2 *Journal of Policy Practice* 25 at 26.

³⁵ Natasha Borges Sugiyama, “The Diffusion of Conditional Cash Transfer Programs in the Americas” (2011) 11:2-3 *Global Social Policy* 250 at 264.

³⁶ CCTs were also replicated in continents other than America and promoted by international organizations such as the World Bank. Garcia & Moore (2012) counted one-hundred twenty-three cash transfer programs in Africa. However, unlike those in Latin America, many of the African income transfer programs are either unconditional or have “soft” or “flexible” conditionalities, which means that there is no penalty for non-compliance. Marito Garcia & Charity M. T. Moore, *The Cash Dividend. The Rise of Cash Transfer Programs in Sub-Saharan Africa* (Washington: World Bank, 2012).

³⁷ Michelle Morais de Sá e Silva, *Poverty Reduction, Education, and the Global Diffusion of Conditional Cash Transfers* (London: Palgrave Macmillan, 2017) at 21.

Schady (2009) had counted only twenty countries implementing a CCT program.³⁸ In 2017, Morais de Sá e Silva (2017) counted forty-seven programs in forty countries, and from 1994 to 2016, the author counted “a historic stock of 75 programs.”³⁹ The World Bank (2017) puts this number at sixty-seven countries that have implemented at least one CCT program.⁴⁰

4.1.2 So...What About the Role of International Development Institutions?

CCTs have been promoted by some of the world’s most influential multilateral development agencies and encouraged through their expanded networks of policy design expertise. International institutions such as the World Bank (WB), Inter-American Development Bank (IDB), the International Labour Organization (ILO), and the Economic Commission for Latin America and the Caribbean (ECLAC) advocated for the massive implementation of CCT programs to expand social protection and investment in human capital.⁴¹ Theodore & Peck (2014) beautifully summarize the role of international development agencies in the spread and reign of CCTs:

The global CCT wave has been enabled, bankrolled, and steered by the World Bank and its allies in the multilateral community (in concert with a small army of policy

³⁸ Ariel Fiszbein, Norbert Schady, Francisco H.G Ferreira, Margaret Grosh, Niall Keleher, Pedro Olinto & Emmanuel Skoufias, *Conditional Cash Transfers: Reducing Present and Future Poverty* (Washington, DC: World Bank Policy Research Report, 2009), online <<https://openknowledge.worldbank.org/handle/10986/2597>>.

³⁹ Morais de Sá e Silva, *supra* note 37.

⁴⁰ World Bank, *Closing the Gap: The State of Social Safety Nets, 2017* (Washington, DC: World Bank Group, 2017), online <<https://documents.worldbank.org/en/publication/documents-reports/documentdetail/811281494500586712/closing-the-gap-the-state-of-social-safety-nets-2017>>. Cited by Cookson, *supra* note 15.

⁴¹ Boffi, *supra* note 16 at 53. Repetto & Díaz Langou (2010a) summarize the views of international organizations on the concept of social protection. The first approach, mainly taken by the World Bank, refers to social risk management and is directed towards the most vulnerable sectors. The second approach is that of the ILO; it refers to “social protection floors” and exclusion from the labour market and is aimed at those not protected by contributory social security. Finally, for the UN, social protection is seen from the perspective of social citizenship as a fundamental human right. Fabián Repetto & Gala Díaz Langou, “El Papel de la Asignación Universal en la Construcción de un Sistema de Protección Social Integral” (2010a) Documento de Trabajo N°55, CIPPEC, Buenos Aires. Cecchini & Martínez (2011) illustrate how the concept of social protection has evolved. First, it was associated with benefits for formal salaried workers. Second, it referred to the reduction of the vulnerability of certain at-risk or extremely vulnerable groups. Third, it evolved to mean the generation of human capital to combat the intergenerational transmission of poverty. Fourth, is understood as a generator of universal citizenship rights. Simone Cecchini & Rodrigo Martínez, *Protección Social Inclusiva en América Latina: una Mirada Integral, un Enfoque de Derechos* (Santiago de Chile: Naciones Unidas, Comisión Económica para América Latina y el Caribe, 2011).

entrepreneurs, consultants, evaluation scientists, and practitioner-advocates), both through established channels like policy-based lending and, no less consequentially, through the increasingly isomorphic fields of expert knowledge and technocratic practice.⁴²

For the World Bank, social protection impacts macroeconomic stability and the financial development of markets. The institution focuses on “risks,” and vulnerability is a risk and, thus, a challenge for the economy.⁴³ Therefore, CCTs would contribute to reducing these “risks” and ultimately contribute to optimizing economic development.⁴⁴ From the perspective of the International Labour Organization (ILO), social security is a legal obligation of the State and it focuses on the relatively more progressive idea of “social protection floors” composed of contributory and non-contributory elements.⁴⁵ For the ILO, the debate around conditionalities is not concluded but remains open in an “ongoing” fashion.⁴⁶ For the ECLAC, CCTs alleviate poverty in the short run but also contribute to eliminating poverty’s structural conditions.⁴⁷

Aber & Rawlings (2011) argue that despite CCT’s rapid and astonishing expansion worldwide, its diffusion was not accomplished by coercive means. However, not everyone agrees, and the reasons for the rapid diffusion of CCTs in Latin America have been much debated. Salas (2010) argues that the expansion of CCTs in Latin America is due to external pressures from international organizations concerning the structuring and financing of CCTs.⁴⁸ Gonnet (2019)

⁴² Peck & Theodore, *supra* note 1 at 54.

⁴³ Dena Ringold & Rafael Rofman, “Argentina: Políticas de Transferencias de Ingresos hacia el Bicentenario,” in Guillermo Cruces, Juan Martín Moreno, Dena Ringold & Rafael Rofman, “Los Programas Sociales en Argentina hacia el Bicentenario. Visiones y Perspectivas” (Argentina: Banco Mundial, 2008), online < http://www.observatoriosocial.com.ar/pdfs/articulos/libro_bancomundial.pdf> at 25.

⁴⁴ Armando Barrientos & David Hulme, “Social Protection for the Poor and Poorest in Developing Countries: Reflections on a Quiet Revolution” (2009) 37:4 Oxford Development Studies 439.

⁴⁵ *Ibid.*

⁴⁶ ILO [International Labour Office], *Social Protection Floor for a Fair and Inclusive Globalization* (Geneva: ILO, 2011) at 82.

⁴⁷ CEPAL, *supra* note 10 at 47.

⁴⁸ Marcelo Salas, “Isomorfismo en los Programas de Lucha contra la Pobreza. Los Programas ‘Oportunidades’ y ‘Puente’” (2010) 22:1 Desafíos, 55, online < <https://revistas.urosario.edu.co/index.php/desafios/article/view/1290>>.

explains that the diffusion of CCTs occurred in a multiplicity of different ways depending on the context of the State where CCTs were implemented, including by means of coercion, pressure, monetary incentives, imitating, or learning.⁴⁹

The World Bank influence in the rapid diffusion of CCTs “as a funder, evaluator, and technical assistance provider worldwide”⁵⁰ is undeniable. The Bank has financed CCTs experimentation in at least forty-five countries, and since 2001, it has provided \$5.4 billion for implementing and expanding thirty-nine CCT initiatives in twenty-two countries.⁵¹ It has published numerous reports, policy briefings, presentations, and blogs regarding CCTs. It has also hosted and organized international workshops and conferences and has funded expertise and networks regarding the design, implementation, and evaluation of CCT programs.⁵²

4.1.3 Evidence of CCTs Impact

Support for CCTs as the solution to poverty is based on vast research literature documenting the (short-term) impacts of CCTs on children’s health and education indicators and on reducing poverty and indigence.

4.1.3.1 Impacts on Poverty & Indigence

Regarding the impact of CCTs on poverty reduction, most of the literature has shown favourable short-term results.⁵³ Ocampo & Gómez-Arteaga (2016) argued that Latin American CCTs systems

⁴⁹ Cecilia Ossorio Gonnet, “A Comparative Analysis of the Adoption of Conditional Cash Transfers Programs in Latin America” (2019) 21:4 Journal of Comparative Policy Analysis: Research and Practice 385.

⁵⁰ Peck & Theodore, *supra* note 1 at 63.

⁵¹ Margaret Grosh, “CCTs: The Second Generation of Evaluations,” Presentation at the Workshop “CCTs: The Second Generation of Evaluations,” World Bank, Washington, DC (24-25 October 2011). Cited by Peck & Theodore, *ibid* at 63.

⁵² Peck & Theodore, *supra* note 1 at 63.

⁵³ Fiszbein, Schady, Ferreira, Grosh, Keleher, Olinto & Skoufias, *supra* note 38. Cecchini & Madariaga, *supra* note 26. Moira Nelson & Johan Sandberg, “From Perspectives to Policy Contingencies: Conditional Cash Transfers as Social Investments” (2016) Global Social Policy 1.

have successfully reduced poverty and social inequality in the region.⁵⁴ However, as Nelson & Sandberg (2016) argue, there is no evidence for their impact on reducing poverty levels in the long run.⁵⁵ In short, evidence has shown that CCTs have contributed to boosting household consumption,⁵⁶ reducing children's growth stunting,⁵⁷ decreasing child labour,⁵⁸ and functioning as a safety net or insurance for households in harsh times.⁵⁹ Evidence also shows that CCTs improve children's cognitive development and motor skills.⁶⁰

Researchers have demonstrated that CCTs programs fail to reach the poorest of the poor. It can be difficult for the State to find people who live in informal settlements or avoid contact with all State authorities. Even in urban areas, “compliance with conditionalities may limit participation and increase dropouts.”⁶¹ The targeting mechanisms that are part of CCTs to ensure efficiency may fail to include poor people who do not meet the targeting limitations,⁶² sometimes because of

⁵⁴ José Antonio Ocampo, Barbara Stallings, Inés Bustillo, Helvia Velloso & Roberto Frenkel, *La Crisis Latinoamericana de la Deuda desde la Perspectiva Histórica*. Comisión Económica para América Latina y el Caribe (Santiago de Chile: CEPAL, 2014).

⁵⁵ Nelson & Sandberg, *supra* note 53.

⁵⁶ John Hoddinott & Emmanuel Skoufias, “The Impact of PROGRESA on Food Consumption” (2004) 53:1 *Economic Development and Cultural Change* 37, online <<https://dx.doi.org/10.1086/423252>>. Manuela Angelucci & Orazio Attanasio, “Oportunidades: Program Effect on Consumption, Low Participation, and Methodological Issues” (2009) 57:3 *Economic Development and Cultural Change* 479. Sudhanshu Handa, Amber Peterman, Benjamin Davis & Marco Stampini, “Opening Up Pandora's Box: The Effect of Gender Targeting and Conditionality on Household Spending Behavior in Mexico's Progres Program” (2009) 37:6 *World Development* 1129.

⁵⁷ Paul Gertler, “Do Conditional Cash Transfers Improve Child Health? Evidence from PROGRESA's Control Randomized Experiment” (2004) 94:2 *American Economic Review* 336. Eeshani Kandpal, “A Conditional Cash Transfer Program in the Philippines Reduces Severe Stunting” (2016) 146:9 *The Journal of Nutrition* 1793, online <<https://dx.doi.org/10.3945/jn.116.233684>>.

⁵⁸ Paul Schultz, “School Subsidies for the Poor: Evaluating the Mexican Progres Program” (2004) 74:1 *Journal of Development Economics* 199.

⁵⁹ John Maluccio & Rafael Flores, “Impact Evaluation of a Conditional Cash Transfer Program: The Nicaraguan Red de Protección Social” (2005) Discussion Paper. Washington, DC: International Food Policy Research Institute, online <<https://www.ifpri.org/publication/impact-evaluation-conditional-cash-transfer-program-2>>.

⁶⁰ Lia C. Fernald, Paul J. Gertler & Lynnette M. Neufeld, “Role of Cash in Conditional Cash Transfer Programmes for Child Health, Growth, And Development: An Analysis of Mexico's Oportunidades” (2008) 371 9615 *The Lancet* 828.

⁶¹ Pierre Levasseur, “Why Conditional Cash Transfers Programs Fail to Target the Poor? The Case Of Urban Mexico” (2021) 133 *CEPAL Review*, Comisión Económica para América Latina 191 at 192.

⁶² Jishnu Das, Quy-Toan Do & Berk Ozler, “Reassessing Conditional Cash Transfer Programs” (2005) 20 *The World Bank Research Observer* 57.

administrative mistakes.⁶³ Therefore, CCTs' impact on poverty alleviation may be positive but limited, similar to micro-finance programs.⁶⁴

4.1.3.2 Impacts on Education

Studies have shown that these programs positively impacted school enrollment and attendance, especially in countries with lower school attendance rates before the program's implementation, which is not the case in Argentina.⁶⁵ Another study shows that CCTs reduced the ethnicity and gender gap among children attending school.⁶⁶ However, other studies have been more critical, as most of the current evidence focused on impacts in the short term but did not consider the improvement of the quality of education and its effects on future employability.⁶⁷

⁶³ Naomi Hossain, "School Exclusion as Social Exclusion: The Practices and Effects of a Conditional Cash Transfer Programme for the Poor in Bangladesh" (2010) 46 *Journal of Development Studies* 1264. Guy Standing, "Behavioural Conditionality: Why the Nudge Must Be Stopped - An Opinion Piece" (2011) 19 *Journal of Poverty and Social Justice* 27. Guy Standing, "Conditionality and Human Rights. United Nations Research Institute for Social Development" (2014), online <<http://www.unrisd.org/sp-hr-standing>>.

⁶⁴ See for example, Levasseur, *supra* note 61. Mario González-Flores, Maria Heracleous & Paul Winters, "Leaving the Safety Net: An Analysis of Dropouts in an Urban Conditional Cash Transfer Program" (2012) 40:12 *World Development* 2505.

⁶⁵ Villatoro, *supra* note 5. Sarah Baird, Francisco H. G. Ferreira, Berk Özler & Michael Woolcock, "Relative Effectiveness of Conditional and Unconditional Cash Transfers for Schooling Outcomes in Developing Countries: A Systematic Review" (2013) 9:1 *Campbell Systematic Reviews* 1 at 8. Mariana Marchionni & María Edo, "Condicionalidades Educativas en la AUH. Diagnóstico y Alternativas," in Sebastián Waisgrais, Oscar Cetrángolo & Javier Curcio, eds, *Análisis y Propuestas de Mejoras para Ampliar la Cobertura de la Asignación Universal por Hijo* (UNICEF, FCE-UBA & UNLP-CEDLAS, 2017) online <<https://www.unicef.org/lac/sites/unicef.org.lac/files/2019-10/AUH.pdf>>. Schultz, *supra* note 58. Elisabeth Sadoulet, Frederico Finan, Alain de Janvry & Renos Vakis, "Can Conditional Cash Transfer Programs Improve Social Risk Management? Lessons for Education and Child Labor Outcomes" (2004) World Bank, Social Protection Discussion Paper 0420.

⁶⁶ Rosangela G. Bando, Luis F. Lopez-Calva & Harry Anthony Patrinos, "Child Labor, School Attendance, and Indigenous Households: Evidence from Mexico" (2005) Policy Research Working Paper No. 3487, World Bank, Washington, online <<https://openknowledge.worldbank.org/handle/10986/8921>>.

⁶⁷ Fernando Reimers, Carol DeShano da Silva & Ernesto Trevino, "Where is the "Education" in Conditional Cash Transfers in Education?" (2006) United Nations Educational, Scientific and Cultural Organization [UNESCO], Institute for Statistics, Montreal, 2006. One exception is a relatively recent study by Kugler & Rojas (2018) on the Mexican CCT, which found that 17 years after, recipients were 36.6 % more likely than non-recipients to find better quality employment, including better wages and formality. Adriana D. Kugler & Ingrid Rojas, "Do CCTs Improve Employment and Earnings in The Very Long-Term? Evidence From Mexico" (2018) National Bureau of Economic Research Working Paper 24248, online <<http://www.nber.org/papers/w24248>> https://www.nber.org/system/files/working_papers/w24248/w24248.pdf>.

Moreover, there exists no evidence that CCTs advance the quality of learning for children. Evidence for Colombia, Cambodia, and Mexico shows no statistically significant difference in students' performance in standardized tests.⁶⁸ Accumulating class days does not necessarily translate to an accumulation of human capital, especially when the State does not assume its supply-side obligations to guarantee a high-quality education for children. Likewise, more years of schooling will not automatically translate into an increase in the future wages of recipients, especially in a context marked by unemployment, informality, and precariousness.⁶⁹

4.1.3.3 Impacts on Health

In general, studies have shown that CCTs had a positive impact on children's health.⁷⁰ CCTs improved nutrition in those households that receive the program,⁷¹ increased the use of health services,⁷² improved vaccination rates,⁷³ correlated to a decline in neonatal, infant, and child

⁶⁸ Enrique Valencia Lomelí, "Conditional Cash Transfers as Social Policy in Latin America: An Assessment of their Contributions and Limitations" (2008) 34 *The Annual Review of Sociology* 475 at 481.

⁶⁹ Lomelí, *ibid* at 491. Jere R. Behrman, Susan W. Parker & Petra E. Todd, "Do Conditional Cash Transfers for Schooling Generate Lasting Benefits? A Five-Year Follow up of PROGRESA/Oportunidades" (2011) 46 *J. Human Resources* January 93.

⁷⁰ Mylene Lagarde, Andy Haines & Natasha Palmer, "The Impact of Conditional Cash Transfers on Health Outcomes and Use of Health Services in Low- and Middle-Income Countries" (2009) 4 CD008137 *Cochrane Database of Systematic Reviews*.

⁷¹ Villatoro, *supra* note 5. Lia C. H Fernald, Paul J. Gertler & Melissa Hidrobo, "Conditional Cash Transfer Programs: Effects on Growth, Health, and Development in Young Children," in V. Maholmes & R. B. King, eds, *The Oxford Handbook of Poverty and Child Development* (Oxford University Press, 2012) 569. Fiszbein, Schady, Ferreira, Grosh, Keleher, Olinto & Skoufias, *supra* note 38.

⁷² Villatoro, *ibid*. Paul Gertler, *Final Report: The Impact of PROGRESA on Health* (Washington, DC: International Food Policy Research Institute, 2000). Dan Levy & Jim Ohls, *Evaluation of Jamaica's PATH Program: Final Report* (Washington, DC: Mathematica Policy Research, 2007). Emanuela Galasso, "Alleviating Extreme Poverty in Chile: The Short-Term Effects of Chile Solidario" (2011) 38 *Estudios Económicos* 101.

⁷³ Saul S. Morris, Rafael Flores, Pedro Olinto & Juan Manuel Medina, "Monetary Incentives in Primary Health Care and Effects on Use and Coverage of Preventive Health Care Interventions in Rural Honduras: Cluster Randomised Trial" (2004) 364 9450 *The Lancet* 2030. Tania Barham, *The Impact of the Mexican Conditional Cash Transfer on Immunization Rates* (Berkeley, CA: Department of Agriculture and Resource Economics, University of California, Berkeley, 2005) online < <https://ibs.colorado.edu/barham/wp/CCTimmunWBfin.pdf>>.

mortality,⁷⁴ and increased pregnant women's use of prenatal care and birth care.⁷⁵ However, it is not sufficient to only consider a quantifiable increase in the number of health check-ups and attendance while disregarding the importance of the quality of the social services offered.⁷⁶ For instance, Castiñeira et al. (2009) could not find any short-term improvements in health in the *Bolsa Família* in Brazil, which could be due to the low-quality health services provided by the State.⁷⁷ In short, while acknowledging variations related to program design, whether we look at children's health and education or household consumption, CCTs effectively achieve the CCT's short-term aims, which refer to alleviating poverty. However, evidence of their impact on intergenerational poverty remains inconclusive.

4.1.3.4 Shortcomings in Studies that Evaluate CCTs Impacts

Available studies on the impact of CCTs are limited due to their lack of representativity, a quantitative focus, and the inability to isolate the impact of the conditionality.

First, even though CCTs are the most extensively studied social programs worldwide – arguably the best evaluated development initiative in the Global South” –,⁷⁸ a significant part of the robust body of evidence on CCTs impacts was drawn from the Mexican CCT program and

⁷⁴ Tania Barham, “A Healthier Start: The Effect of Conditional Cash Transfers on Neonatal and Infant Mortality in Rural Mexico” (2011) 94:1 *Journal of Development Economics* 74. Davide Rasella, Rosana Aquino, Carlos A. T. Santos, Rômulo Paes-Sousa & Mauricio L. Barreto, “Effect of a Conditional Cash Transfer Programme on Childhood Mortality: A Nationwide Analysis of Brazilian Municipalities” (2013) 382 9886 *The Lancet* 57.

⁷⁵ Stephen S. Lim et al., “India's Janani Suraksha Yojana, a Conditional Cash Transfer Programme to Increase Births in Health Facilities: An Impact Evaluation” (2010) 375:9730 *The Lancet* 2009. Amanda Glassman et al., “Impact of Conditional Cash Transfers on Maternal and Newborn Health” (2013) 31:4 *Journal of Health, Population, and Nutrition*.

⁷⁶ Lim et al., *ibid.* As cited by Cookson, *supra* note 15.

⁷⁷ Berta Rivera Castiñeira, Luis Currais Nunes & Paolo Rungo, “Impacto de los Programas de Transferencia Condicionada de Renta sobre el Estado de Salud: el Programa Bolsa Familia de Brasil” (2009) 83 1 *Rev. Esp. Salud Publica* 85, online <http://Scielo.Isciii.Es/Scielo.Php?Script=Sci_Arttext&Pid=S1135-57272009000100007&Lng=Es&Nrm=Iso>.

⁷⁸ Lawrence Aber & Laura B. Rawlings, “North-South Knowledge Sharing on Incentive-based Conditional Cash Transfer Programs” (2011) SP Discussion Paper 1101. World Bank, Washington, DC, online <<https://openknowledge.worldbank.org/handle/10986/27343>>.

automatically applying such findings into another site – such as Argentina – constitutes an acontextual, ahistorical, and thus, insufficient approach.

Second, another shortcoming of the body of evidence on CCTs is that it is primarily quantitative research. This research body meets strict statistical validity tests and focuses on measuring indicators, prioritizing randomized control trials and quasi-experiments.⁷⁹ Quantification *per se* is not necessarily a problem; the problem is that it is oppressively hegemonic in the *how* and *what* we know about CCTs and built to the exclusion of qualitative feminist research.⁸⁰ This is problematic because such quantitative evaluations cannot grasp the complexity of social reality and fail to capture the relational character of gender and give space to hear women's voices. Most quantitative evaluations focus on the impacts on children but cannot understand the impact on women or even account for the fact that CCTs rely on poor women's unpaid labour. Qualitative social science research on CCTs has not been as prolific as quantitative studies. However, it has provided a more nuanced picture of CCTs:⁸¹ the stipend is significant for women, yet CCTs cannot possibly address the structural forms of inequality rooted in the capitalist

⁷⁹ Cookson, *supra* note 15.

⁸⁰ "Feminist methodologists do not use or prescribe any research method; rather they are united through various methods to include women's lives and concerns in accounts of society, to minimize the harms of research, and to support changes that will improve women's status." Marjorie L. DeVault, "Talking back to Sociology: Distinctive Contributions of Feminist Methodology" (1996) 22 *Annual Review of Sociology* 29 at 29. Feminists do not outright reject the use of quantitative research methods. As Sprague & Zimmerman argue (1989, 79), quantitative research studies have an important potential regarding political emancipation as they can show how women and men are not treated equally in society. Joey Sprague & Mary K. Zimmerman, "Quality and Quantity: Reconstructing Feminist Methodology" (1989) *The American Sociologist* 71.

⁸¹ Maxine Molyneux, Nicola Jones & Fiona Samuels, "Can Cash Transfer Programmes Have 'Transformative' Effects?" (2016) 52 *Journal of Development Studies* 1087. Nora Nagels, "Conditional Cash Transfer and Gender, Class, and Ethnic Domination. The Case of Bolivia," in Jean-Pierre Olivier de Sardan & Emmanuelle Piccoli Balen, eds, *Cash Transfers in Context: An Anthropological Perspective* (New York: Berghahn Books, 2018). Julianne Corboz, "Third-Way Neoliberalism and Conditional Cash Transfers: The Paradoxes of Empowerment, Participation and Self-Help among Poor Uruguayan Women" (2013) 24 *The Australian Journal of Anthropology* 64. Cookson, *supra* note 15.

political economy. Regrettably, assessments about CCT programs that lack an experimental-design element tend to be disregarded as lacking rigour.⁸²

Aber & Rawlings (2011) explain that the predominance of technocratic policymaking favoured the use of randomized control trials that fostered CCTs fast expansion.⁸³ Peck & Theodore (2014) argue that CCTs have been positioned as the privileged discourse in global debates about social policy partly because of “sophisticated (and costly) experimental designs” financed by the World Bank and other multilateral development agencies.⁸⁴ Randomized control trials are regarded as the holy grail in policy discussions, but they “impose implicit entry barriers for participation in the global social-protection debate...[s]ince it costs... several million dollars to ask a question using a randomized-control methodology,” which means that “only the institutions with the deepest pockets get to determine the questions,” which “creates a macro selection bias in favor of orthodox interests, issues, and lines of policy development.”⁸⁵

This selective bias is a detriment to other questions that are not asked and negative evaluations that are difficult to find. For example, the advantages of CCTs are measured narrowly in “controlled” experiments even though it is hard to isolate their effects independent from broader changes, such as general economic development or the increase of pension schemes that may help household members.⁸⁶ Of course, if CCTs are compared to decades of neoliberal structural adjustments that preceded them with no investment in the welfare of low-income individuals, they will be assessed as a success story. Additionally, we do not know much about the effect of the CCTs on non-recipients. In one little-known study, World Bank researchers found evidence

⁸² Peck & Theodore, *supra* note 1 at 60.

⁸³ Aber & Rawlings, *supra* note 78.

⁸⁴ Peck & Theodore, *supra* note 1 at 67.

⁸⁵ *Ibid* at 60.

⁸⁶ Sanjay G. Reddy, “Randomise this! On Poor Economics” (2012) 2:2 Review of Agrarian Studies, online <http://www.ras.org.in/randomise_this_on_poor_economics>.

amongst non-recipient families of children's malnutrition after a CCT program was implemented in a village in the Philippines because the influx of cash in the community caused inflation.⁸⁷

Third, another methodological shortcoming of the existing body of evidence on CCTs is that it is highly problematic to try to isolate the effect of the conditionality from the effect of money transferred.⁸⁸ More specifically, we should question if the effects found may be the result of the income provided to households, since the transfer itself would generate positive effects on education and health since these households would have more resources, or if those positive effects can be solely attributed to the introduction of a conditionality.⁸⁹ In short, the body of research that sought to distinguish between the two elements (conditionality, on the one hand, and transfer, on the other) yields inconclusive results.⁹⁰ Yet cash-transfer policy continues to be entrenched in technocratic, evaluation-driven policymaking based on targeting and conditionalities.

4.1.4 CCTs Premises: Human Capital, Attaching Conditions, Female Titularity

There are at least three – intrinsically interrelated – ontological assumptions underlying the paradigm of CCTs as a social policy: the theory of human capital, conditionalities, and transferring money to mothers. In what follows, I will briefly unpack each of these assumptions.

⁸⁷ Deon Filmer, Jed Friedman, Eeshani Kandpal & Junko Onishi, “Cash Transfers, Food Prices, and Nutrition Impacts on Nonbeneficiary Children” (2021) *The Review of Economics and Statistics* 1.

⁸⁸ Jef L. Leroy, Marie Ruel & Ellen Verhofstadt, “The Impact of Conditional Cash Transfer Programmes on Child Nutrition: A Review of Evidence Using a Programme Theory Framework” (2009) 1:2 *Journal of Development Effectiveness* 103, online <<https://dx.doi.org/10.1080/19439340902924043>>. Alan De Brauw & John Hoddinott, “Must Conditional Cash Transfer Programs be Conditioned to be Effective? The Impact of Conditioning Transfers on School Enrollment in Mexico” (2011) 96:2 *Journal of Development Economics* 359, online <<https://dx.doi.org/10.1016/j.jdeveco.2010.08.014>>.

⁸⁹ Barrientos & Hulme, *supra* note 44. Cecilia Rossel, Denise Courtoisie & Magdalena Marsiglia, “Programas de Transferencias, Condicionalidades y Derechos de la Infancia y la Adolescencia: Apuntes a Partir del Caso de Uruguay” (2014) División de Desarrollo Social de la Comisión Económica para América Latina y el Caribe (CEPAL), Proyecto CEPAL-UNICEF UNI/12/001, online <<https://www.cepal.org/es/publicaciones/37328-programas-transferencias-condicionalidades-derechos-la-infancia-apuntes-partir>>.

⁹⁰ Mora Straschnoy, “Las Condicionalidades de la Asignación Universal por Hijo. Un Análisis desde el Enfoque de Derechos y las Capacidades Estatales” (2016) 2 *Administración Pública y Sociedad (APyS)* 60, online <<https://revistas.unc.edu.ar/index.php/APyS/article/view/15324>>.

4.1.4.1 The Theory of Human Capital

One of the central premises behind the paradigm of CCTs is that poverty is a result of insufficient human capital.⁹¹ Becker developed the theory of human capital in 1992 – his contribution winning a Nobel Prize in Economics – which claims that the direct investment that individuals make in nutrition and education, among others, directly and proportionally impacts their future economic capital.⁹²

I join Barba Solano (2011) and Hornes (2020) in their suspicion of the notion of human capital. Barba Solano (2011) draws attention to the false presumptions built into the paradigm of CCTs: even though compulsive evaluations have helped legitimize CCTs as a paradigm based on human capital accumulation, research shows CCTs' weak impact on poverty reduction, education, and labour opportunities.⁹³ Hornes (2020) explains that human capital represents “a set of logical discourses based on hypotheses that are presented as irrefutable,” regardless of whether they can effectively happen or not because it is based on “ambiguous or unprovable empirical references.”⁹⁴ The author explains that the theory of human capital is an “original idea” that is used as “the premise of poverty reduction,” but as a World Bank report suggests, the ultimate results of this

⁹¹ Martín Eduardo Hornes, “Expertos que Diseñan el Dinero: el Caso de los Programas de Transferencias Monetarias” (2020) XXXVIII Estudios Sociológicos 112 at 152.

⁹² Gary S. Becker, *Human Capital: A Theoretical and Empirical Analysis, with Special Reference to Education*, 3rd Ed (Chicago: University of Chicago Press, 1994). Cited by Hornes, *supra* note 91 at 153. Dallorso (2010) & Lavinas (2013) analyzed the genealogy of the idea of human capital as it originated in neoclassical economic theory. Nicolas Dallorso, *Manzaneras y Comadres. Continuidades y Transformaciones en las Intervenciones Gubernamentales: de la Protección Maternoinfantil a las Transferencias Monetarias Condicionadas (Conurbano Bonaerense 2005-2009)* (2010) Tesis de doctorado en Ciencias Sociales, Facultad de Ciencias Sociales de la Universidad de Buenos Aires. Lavinas, *supra* note 8.

⁹³ Carlos Barba Solano, “Hipótesis no Comprobadas y Espejismo en las Políticas de Transferencias Monetarias Condicionadas,” in Carlos Barba Solano, ed, *Perspectivas Críticas sobre la Cohesión Social: Desigualdad y Tentativas Fallidas de Integración en América Latina* (Buenos Aires: CLACSO, 2011).

⁹⁴ Hornes, *supra* note 91 at 153.

theory have had, at most, “modest effects.”⁹⁵ However, the theory of human capital directly feeds the need to condition aid and designate mothers as legal recipients of CCTs.

4.1.4.2 Conditionalities

Conditionalities are fundamental to the political and social acceptability of CCTs.⁹⁶ Here we see how CCTs draw on other traditional economic tenets besides – but related to – human capital: behavioural economics and contractualist approaches to social reality. CCTs draw on conventional economic theory, which theorizes that people make rational decisions based on considerations of a cost-benefit analysis and available information.⁹⁷ Thus, experts assume that poor households will engage in rational behaviours and practices.⁹⁸ The inclusion of conditions also reflects the behavioural turn in economy that responsabilizes the poor for overcoming poverty, presuming that demanding corrective action is necessary to change the “deficiency” of the poor.⁹⁹

Second, CCTs are often characterized as a contract between the state and poor households: a reciprocal agreement whereby low-income families are expected to meet the conditionalities, and the State is expected to transfer the cash. The contractual characterization of these programs becomes evident in the use of the term “*co-responsibilities*” (instead of conditions) in a majority

⁹⁵ Fiszbein, Schady, Ferreira, Grosh, Keleher, Olinto & Skoufias, *supra* note 38. As cited by Hornes, *supra* note 91 at 153.

⁹⁶ Villatoro, *supra* note 5.

⁹⁷ Carol Medlin & Damien de Walque Medlin, “Potential Applications of Conditional Cash Transfers for Prevention of Sexually Transmitted Infections and HIV in Sub-Saharan Africa” (2008) World Bank Policy Research Working Paper Series 4673.

⁹⁸ “Behavioural economics is based on the traditional ‘neoclassical’ model of human behaviour used by economists. This essentially mathematical model says human decisions can usefully be modelled as though our choices were the outcome of solving differential equations. Add psychology into the mix ... and the task of the behavioural economist is to incorporate such ideas without losing the mathematically-solvable nature of the model.” “The most well-known critique of behavioural economics comes from a psychologist, Gerd Gigerenzer of the Max Planck Institute for Human Development. Gigerenzer argues that it is pointless to keep adding frills to a mathematical account of human behaviour that, in the end, has nothing to do with real cognitive processes.” Tim Harford, “Behavioural Economics and Public Policy,” *Financial Times* (21 March 2014), online <<https://www.ft.com/content/9d7d31a4-aea8-11e3-aaa6-00144feab7de>>.

⁹⁹ Peck & Theodore, *supra* note 1 at 60.

of Latin American CCTs, a term which aims to frame recipients as adults capable of agency. “The [S]tate is seen as a partner in the process, *not a nanny*,” states a World Bank report.¹⁰⁰ However, the obligation imposed only works unilaterally. Whereas recipients are obliged to comply with the program terms if they want to remain as beneficiaries, the programs do not frame the State as obliged to provide the necessary conditions for fulfilling conditionalities. This lack of equitable obligations is problematic if we consider that CCTs increase demand for essential social services such as health and education but do not oblige the State to work on its supply-side obligations.¹⁰¹

4.1.4.2.1 Hard or Soft Conditionalities?

Within the literature, experts have characterized CCTs as having “hard” or “soft” conditionalities. Among those programs with hard conditionalities is the AUH program, which means that non-compliance is punished with suspension from the program in cases of non-observance.¹⁰² Brazil’s CCT is often cited as the best example of a program with a “soft” conditionality, which means that State authorities would consider the causes that help explain non-compliance with conditionalities. Households in a situation of non-compliance could access mechanisms of support to help them overcome the obstacles that had prevented them from complying.¹⁰³ The conditionalities were therefore meant to be constructive incentives to modify behaviour rather than punitive. For this reason, Peck & Theodore (2014) explain that the *Bolsa Família* has a “questionable reputation – in orthodox circles – for having adopted a ‘softer’ approach to conditionalities and targeting.”¹⁰⁴

¹⁰⁰ Emphasis added. Fiszbein, Schady, Ferreira, Grosh, Keleher, Olinto & Skoufias, *supra* note 38.

¹⁰¹ Meghna Ranganathan & Mylene Lagarde, “Promoting Healthy Behaviours and Improving Health Outcomes in Low- and Middle-Income Countries: A Review of the Impact of Conditional Cash Transfer Programmes” (2012) 55 S2 Incentives and Health 95. Lavinas, *supra* note 8.

¹⁰² Straschnoy, *supra* note 90 at 73. See Straschnoy (2015) for a historical genealogy of conditionalities in Argentina social security history. Mora Straschnoy, “Distintas Miradas, un Mismo Instrumento: la Figura de las Condicionales en la Política Social Argentina. Los Antecedentes de un Escenario Actual” (2015) 25 Trabajo y Sociedad 131.

¹⁰³ Francesca Bastagli, “Conditionality in Public Policy Targeted to the Poor: Promoting Resilience?” (2009) 8:1 Social Policy and Society 127.

¹⁰⁴ Peck & Theodore, *supra* note 1 at 63.

The Argentine State temporarily suspended the verification of conditionalities of the AUH because of the Covid-19 pandemic, but in principle, the conditionalities continue to be “hard.” According to Straschnoy (2016), the harsh conditionalities of the AUH enable a double exclusion: excluding the poor from health and education services and from the transfer itself.¹⁰⁵ The author observed that the State fails to remove the obstacles to exercising social rights such as health and education but maintains a punitive attitude in the face of non-compliance.¹⁰⁶

4.1.4.2.2 Why Imposing Conditionalities?

Various arguments support the introduction of conditionalities in CCTs – the most controversial aspect of these programs –, all of which I view as problematic for different reasons.¹⁰⁷ First, it is argued that conditionalities encourage families to effectively “enjoy their basic rights”¹⁰⁸ by helping eliminate “misguided beliefs” held by the poor that impede access to health and education¹⁰⁹ and “stimulate” the use of essential services.¹¹⁰ Second, it is argued that conditionalities function as a strategy to “guide” poorer sectors towards behaviours that are beneficial to the development of their families, such as investing in children¹¹¹ This idea comes from behavioural economics: that most people’s decisions are present-oriented rather than future-focused and that using a “nudge” can correct the tendency not to invest in the future.¹¹² Third, it is

¹⁰⁵ Straschnoy, *supra* note 90 at 72.

¹⁰⁶ *Ibid* at 72.

¹⁰⁷ For a detail account of rationales behind conditionality, see Esther Schüring, “Conditions, Conditionality, Conditionalities, Responsibilities – Finding Common Ground” (2010) Working Paper 014, Maastricht Graduate School of Governance, online <<https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.298.5101&rep=rep1&type=pdf>>.

¹⁰⁸ Armando Barrientos, “Conditions in Antipoverty Programmes” (2011) 19:1 Journal of Poverty and Social Justice.

¹⁰⁹ Fiszbein, Schady, Ferreira, Grosh, Keleher, Olinto & Skoufias, *supra* note 38. Marie M. Gaarder, Amanda Glassman & Jessica E. Todd, “Conditional Cash Transfers and Health: Unpacking the Causal Chain” (2010) 2:1 Journal of Development Effectiveness 6.

¹¹⁰ Alain De Janvry, Frederico Finan & Elisabeth Sadoulet, “Local Electoral Incentives and Decentralized Program Performance” (2012) 94:3 The Review of Economics and Statistics 672.

¹¹¹ Barrientos, *supra* note 108.

¹¹² Richard H. Thaler & Cass R. Sunstein, *Nudge: Improving Decisions about Wealth, Health and Happiness* (New Haven, CT: Yale University Press, 2008).

believed that the condition can help rectify information asymmetries. In the literature on institutional economics is the assumption that low-income families have restricted access to information due to low levels of formal education. Therefore, they would not know about the role of health and schooling in their offspring's future.¹¹³ This view aligns with those of authors who believe CCTs address wealth inequality because they eliminate the cost of opportunity¹¹⁴ and those who believe that they address market failures occurring because of "mismatched priorities" between the State and its citizens.¹¹⁵ Conditionality can serve as a filtering device, repelling those individuals who are unwilling to assume a behavioural change in return for the stipend.¹¹⁶ They require accountability and an active demonstration of recipients' commitment to "improve" themselves.¹¹⁷

Introducing conditionalities is also believed to make these social policy initiatives more attractive to middle and upper-class voters since they reinforce middle and upper-class fantasies that all we need to do to eradicate poverty is to help the deserving poor become responsible and efficient citizens, not attack the greed of the wealthy.¹¹⁸ Borges Sugiyama (2011) argues that the programs have expanded in Latin America regardless of the ideology of the governments under which they were implemented: right-wing, center-right, center-left, and left-wing.¹¹⁹ Indeed, CCTs have a broad political appeal beyond traditional partisan boundaries thanks to the "presentational

¹¹³ De Brauw & Hoddinott, *supra* note 88. Fiszbein, Schady, Ferreira, Grosh, Keleher, Olinto & Skoufias, *supra* note 38.

¹¹⁴ Marita C. Lynagh, Rob W. Sanson-Fisher & Billie Bonevski, "What's Good for the Goose is Good for the Gander. Guiding Principles for the Use of Financial Incentives in Health Behaviour Change" (2013) 20:1 International Journal of Behavioral Medicine 114. Karsten Lunze & Michael K. Paasche-Orlow, "Financial Incentives for Healthy Behavior: Ethical Safeguards for Behavioral Economics" (2013) 44 American Journal of Preventive Medicine 659.

¹¹⁵ Das, Do & Ozler, *supra* note 62.

¹¹⁶ Rossel, Courtoisie & Marsiglia, *supra* note 89 at 5, 6.

¹¹⁷ Cookson, *supra* note 15,

¹¹⁸ Sam Hickey, "The Politics of What Works in Reducing Chronic Poverty - A Synthesis Report for the Ministry of Foreign Affairs" (2010) CPRC Working Paper 91, online < <http://dx.doi.org/10.2139/ssrn.1629299>>.

¹¹⁹ Sugiyama, *supra* note 35 at 258, 259.

advantages”¹²⁰ of the introduction of the conditionality: “conservatives see in them a rejection of the something-for-nothing welfare ethos, while liberals place value on progress in realizing social rights for marginalized populations.”¹²¹

Finally, conditions are believed to promote intersectoral dynamism because they oblige various government agencies to work in a coordinated way to fight against poverty.¹²² World Bank researchers recognized that these programs “are highly ambitious” as they aim to activate positive collaborations between nutrition, education, and health.¹²³ However, this implies that the State must be prepared to increase the educational and health facilities to meet the new demand.¹²⁴

4.1.4.3 Female Titularity and Feminist Concerns

From their origins to date, CCT programs have been structured on the premise of female titularity. Numerous expert-generated institutional documents support the following assertions: women are the most altruistic people in poor households and, therefore, the most willing to make the “proper” use of money to ensure investments in children.¹²⁵ In turn, female titularity supposedly contributes to women’s empowerment by improving their decision-making power within the household.¹²⁶ Like the notion of human capital, the premise of female titularity is based on controversial and inconclusive evidence, which I will detail in the *Activating* section of this dissertation.¹²⁷

Feminist researchers have raised several objections to CCTs: State paternalism and their tendency to entrench unequal gender relations, including the responsabilization of women and the

¹²⁰ Peck & Theodore, *supra* note 1 at 61.

¹²¹ *Ibid* at 67.

¹²² Schüring, *supra* note 107.

¹²³ Aber & Rawlings, *supra* note 78 at 6. Peck & Theodore, *supra* note 1 at 61, 62.

¹²⁴ Rachel Slater, “Cash Transfers, Social Protection and Poverty Reduction” (2011) 20 *Int J Soc Welfare* 250.

¹²⁵ Hornes, *supra* note 91 at 156.

¹²⁶ Fiszbein, Schady, Ferreira, Grosh, Keleher, Olinto & Skoufias, *supra* note 38. Rania Antonopoulos, “Expanding Social Protection in Developing Countries: A Gender Perspective” (2013) Working Paper 757 (Annandale-on-Hudson, NY: Levy Economics Institute of Bard College) online < https://www.levyinstitute.org/pubs/wp_757.pdf>.

¹²⁷ See section 7), “Activating: Operators’ and Frontline Workers’ Accounts.”

disregard for women's unpaid labour.¹²⁸ Oliver & Brown (2012) argue that the targeting that CCT programs use is paternalistic because the State "singl[es] out a subset of the population and treat[s] those individuals as if they lacked full use of reason."¹²⁹ Standing (2014) argues that the conditionality is paternalistic and violates human rights.¹³⁰ CCTs assume the State knows what is best for low-income families, which is patronizing,¹³¹ infantilizing,¹³² and coercive because it forces individuals to carry out particular actions¹³³ and functions as "carrots and sticks."¹³⁴ I agree with the scholarship that argues the AUH is paternalistic.¹³⁵ I follow Shiffrin's (2010) definition of paternalism as occurring if the action imposed by the State is oriented toward matters that legitimately fall within the control of recipients, which is the case of CCTs.¹³⁶

¹²⁸ Alicia Bárcena et al., "Los Bonos en la Mira: Aporte y Carga para las Mujeres" (2012) CEPAL, Observatorio de Igualdad de Género de América Latina y el Caribe, Informe Anual 2012, online <https://www.segib.org/wp-content/uploads/Losbonosenla_Informe_AnualOIG_2013.pdf>.

¹²⁹ Adam Oliver & Lawrence D. Brown, "A Consideration of User Financial Incentives to Address Health Inequalities" (2012) 37:2 J Health Polit Policy Law 201. As cited by Inger B. Scheel, Andrea E. Scheel & Atle Fretheim, "The Moral Perils of Conditional Cash Transfer Programmes and Their Significance for Policy: A Meta-Ethnography of The Ethical Debate" (2020) 35 Health Policy and Planning 718.

¹³⁰ Standing, "Conditionality and Human Rights," *supra* note 63.

¹³¹ Michelle Adato & John F. Hoddinott, "Conditional Cash Transfers in the Second Decade: Current Debates and New Frontiers (Chapter 14)" (Baltimore/Washington, DC: Johns Hopkins University Press/International) (2010) Food Policy Research Institute. Oliver & Brown, *supra* note 129. Standing, "Conditionality and Human Rights," *supra* note 63. Vijayaprasad Gopichandran & Satish Kumar Chetlapalli, "Conditional Cash Transfer to Promote Institutional Deliveries in India: Toward A Sustainable Ethical Model To Achieve MDG 5A" (2012) 5 Public Health Ethics 173.

¹³² Constanza Tabbush, "Latin American Women's Protection after Adjustment: A Feminist Critique of Conditional Cash Transfers in Chile and Argentina" (2010) 38:4 Oxford Development Studies, Taylor & Francis Journals 437. Standing, "Behavioural Conditionality," *supra* note 63.

¹³³ Jishnu Das, Quy-Toan Do & Berk Özler, "Conditional Cash Transfers and the Equity-Efficiency Debate" (2004) Policy Research Working Paper No. 3280. World Bank, Washington, D.C., online <<https://openknowledge.worldbank.org/handle/10986/14299>>. Das, Do & Ozler, *supra* note 62.

¹³⁴ Standing, "Behavioural Conditionality," *supra* note 63.

¹³⁵ Ruben Lo Vuolo, "Los Programas de Transferencias Monetarias Condicionadas en América Latina y las Perspectivas de la Renta Básica o Ingreso Ciudadano" (2011) 6: I Revista Internacional de Pensamiento Político 193 at 211. Laura Pautassi, Pilar Arcidiacono & Laura Royo, "Idas y Vueltas en las Políticas Sociales: el Protagonismo de la Pobreza en la Agenda Política," in CELS, Derechos Humanos en la Argentina. Informe 2010 (Buenos Aires: Siglo Veintiuno, 2010) at 240. Facundo García Valverde, "Igualitarismo De La Suerte y Asignación Universal Por Hijo" (2015) I:10 Revista Internacional de Pensamiento Político 217.

¹³⁶ Seana Valentine Shiffrin, "Paternalism, Unconscionability Doctrine, and Accommodation" (2000) 29:3 Philosophy & Public Affairs 205 at 218.

Not everyone agrees on CCTs being “paternalistic.” Some authors explain that CCTs may increase autonomy¹³⁷ by “counter[ing] our self-defeating tendencies toward immediate gratification without constraining our options.”¹³⁸ Oliver & Brown (2012) explain that CCTs may not necessarily be coercive if it involves the State “manipulating people to do what they would ultimately want to do ... for their own ... welfare” and would otherwise place a burden on society.¹³⁹ Others claim that CCTs are not paternalistic because families can decline to be part of the program and suffer no consequences for doing so.¹⁴⁰ I side with those authors who believe there is no such thing as “choosing” to receive a cash payment in a situation of need.¹⁴¹

The implications of CCTs for gender dynamics are complex. On the one hand, the fact that women are framed as the legal beneficiaries is a “true milestone in the history of social policy in the region.”¹⁴² These programs acknowledge poor women as legitimate social policy subjects. However, women do not receive the financial benefit in their own right but based on their relationship with the actual recipients of the stipends: their children. Some CCTs may empower daughters by improving their education; they are not intended to empower their mothers.¹⁴³ Furthermore, CCTs end up “naturalizing” the gender division of labour and reinforcing stereotypes, contributing to the inter-generational perpetuation of cultural mandates that assign women to the realm of the domestic.¹⁴⁴ That is, poor women are seen as serving the anti-poverty

¹³⁷ Adato & Hoddinott, *supra* note 131. Lynagh, Sanson-Fisher & Bonevski, *supra* note 114.

¹³⁸ Scott D. Halpern, Kristin M. Madison & Kevin G. Volpp, “Patients as Mercenaries? The Ethics of Using Financial Incentives in the War on Unhealthy Behaviors” (2009) 2 *Circulation: Cardiovascular Quality and Outcomes* 514. Cited by Scheel, Scheel & Fretheim, *supra* note 129.

¹³⁹ Oliver & Brown, *supra* note 129. Cited by Scheel, Scheel & Fretheim, *supra* note 129.

¹⁴⁰ Richard E. Ashcroft, “Personal Financial Incentives in Health Promotion: Where Do They Fit in an Ethic of Autonomy?” (2011) 14 *Health Expectations* 191. Jayne Lucke, “Context is all Important in Investigating Attitudes: Acceptability Depends on the Nature of the Nudge, Who Nudges, and Who is Nudged” (2013) 13 *The American Journal of Bioethics* 24.

¹⁴¹ Ashcroft, *ibid.* Standing, “Behavioural Conditionality,” *supra* note 63. Standing, “Conditionality and Human Rights,” *supra* note 63. Oliver & Brown, *supra* note 129.

¹⁴² Bárcena et al., *supra* note 128.

¹⁴³ Tabbush, *supra* note 132.

¹⁴⁴ Tabbush, *ibid.* Antonopoulos, *supra* note 126.

agenda rather than being helped by it.¹⁴⁵ In addition, women may not have control over the cash they receive.¹⁴⁶

CCTs can limit women's opportunities through exploitation, stereotyping, and discrimination. Bradshaw (2008), Molyneux (2006, 2009), Corboz (2013), Tabbush (2010), and Cookson (2018) argue that CCTs are built on and perpetuate the idea of responsible motherhood and that lack of such is the cause of poverty, not structural inequality. For this reason, Molyneux (2006) refers to women's framing in cash transfers' social policy as "conduits of policy."¹⁴⁷ Critical feminist research on which this work builds raised concerns about CCTs' reliance on unpaid labour, including time spent and the quality of health and education services. Studies show these programs frequently increase undue burdens on poor mothers' labour time.¹⁴⁸ Research on the CCTs' impacts – particularly evaluations focused on their effectiveness on children – brushes over this "additional" labour time as if it were irrelevant. This work adds to the literature that shows that these burdens are worthy of critical attention from recipient women's perspectives.

¹⁴⁵ Sarah Bradshaw, "From Structural Adjustment to Social Adjustment" (2008) 8:2 Global Social Policy 188, online <<https://dx.doi.org/10.1177/1468018108090638>>.

¹⁴⁶ Bradshaw, *ibid.* Hossain, *supra* note 63. Tabbush, *supra* note 132.

¹⁴⁷ Maxine Molyneux, "Conditional Cash Transfers: Pathways to Women's Empowerment?" (2009) 5 Pathways Brief, online <http://www.pathwaysofempowerment.org/Pathways_Brief_5.pdf>. Molyneux, "Mothers at the Service of the New Poverty Agenda: Progreso/Oportunidades, Mexico's Conditional Transfer Programme" (2006) 40:4 Social Policy and Administration 425.

¹⁴⁸ Jacqueline Best, "Redefining Poverty as Risk and Vulnerability: Shifting Strategies of Liberal Economic Governance" (2013) 34:1 Third World Quarterly 109. Sarah Bradshaw & Ana Quirós Viquez, "Women Beneficiaries or Women Bearing the Cost? A Gendered Analysis of the *Red de Protección Social* in Nicaragua" (2008) 39:5 Development and Change. Tara Patricia Cookson, "Working for Inclusion? Conditional Cash Transfers, Rural Women, and the Reproduction of Inequality" (2016) 48 Antipode 1187. Cookson, "Unjust Conditions," *supra* note 15. Sarah Gammage, "Conditional Cash Transfers and Time Poverty: An Example from Guatemala" (2011) Mesa Directiva de la Conferencia Regional sobre la Mujer de América Latina y el Caribe. Santiago: Economic Commission for Latin America and the Caribbean. Maria Elisa Balen, "Queuing in the Sun. The Salience of Implementation Practices in Recipients' Experience of a Conditional Cash Transfer," in Jean-Pierre Olivier de Sardan & Emmanuelle Piccoli Balen, eds, *Cash Transfers in Context: An Anthropological Perspective* (New York: Berghahn Books, 2018). Lavinas, *supra* note 8. Maxine Molyneux & Marilyn Thomson, "Cash Transfers, Gender Equity and Women's Empowerment in Peru, Ecuador and Bolivia" (2011) 19:2 Gender and Development 195. Nora Nagels, "The Social Investment Perspective, Gender and the Conditional Cash Transfer Programs in Peru and Bolivia," in M. Rocha Lukic & C. Tomazini, eds, *Analyzing Public Policies in Latin America: A Cognitive Approach* (Newcastle-upon-Tyne, UK: Cambridge Scholars Publishing, 2014).

Authors also explain that CCTs stigmatize recipients, individualize poverty, violate human rights, and promote a market-based approach to social security. First, they contribute to recipients' stigmatization by targeting and distinguishing between deserving/responsible recipients and undeserving/irresponsible ones.¹⁴⁹ This also negatively impacts the social acceptability of transfers and perpetuates mistaken understandings about the causes of poverty.¹⁵⁰ Focusing on individual non-performance of behaviour draws attention away from the structural causes of poverty. Second, CCTs build on the idea that poverty is a personal responsibility. Women are forced to assume a responsibility that is the State's.¹⁵¹

Third, CCTs violate human rights, which are universal and unconditional. They do so by violating three principles described by Standing: (1) "a policy is just only if it reduces the insecurity among the most insecure"; (2) "a policy is unjust if it imposes controls on some groups in society that are not imposed on the most free"; and (3) "a policy ...is just if it enhances the rights of the recipients and limits the discretionary powers of the providers."¹⁵²

Fourth, CCTs promote a commodified, market-based approach to social security and the idea that human beings are utility-maximizing entities constantly taking risks and calculating. The idea of citizenship promoted by CCTs is what Schild (2000) refers to as market citizenship.¹⁵³ Sandel (2012) proposes that CCTs represent the extension of the market into other facets of human life as these programs frame individual behaviour as a commodity in exchange for money,

¹⁴⁹ Oliver & Brown, *supra* note 129. Standing, "Behavioural Conditionality," *supra* note 63.

¹⁵⁰ Ian Forde, Ruth Bell & Michael G. Marmot, "Using Conditionality as a Solution to the Problem of Low Uptake of Essential Services Among Disadvantaged Communities: A Social Determinants View" (2011) 101:8 *American Journal of Public Health* 1365. Lucke, *supra* note 140.

¹⁵¹ Tabbush, *supra* note 132. Bradshaw, *supra* note 145. Standing, "Conditionality and Human Rights," *supra* note 63. Das, Do & Özler, *supra* note 133. Das, Do & Ozler, *supra* note 62. Adato & Hoddinott, *supra* note 131. Lynagh, Sanson-Fisher & Bonevski, *supra* note 114.

¹⁵² Standing, "Behavioural Conditionality," *supra* note 63. Standing, "Conditionality and Human Rights," *supra* note 63.

¹⁵³ Veronica Schild, "Neo-Liberalism's New Gendered Market Citizens: The 'Civilizing' Dimensions of Social Programmes in Chile" (2000) 43 *Citizenship Studies* 275 at 276.

degrading the worth of personal values.¹⁵⁴ Indeed, CCTs are the ideal of a liberal welfare regime as the market is the primary provider of welfare, with a State provision that is marginal, means-tested, and targeted only to the poorest of the poor.¹⁵⁵ The system continues to be characterized by stratification along the lines of gender, race, class, and social services such as health and education continue to be commodified and of challenging and fragmented access and poor quality.

4.2 THE AUH

Argentina's CCT program is the *Asignación Universal por Hijo para Protección Social*, or "AUH" [Universal Child Allowance/Allocation for Social Protection]. The program was enacted on August 29th, 2009, during the presidency of Cristina Fernández de Kirchner.¹⁵⁶

4.2.1 Historical Framework

Argentina's social security system can be broadly described by its early adherence from the mid-1940s to the *Bismarckian* model¹⁵⁷ or conservative-corporate welfare paradigm, whereby coverage of social risks is strongly associated with participation in the labour market.¹⁵⁸ In the late nineteenth and early twentieth century, universal public education and the public health system were established in Argentina.¹⁵⁹ Argentine scholars have explained how Argentina's social policies were formed mainly during the government of Juan Domingo Perón (1945-1955) through a legal

¹⁵⁴ Michael J. Sandel, *What Money Can't Buy: The Moral Limits of Markets* (London: Penguin, 2012).

¹⁵⁵ Gøsta Esping-Andersen, *The Three Worlds of Welfare Capitalism* (Princeton, NJ: Princeton University Press, 1990).

¹⁵⁶ AUH Decree of Necessity and Urgency 1602/09, online
<<https://www.ilo.org/dyn/travail/docs/1804/DECRETO%201602.pdf>>.

¹⁵⁷ Contributory social security systems have their origin in Otto von Bismarck's Germany in the 19th century. However, they were consolidated in the post-war period in continental Europe. Boffi, *supra* note 16 at 34-35.

¹⁵⁸ *Ibid* at 164.

¹⁵⁹ *Ibid*.

structure that instituted substantial social rights for waged workers.¹⁶⁰ Women employed in the formal economy sector gained job protections during pregnancy, paid maternity leave, and were formally covered by legislation that mandated employers to provide childcare, even though the latter stipulation was not implemented.¹⁶¹

From 1957 on, the *Family Allowances System* was enacted to relieve formal workers of family-reproduction-related expenses through social security payments.¹⁶² A formal employment relationship was necessary to partake in this system.¹⁶³ Women and children could only access social protection through the male breadwinner within the household. As Mazzola (2012) contends, in the 1950s, social security strategies started to focus on the family and children.¹⁶⁴

From 1976 to 1983, Argentina suffered a military dictatorship.¹⁶⁵ Tedesco (1999) contends that the influence of the military forces expanded in this turbulent time of Argentine history.¹⁶⁶ The 1970s and 1980s were marked by defunding, decentralization, worsening working conditions, and deterioration of the health and education system.¹⁶⁷ De Sena & Mona (2014) argue that the existing paradigms embedded in current social policies and programs in Argentina are actually heirs of the

¹⁶⁰ Donna J. Guy, *Women Build the Welfare State: Performing Charity and Creating Rights in Argentina, 1880-1955* (Duke University Press, 2008). Perón's mandate was accompanied by Eva Perón's initiatives for the poor delivered through the mythical Eva Perón Foundation. The latter worked as a welfare bureaucracy parallel to the State during his presidential mandate, funded by the State and Unions. Carolina Barry, Karina Ramacciotti & Adriana Valobra, eds, *La Fundación Eva Perón y las Mujeres: Entre la Provocación y la Inclusión* (Buenos Aires: Biblos, 2008).

¹⁶¹ Eleanor Faur, "The 'Care Diamond': Social Policy Regime, Care Policies and Programmes in Argentina" (2008) Research Report 3, The Political and Social Economy of Care Project, UNRISD Argentina at 48.

¹⁶² Law 7913 / 1957 on *Child Allowances for Child with Disability and Employee in a Dependent Relation*, online < https://www.argentina.gob.ar/normativa/nacional/decreto_ley-7913-1957-297259>.

¹⁶³ Pilar Arcidiácono, Carmona Barrenchea & Mora Straschnoy, "La Asignación Universal por Hijo para Protección Social: Rupturas y Continuidades, ¿Hacia un Esquema Universal?" (2011) 61 *Revista Margen*.

¹⁶⁴ Roxana Mazzola, *Nuevo Paradigma: La Asignación Universal por Hijo en la Argentina* (Buenos Aires: Prometeo, 2012) at 33.

¹⁶⁵ Laura Tedesco, *Democracy in Argentina: Hope and Disillusion* (Routledge, 1999). The dictatorship "disappeared" an estimated 30,000 people. Rita Arditti, *Searching for Life: The Grandmothers of The Plaza De Mayo and the Disappeared Children of Argentina* (California: Univ. of California Press, 1999).

¹⁶⁶ Tedesco, *ibid.*

¹⁶⁷ Boffi, *supra* note 16 at 164.

conceptual reforms that began in the 1970s with the dictatorships in the region.¹⁶⁸ Di Natale (2004) explained that in the 1970s, social policies were shaped by the liberal ideology of market deregulation¹⁶⁹ and that by the 1980s, the financial and social security crisis significantly increased poverty.¹⁷⁰ The period after the dictatorship in the 1980s was marked by the “downward mobility” of the middle class in Argentina.”¹⁷¹ During this period, the government of democratically elected Raúl Alfonsín implemented the PAN (*Programa Alimentario Nacional*, National Nutritional Program) in 1984 to distribute food packages to low-income families.¹⁷²

During the 1980s, Argentina came under increasing pressure from the International Monetary Fund and the World Bank to implement structural adjustment policies. The latter led to the increased reliance on women’s waged labour and the destruction of formal sector employment.¹⁷³ The World Bank argued that reducing poverty necessitated concentrating public social spending on the most vulnerable and restricting the State’s actions to priority groups.¹⁷⁴ These strategies privileged fragmentation and exclusion and thus exacerbated destitution.

¹⁶⁸ Angélica de Sena & Anaclara Mona, “A Modo de Introducción: La Cuestión Social, Las Políticas Sociales y Las Emociones,” in Angélica De Sena, ed, *Las Políticas Hechas Cuerpo y Lo Social Devenido Emoción: Lecturas Sociológicas de Las Políticas Sociales* (Ciudad Autónoma de Buenos Aires: Estudios Sociológicos Editora, 2014) at 12.

¹⁶⁹ Martín Dinatale, *El Festival de la Pobreza. El Uso Político de Planes Sociales en la Argentina* (Buenos Aires: Ed. La Crujia, 2004).

¹⁷⁰ *Ibid.*

¹⁷¹ Javier Auyero, *Poor People’s Politics: Peronist Survival Networks and the Legacy of Evita* (Durham: Durham: Duke University Press, 2001) at 42.

¹⁷² Law 23,056/1984 on *National Food Program [Programa Alimentario Nacional]*, online <<http://servicios.infoleg.gob.ar/infolegInternet/anexos/25000-29999/28150/norma.htm>>. Georges Midré, “Bread or Solidarity, Argentine Social Policies, 1983-1990” (1992) 24 *Journal of Latin American Studies* 343.

¹⁷³ Rianne Mahon, “Work-Family Tensions and Childcare. Reflections on Latin American Experiences” (2011) 1 *Sociologica* at 3.

¹⁷⁴ Ana Sojo, “Vulnerabilidad Social, Aseguramiento y Diversificación de Riesgos en América Latina y el Caribe” (2003) 80 *Revista CEPAL*. Ana Sojo, “La Trayectoria del Vínculo entre Políticas Selectivas contra la Pobreza y Políticas Sectoriales” (2007) 91 *Revista de la CEPAL*.

There is a consensus in the literature¹⁷⁵ that some of the most lasting effects of these neoliberal interventions to ensure the reproduction of capital in Argentina have been the feminization of employment, social protests, transnational migration, and substantive cutback of social policies.¹⁷⁶ Urban women's waged employment participation rates in Argentina increased from 38% in 1990 to 48% by 2002.¹⁷⁷ Women needed to find ways to provide care, changing the landscape of social protection in Argentina. As Filgueira (2005) put it, the collapse of the previous social protection model in Latin America:

placed women in a dramatic position, as the last resource for family income, as a continual bearer of care-taking, in an increasingly worsened labour market situation, with less stability in family arrangements and with a frozen landscape in terms of welfare policies...¹⁷⁸

¹⁷⁵ The impacts of neoliberal reforms in Argentina and subsequent encroachment of the welfare state have been extensively debated in the scientific field. For instance, Guimenez (2004) developed on citizenship and the implementation of neoliberal policies. Coraggio (1999) researched new forms of "social economy." Soldano (2000) focused on the transformation of community in neighbourhoods. Grassi (2003) emphasized neoliberal decentralization and targeting. Andrenacci's work (2000) focused on the emergence of private sectors actors. Others such as Auyero (2001), Svampa & Pereyra (2003) and Delamata (2004) focused on the relationships between social policies recipients and old and new political actors. Sandra Guimenez, "Políticas Sociales y los Dilemas de la Participación" (2004) 4:16 *Revista de Estudio sobre Cambio Social*, Facultad de Ciencias Sociales, UBA. José Luis Coraggio, *Política Social y Economía del Trabajo* (Buenos Aires, UNGS-Niño & Davila Editores, Buenos Aires, 1999). Daniela Soldano, "Sociabilidad y Micropolítica en un Barrio 'Bajo Planes.'" in Luciano Andrenacci, ed, *Cuestión Social y Política Social en el Gran Buenos Aires* (Buenos Aires: Ediciones Al Margen/ UNGS, 2000). Estela Grassi, *Políticas y Problemas Sociales en la Sociedad Neoliberal. La Otra Década Infame* (Buenos Aires: Espacio Editorial, 2003). Luciano Andrenacci, *Cuestión Social y Política Social en el Gran Buenos Aires* (Buenos Aires: Ediciones Al Margen/ UNGS, 2000). Javier Auyero, *La Política de los Pobres* (Buenos Aires: Manantial, 2001). Gabriela Delamata, *Los Barrios Desbordados: las Organizaciones de Desocupados del Gran Buenos Aires* (Buenos Aires: EUDEBA, 2004). Maristella Svampa & Sebastián Pereyra, *Entre la Ruta y el Barrio. La Experiencia de las Organizaciones Piqueteras* (Buenos Aires: Biblos, Buenos Aires, 2003).

¹⁷⁶ Guillermo Müller et al., *Políticas Sociales en la Argentina. Entre la Ciudadanía Plena y el Asistencialismo Focalizado en la Contención del Pauperismo, 1st Ed* (Buenos Aires: Universidad de Buenos Aires, 2008). Leopoldo Halperin, "Problemas de Género en la Argentina del Siglo XXI: Feminización de la Pobreza e Inequidad del Mercado Laboral" (2011) 11 *Cuadernos del CEPED* 11, Centro de Estudios sobre Población, Empleo y Desarrollo, Facultad de Ciencias Económicas, Universidad de Buenos Aires. Catalina Wainerman, "División del Trabajo en Familias de Dos Proveedores: Relato desde Ambos Géneros y Dos Generaciones" (2000) 15:1:43 *Estudios Demográficos y Urbanos* 149. Rubén M. Lo Vuolo, Alberto Barbeito, Laura Pautassi & Corina Rodríguez, *La Pobreza ... de la Política contra la Pobreza* (Madrid / Buenos Aires: Colección Políticas Públicas, Ciepp 1999).

¹⁷⁷ Mahon, *supra* note 173.

¹⁷⁸ Fernando Filgueira, "Welfare and Democracy in Latin America: The Development, Crises and Aftermath of Universal, Dual and Exclusionary Social States" (2005) Geneva: UNRISD.

Throughout the 1990s, the Argentine social security system was marked by outsourcing of social services, limited social assistance, and the control of poor populations through the criminalization of social conflict.¹⁷⁹ These characteristics are functional to the neoliberal accumulation model,¹⁸⁰ resulting in targeting, privatization of public services, and decentralization. A significant reform began in 1991 with the creation of the single social security system and culminated in 1996 with the enactment of Law 24,714 on *the Family Allowances Regimen*.¹⁸¹ The latter is structured in two subsystems: a contributory and a non-contributory mechanism. The first includes workers in relation of dependency and formal workers. The non-contributory subsystem includes retirees, pensioners, and the recipients of non-contributory programs, such as the AUH.

Argentina's situation radically worsened after the socio-economic and political crisis that reached its peak in December 2001.¹⁸² As part of the government's strategy to confront the socio-economic downfall and the crisis of legitimacy of the State in the aftermath of 2001, Law 25,561 on *Public Emergency and Reform of the Exchange Regime* declared an emergency in social, economic, and administrative matters.¹⁸³ This emergency Act allowed for the unification of existing social programs.¹⁸⁴ As well, a series of social programs were then implemented to restrict

¹⁷⁹ Maristella Svampa, *La Sociedad Excluyente. La Argentina bajo el Signo del Neoliberalismo* (Buenos Aires: Ed. Taurus, 2005) at Chapter 1.

¹⁸⁰ Estela Grassi, Susana Hintze & María Rosa Neufeld Andreis, *Políticas Sociales, Crisis y Ajuste Estructural. Un Análisis del Sistema Educativo, de Obras Sociales y de las Políticas Alimentarias* (Buenos Aires: Espacio, 1994). Cited by Juliana Andreis, "La Asignación Universal por Hijo y la Mujer: Entre la Asistencia, los Cuidados y los Derechos" (2016) Monograph, Facultad de Trabajo Social, Universidad de la Plata at 25.

¹⁸¹ Law 24,714/1997 on *Family Allowances Regime*, online <<http://servicios.infoleg.gob.ar/infolegInternet/anexos/35000-39999/39880/texact.htm>>. Susana Hintze & María Ignacia Costa, "La Reforma de las Asignaciones Familiares 2009: Aproximación al Proceso Político de la Transformación de la Protección," in Claudia Danani & Susana Hintze, eds, *Protecciones y Desprotecciones: La Seguridad Social en la Argentina. 1990-2010* (Buenos Aires: Universidad Nacional de General Sarmiento, 2011).

¹⁸² The resignation of former president Fernando de la Rúa was followed by the successive short-lived mandates of Ramón Puerta, Adolfo Rodríguez Saá, and Eduardo Camaño. Finally, this turbulent socio-political period stabilized with the assumption of President Eduardo Duhalde in early 2002.

¹⁸³ Law 25,561/2002 on *Public Emergency and Reform of the Exchange Regime*, online <<http://servicios.infoleg.gob.ar/infolegInternet/verNorma.do?id=71477>>.

¹⁸⁴ M. Claudia Cabrera, "Entre Dos Aguas. Tensiones entre la Memoria del Plan y la Ampliación de Derechos en la Implementación de las Políticas Sociales en el Conurbano Bonaerense," in M. Claudia Cabrera & Marcela Vio, eds, *La Trama de la Economía Popular* (Ciudad Autónoma de Buenos Aires: Espacio Editorial, 204) at 105.

the commodification process that undermines the social reproduction of life, such as the *Unemployed Heads of Household Plan* [PJHD, *Plan Jefes y Jefas de Hogar Desocupados*] enacted by Decree 562 in 2002.¹⁸⁵ This program's goal was to activate employment; it expanded the levels of social protection coverage in the country, reaching more than two million recipients.¹⁸⁶ The PJHD was also an emblematic State response to contemporary Argentina's most severe socio-economic crisis.¹⁸⁷

In 2004, through Decree 1506/2004, the PJHD ceased, and its recipients were transferred to two other programs.¹⁸⁸ Those regarded as "employable" were referred to Ministry of Labour training and labour programs. The "unemployable" individuals were transferred to the *Plan Familias para la Inclusión Social* [Families for Social Inclusion Plan], or "*Plan Familias*," a cash transfer to socially vulnerable households with children.¹⁸⁹ The *Plan Familias* was a response to a process that had been underway in Latin America since the late 1990s,¹⁹⁰ as massive CCT systems were already fully operating in other Latin American countries when the *Plan Familias* was implemented.

Between 2003-2007, there were improvements in the Argentine labour market.¹⁹¹ During Néstor Kirchner's presidency, job creation and wages increased and helped reduce poverty rates.¹⁹²

¹⁸⁵ Decree 565/2002. Arcidiácono, Barrenchea & Straschnoy, *supra* note 163.

¹⁸⁶ It consisted of a cash transfer to unemployed parents for each child under 19 (up to a maximum of five children), and to pregnant mothers. Ana María Bestard, Carrasco Maximiliano & Kantor Mora, "El Poder Legislativo Nacional y los Programas Sociales en el Período 2002-2009," in Laura Pautassi & Gustavo Gamallo, eds, *¿Más Derechos, Menos Marginaciones? Políticas Sociales y Bienestar en la Argentina* (Buenos Aires: Biblos, 2012) 115 at 118.

¹⁸⁷ Luciano Andrenacci, Fernando Falappa & Daniel Lvovich, "Acerca del Estado de Bienestar en el Peronismo Clásico (1943-1955)," in Julián Bertranou, Juan Manuel Palacio & Gerardo M. Serrano, *En el País de No Me Acuerdo, (Des) Memoria Institucional e Historia de la Política Social Argentina, 1st Ed* (Buenos Aires: Prometeo Libros, 2004) at 83.

¹⁸⁸ Boffi, *supra* note 16 at 166.

¹⁸⁹ *Ibid.*

¹⁹⁰ *Ibid* at 167.

¹⁹¹ *Ibid* at 168.

¹⁹² Martín Retamozo & Lucía Trujillo, "Políticas contra la Pobreza en Argentina (2002-2015). Alcances, Limitaciones y Desafíos" (2018) 98:1 Revista Reflexiones 89.

As Boffi (2020) explains, the improvement of the labour market led to the establishment of a discourse in which the primary pillar of social protection was considered the generation of formal employment.¹⁹³ The paradigm was that increasing registered employment would increase social protection levels.¹⁹⁴

However, several factors problematized the above assumption: the international crisis of 2008 that affected Latin American economies, formal labour market decline, and the nationalization of AFJPs or private pension funds [*Administradoras de Fondos de Jubilaciones y Pensiones*, Retirement and Pension Fund Administrators] that had been created within the framework of the neoliberal reforms of the 1990s.¹⁹⁵ This reform of the pension system established by Law 26,425/2008 under the presidency of Cristina Fernández replaced private administrators of pensions with a pay-as-you-go system administered by the State known as the *Argentine Integrated Pension System* [SIPA].¹⁹⁶ It improved income distribution and helped to reduce poverty.¹⁹⁷ This reform allowed the State to collect additional revenue and thus expand its non-contributory coverage capacity. In this context, the creation of the SIPA gave ANSES all the financial resources previously at the hands of private insurers.¹⁹⁸

¹⁹³ Boffi, *supra* note 16 at 168.

¹⁹⁴ *Ibid.*

¹⁹⁵ Boffi, *supra* note 16 at 169. The Retirement and Pension Fund Administrators (AFJP) were companies – financed by private, State, or mixed capital – dedicated to managing the funds generated with the retirement contributions made by the workers who chose to be included in the individual capitalization regime established by Law 24,241/1993 on *Pension Reform* enacted during the presidency of Carlos Menem.

¹⁹⁶ Carmelo Mesa-Lago, “La Ley de Reforma de la Previsión Social Argentina. Antecedentes, Razones, Características y Análisis de Posibles Resultados y Riesgos” (2009) 219 *Nueva Sociedad* 14. Cited by Retamozo & Trujillo, *supra* note 192.

¹⁹⁷ This pension reform benefited 2,3 million people, raising retirement pension coverage to over 90% in 2014, a record rate. Prior to this reform, approximately 32% of people of retirement age did not have access to a pension benefit. Importantly, female coverage grew exponentially. Beccaria & Dannani (2014) noted that retirement income contributed to the reduction of poverty. Alejandra Beccaria & Claudia Dannani, “El Sistema Previsional: Aspectos Institucionales y Protección, entre la Normalización y la Transformación (2003-2013),” in Claudia Dannani & Susana Hintze, ed, *Protecciones y Desprotecciones (II) Problemas y Debates de la Seguridad Social en Argentina* (Los Polvorines: Universidad Nacional de General Sarmiento, 2014). Cited by Retamozo & Trujillo, *supra* note 192 at 101.

¹⁹⁸ Alejandro Rofman, “Soberanía y Proyecto Económico” (2012) 21 *Revista de Ciencias Sociales* Universidad Nacional de Quilmes 219. Cited by Retamozo & Trujillo, *supra* note 192 at 98.

Towards the end of 2007, Cristina Fernández de Kirchner assumed the presidency in Argentina and faced three major macro-economic challenges: the international crisis of 2008, which affected the capacity of international markets to incorporate Argentine agricultural products; a subsequent political crisis based on protests by Argentine agribusiness entrepreneurs dissatisfied with the export tariffs promoted by the government; and inflation and imbalance of payments.¹⁹⁹

In this context, the AUH program was implemented at the end of 2009 as the most powerful strategy to combat poverty in Argentina.²⁰⁰ Aduriz, Arinci, Chitarroni, Gamus & Wermus (2015) contend that the AUH model is not a novel program in Argentina and that comparable social programs existed prior to the AUH's 2009 implementation.²⁰¹ However, other scholars argue that significant differences exist between the AUH and prior programs, including that the AUH supposedly contradicts the norm that participation in the formal labour market is necessary for social protection;²⁰² the AUH's permanent status because it was legally institutionalized as an extension to the *Family Allowances* program that had been implemented in 1957; the rights-based

¹⁹⁹ Andrés Wainer, “¿Fatalidad o Causalidad? Límites Socio-Económicos al Desarrollo en la Argentina Reciente” (2017) 34: 95 Cuadernos del CENDES 39. Cited by Retamozo & Trujillo, *supra* note 192 at 98.

²⁰⁰ According to Varesi (2016), from 2008 onwards, the government took a progressive turn and developed an anti-crisis plan to soften the impact of the global crisis through increase of the minimum wage, nationalization of the AFJPs, the creation of cooperatives, and the establishment of the AUH, among other measures. Gastón Varesi, “El Giro Progresista. Apuntes sobre Alcances y Límites del Neo-Desarrollismo” (2011) Realidad Económica. Cited by Melina Morzilli, “Las Políticas durante el Neoliberalismo. Estudios Sobre el Impacto de la Asignación Universal por Hijo” (2016) 44 Trabajos y Comunicaciones. Additionally, the Program “*Argentina Trabaja*” was created in mid 2009, under the direction of the National Ministry of Social Development. Its objective was “social inclusion through work, training from an integral perspective, and the promotion of cooperative organization.” Martín Hornes, “Los Programas de Transferencias Monetarias Condicionadas. Una Aproximación desde la Socio-Antropología Económica” (2003) 3:5 Revista Debate Público, Reflexión de Trabajo Social, Artículos Seleccionados, online <http://trabajosocial.sociales.uba.ar/wp-content/uploads/sites/13/2016/03/12_Hornes.pdf> at 106.

²⁰¹ Isidro Aduriz, Victoria Arinci, Horacio Chitarroni, Elisa Trotta Gamus & Naomi Wermus, in Bernardo Kliksberg & Irene Novacovsky, eds, *El Gran Desafío: Romper la Trampa de la Desigualdad Desde la Infancia Aprendizajes de la Asignación Universal por Hijo* (Ciudad Autónoma de Buenos Aires: Biblos, 2015), online <<http://trabajosocial.sociales.uba.ar/wp-content/uploads/sites/13/2015/08/AUH-Librocompleto.pdf>>.

²⁰² Arcidiácono, Barrenchea & Straschnoy, *supra* note 163. Lindsay DuBois, “Women and Children first? Conditional Cash Transfer Programs in neo-Peronist Argentina” (2014) Paper presented at *CASCA 2014: Promising Uncertainties: Unsettling the Future of Anthropological Terrain*, York University, Toronto. Emilia Roca, “Asignación Universal por Hijo (AUH): Extensión de las Asignaciones Familiares” (2011) Revista Debate Público, Reflexión de Trabajo Social, online <<http://trabajosocial.sociales.uba.ar/wp-content/uploads/sites/13/2016/03/Revista-Debate-Publico.pdf#page=30>>.

discourse that frames the program; and that is intended for children.²⁰³ The AUH is legally ingrained into the country's social protection system. Indeed, even as Argentina ended twelve years of progressive government and elected Mauricio Macri's government – called “center-right”²⁰⁴ and “market-centric”²⁰⁵ – in 2015, the AUH remained a pillar of the social security system in Argentina.

4.2.2 Legal Framework

Prior to the enactment of the AUH in 2009, six bills were presented in Congress by different political parties proposing the creation of a transfer for households with children.²⁰⁶ In 2009, the Executive promoted the creation of the AUH through a Decree of Necessity and Urgency [*Decreto de Necesidad y Urgencia*, or “DNU”]: Decree 1602/09.²⁰⁷ It was stated therein that the AUH would be incorporated into the *Family Allowances* regime under Law 24,714.

Its implementation utilizing a DNU was questioned: why use this modality to enact a policy that expanded rights rather than a more legitimate enactment via Congress?²⁰⁸ Decree 1602/09, as the legal pillar of the AUH, has not been studied in-depth, some works limiting themselves to criticizing – from the point of view of constitutional procedural concerns and legitimacy – the use

²⁰³ Arcidiácono, Barrenchea & Straschnoy, *ibid.* DuBois, *ibid.* Roca, *ibid.*

²⁰⁴ Sara Niedzwiecki & Jennifer Pribble, “Social Policies and Center-Right Governments in Argentina and Chile” (2017) 59:3 *Latin American Politics and Society* 72.

²⁰⁵ Gabriel Vommaro & Mariana Gené, “Argentina: El Año de Cambiemos” (2017) 37:2 *Revista de Ciencia Política* (Santiago) 231 at 333.

²⁰⁶ The six projects that preceded the AUH were : (1) The Project of the Civic Coalition, entitled “*Fondo para el Ingreso Ciudadano de la Niñez*” (“Fund for the Citizens’ Income for Children,” or FINCINI) (1997-2008); (2) the Project of the *Frente para la Victoria*, entitled “Creation of a Regime of Family Allowances per Child and for School Assistance for Non-Registered Workers” (2008); (3) the Socialist Party Bill entitled “Universal Income for Children and Adolescents” (2009); (4) the Radical Civic Union Bill, entitled “Creation of the Universal Allowance Program for Prenatal, Birth, Childhood and Adolescence Care” (2009); (5) the Bill promoted by Representative Lozano supported by Representatives of Solidarity and Equality, Progressive Project, and the Popular and Social Encounter (2009); (6) the bill “*Ingreso Básico Familiar*” (Basic Family Income, or IBF) presented by Representative De Narváez. Gala Díaz Langou, “La Implementación de la Asignación Universal por Hijo en Ámbitos Subnacionales” (2012) 84 *Working Document*, CIPPEC, online < <https://www.cippec.org/wp-content/uploads/2017/03/2452.pdf> > at 29-30.

²⁰⁷ Decree 1602/09, *supra* note 156.

²⁰⁸ Ana María Bestard, “Asignación Universal por Hijo. Enfoque de Derechos y Marco Constitucional: ¿Por qué Mediante Decreto de Necesidad y Urgencia? (2011) Universidad de Buenos Aires, Facultad de Derecho. Leonardo Gasparini & Guillermo Cruces, “Las Asignaciones Universales por Hijo en Argentina. Impacto, Discusión y Alternativas” (2010) LVI Facultad de Ciencias Económicas, Universidad Nacional de La Plata at 131.

of an Executive Power's decree instead of having opted for the route of deliberation through the Legislative Power. The procedural and constitutional law issue is beyond the limits of this thesis but will be briefly mentioned in the *Extending* section.²⁰⁹

4.2.2.1 Legal Texts “in Action”

Smith reminds us that texts are connected in ways that our training as lawyers might not otherwise uncover. For instance, by addressing legal and other texts as a product of embodied work practices instead of merely in terms of their nomenclature (“decree,” “statute,” “article,” “code”, “form”), I question to what extent it matters for actual people on the ground that the AUH was enacted via decree and not statute. The significance of this remark does not necessarily stem from the contention that such a modality is wrong or right. Instead, it arises because seeing the texts in Smith's IE terms – beyond mere legal formalism – reminds us that texts are produced by people who have lives outside the texts they produce, and these texts, such as Decree 1602/09, govern the lives and practices of other people whose subjectivity is improbable to be entirely embedded within the textual record of the AUH, such as the work of AUH recipient mothers.

The Argentine government has produced a material object – Decree 1602/09 – used in several contexts, by many different people, for many different purposes, enabling institutional processes of social policy to occur in a coordinated manner, reaching millions of households in Argentina. The AUH foundational text – Decree 1602/09 – provides the basis on which individuals can become beneficiaries of the programs;²¹⁰ it stipulates the actions that recipients must take;²¹¹ provides a foundation for withdrawals if beneficiaries fail to comply with the conditionalities imposed by the program;²¹² it provides governmental officers of the ANSES with a template for

²⁰⁹ See section 8), “Extending & Mapping Cartographic Laws: Fantastic Rights and Where to Find Them.”

²¹⁰ Decree 1602/09, *supra* note 156 at articles 1, 2, 6 and 8.

²¹¹ *Ibid* at articles 6 and 7.

²¹² *Ibid* article 7 para. 5.

resolving conflicts regarding the stipend; delegates the program implementation to the ANSES and;²¹³ it permits me to do the sort of analysis that I am performing in this dissertation. In each instance, the diverse actors are led by copies of the exact text, even though they undertake various actions with that text to accomplish different institutional and hierarchical roles.

Decree 1602/09 indeed shapes the AUH institutions and ruling relations significantly, promoting specific institutional concerns and excluding others, such as women's concerns. The text of the AUH Decree, for instance, was set up as an ideological pillar in how people in Argentina think about social welfare. In that narrative, however, recipient women's work is entirely unacknowledged. This is problematic if we keep in mind that half of a textual account of Decree 1602/09 is a preamble that was used to provide context to the enactment of the AUH program: it explains that the AUH is a historical debt to the poor and underscores the "dignity" of waged labour as the key to escape poverty. Nevertheless, recipient women's labour and roles are not even mentioned once in the twenty-eight paragraphs that compose the preamble of the legal pillar of the AUH program. There is also a historical debt to women who have had a subservient position as secondary workers in our societies, and that debt should be – at the bare minimum – mentioned in the textual account of Decree 1602/09. As Liew (2020) brilliantly put it, "being invisible does not garner power in legal discourse," and exclusion from the text of the law is problematic.²¹⁴ However, as I shall explain in detail in the section *Extending*, including women's experiences into the law is necessary but insufficient if the State fails to implement and enforce laws to protect women's rights and prevent VAW and if we fail to strive for decommodification and redistribution.

²¹³ Decree 1602/09, *supra* note 156 at article 10.

²¹⁴ Liew (2020) examined how migrant sex workers have been problematically rendered invisible in discourse in laws regarding sex work in Canada. The author asks for a "deeper reflection on how litigation and law reform deploy experiential voice" and argues that women's "voices have to be heard in a meaningful way" and that "more work needs to be done to include voices from the margins." Jamie Chai Yun Liew, "The Invisible Women: Migrant and Immigrant Sex Workers and Law Reform in Canada" (2020) 14:21 *Studies in Social Justice* 90 at 90, 96, 104.

4.2.2.2 Intertextuality

Texts are hierarchically organized in what Smith calls a “two-way street.”²¹⁵ For example, recipient mothers are accountable to the ANSES, and the ANSES is accountable through administrative decisions to the Executive Power.²¹⁶ Simultaneously, the AUH Decree provides the concepts and categories used within subordinate texts, such as the forms required to receive the stipend or the *libreta* to demonstrate compliance with program conditionalities.²¹⁷ Thus, the language and logical structure of hierarchically inferior texts are determined by Decree 1602/09 to a considerable extent. Beyond a seeming congruence between Smithian textual hierarchy and traditional notions of legal method, Smith’s insight about the hierarchical nature of inter-textuality allows us to see the tangible effects of the “boss text” – Decree 1602/09 – on the lives of those mothers who become involved in the welfare system under their status as recipients.

Of course, inter-textual hierarchy also allows us to see other legal texts that interact within the institution of the AUH, including other regulations and programs. Other programs in inter-hierarchical relation with the AUH Decree are the *AUH para Hijo con Discapacidad* [AUH for Disability]²¹⁸ and the *Universal Pregnancy Allowance* [*Asignación Universal por Embarazo*, or AUE].²¹⁹

²¹⁵ Smith, *Writing the Social: Critique. Theory and Investigations* (Toronto: University of Toronto Press, 1999) at 186.

²¹⁶ Lila Rabinovich & Stephanie Diepeveen, “The Design of Conditional Cash Transfers: Experiences from Argentina’s Universal Child Allowance” (2014) *Center for Economic and Social Research*, CESR-Schaeffer Working Paper No. 2014-007 at 6.

²¹⁷ See section 11.7, Annex *Libreta*.

²¹⁸ For a comparative analysis of other programs in the region, with a focus on the impact of the AUH on different indicators, see Emmanuel Antonio Alvarez Agis, Demian Tupac Panigo & Carlos Cañete, “El Impacto de la Asignación Universal por Hijo en Argentina: Presentación Formal de Resultados Anticipados en 2010” (2013) 15 Centro de Estudios e Investigaciones Laborales. Empleo, Desempleo y Políticas de Empleo 1.

²¹⁹ See section 6.15, “Obstetric Violence against AUH Recipient Women.” The AUE’s main objective is to reduce infant mortality, and it is transferred to pregnant women from the 12th week of gestation, who must comply with all prenatal controls required by the public health system. Hornes, *supra* note 200 at 107.

4.2.2.3 What Does the AUH Decree State?

The first half of the Decree is comprised by the preamble, constituted by twenty-eight paragraphs that set the background and explain the legal instrument's rationale.²²⁰ The second part is the Decree's operative section, composed of twelve articles or sections.

The Decree incorporates the AUH into the already established system of *Family Allowances* regulated by Law 24,714. Decree 1602/09 introduces:

a non-contributory subsystem of Universal Child Allowance for Social Protection, intended for children and adolescents residing in the Argentine Republic who have no other *Family Allowance* under the present Act and belong to family groups that are unemployed or working in the informal economy.²²¹

The preamble of Decree 1602/09 states that “most diverse political and social sectors have expressed their favourable predisposition to adopt public policies to improve the situation of socially vulnerable minors and adolescents” – paragraph 1. Therefore it “becomes necessary to contemplate the situation of those minors belonging to family groups that are not covered by the current *Family Allowances* Regime instituted by Law 24,714, creating, for this purpose, the *Universal Child Allowance for Social Protection*” – paragraph 10.

Decree 1602/09 declares that the AUH alone “cannot guarantee that its beneficiaries will be lifted out of poverty and that not all social expectations can be placed in the program, although we trust that it will be an important palliative” – paragraph 16. Even though “it means more money in the pockets of the most disadvantaged sectors. It does not necessarily imply the end of poverty, but

²²⁰ Lengthy preambles are standard in symbolic and ideologically charged legislation. Kent Roach, “The Uses and Audiences of Preambles in Legislation” (2001) 47 McGill LJ. 129 at 129.

²²¹ Decree 1602/09, *supra* note 156 at article 1. Translation is mine.

it undeniably offers an opportunity for the poorest sectors of the population” – paragraph 17–... “punished by neoliberal economic policies” – paragraph 18.

The last paragraphs of the preamble also reinforce the family-focus and labour-focus characteristics of the AUH, to which I will return in detail later.²²² It does so by explaining that “the key to a structural solution to the issue of poverty remains rooted in economic growth and the continued creation of jobs... Decent work remains the unifying element of the family and society, which enables the development of the individual” – paragraph 19. Finally, its family-focused ideology emanates from paragraph 21, which explains “that there is consensus among the community and institutions on the urgency of ... provid[ing] support and assistance to families as the nucleus of natural containment and welfare of society, through the adoption of measures of universal scope.” In what follows, I will explain the main characteristics and components of the AUH as established and delineated by Decree 1602/09.

4.2.3 AUH Features and Characteristics: How Can the AUH Program be Described?

Paragraph 11 of Decree 1602/09 states that the AUH “shall consist of a monthly non-remunerative monetary benefit, which shall be paid to only one of the parents, guardian, *curador*,²²³ or blood relative up to the third degree for each child under eighteen years of age in their care, or without age limit in the case of a disabled child.”²²⁴ The AUH is aimed at each child younger than eighteen years whose parents are informal workers, domestic workers, *monotributistas*,²²⁵ or unemployed. Until recently, the regulations also established other requirements to access the benefit: only up to

²²² See section 7.5.7, “Formal-Labour-Centric” Approach.

²²³ A “*curador*” in Argentine civil law is the individual who acts to represent a person who is legally incapable of doing so. TITLE XIII, Chapter I, Guardianship [“*De la Curatela*”], Civil Code, online <<http://servicios.infoleg.gob.ar/infolegInternet/anexos/235000-239999/235975/norma.htm>>.

²²⁴ Decree 1602/09, *supra* note 156.

²²⁵ The *monotributo social* [social monotax] is a tax regime for low-income self-employed workers, who have an annual gross income of less than AR \$466,201.59 (as of May 2022). This regime allows complying with tax, social security, and health coverage requirements and is partly subsidized by the State. ANSES, online <www.anses.gob.ar/monotributo-social>.

five children per family could receive the stipend – the sixth child was excluded – and foreign nationals had to meet a minimum of three years of residence in the country. Decree 840/20 – enacted during the Covid-19 pandemic – eliminated the sixth child’s arbitrary exclusion, and the residency requirement was reduced from three to two years.²²⁶

4.2.3.1 Conditionality: What Behaviour is Required to Receive the Stipend?

Paragraph 14 of Decree 1602/09 states that

the granting of the benefit is subject to requirements that must be accredited in order to guarantee universality and at the same time preserve transparency, making it conditional upon compliance with the mandatory health controls for children and attendance to the public education system.²²⁷

The conditions imposed by the AUH program involve health and education components. It includes health check-ups and vaccination controls for children; those younger than five must first be registered in the *SUMAR* program under the authority of the Ministry of Health.²²⁸ Recipients must also present children’s school attendance certificates issued by educational establishments. Article 7 of Decree 1602/09 establishes:

the sums may be collected when the holder accredits, for children under five years of age, compliance with health controls and the vaccination plan and for school-age children, the certification that also accredits compliance with the corresponding school year. Failure to provide accreditation will result in the loss of the benefit.

²²⁶ Decree 840/20 on *Régimen de Asignaciones Familiares, Modificación*, online < <https://www.boletinoficial.gob.ar/detalleAviso/primera/5229033/20201104?suplemento=1>>.

²²⁷ Decree 1602/09, *supra* note 156.

²²⁸ See section 6.15, “Obstetric Violence against AUH Recipient Women,” at note 213.

I explained various positions in Section 4.1.4.2.2 regarding the rationale and implications of attaching conditionalities to CCTs.²²⁹ For the case of the AUH under study, there are no specific studies on the isolated impact of health and educational conditionalities as established article 7 of Decree 1602/09.²³⁰

The AUH legal recipient adult has access to 80% of the benefit every month; the remaining 20% is accumulated and can be cashed at the end of the year against the presentation of the required health and education certificates – article 7 of Decree 1602/09. “The remaining 20% will be reserved in a savings bank in the holder’s name at the *Banco de la Nación Argentina*, collected through magnetic cards issued by the bank, at no cost to the beneficiaries,” clarifies article 7 of the AUH Decree. Through Decree 840/2020, and as a response to the Covid-19 pandemic, the presentations of the health and education requirements for 2018 and 2019 were deemed to be complied with, and no proof was required from recipients.²³¹

I agree with Straschnoy (2015, 2017) that the conditionality of the AUH is punitive because the burden of proof in verifying the conditionality lies on AUH recipients.²³² One of the peculiarities of the design of the AUH, among other CCTs in Latin America, is that 20% of the annual total amount gets “accumulated” and paid as a lump sum, as I mentioned above. Even though monthly certification of the conditionality has been temporarily relaxed because of the Covid-19 pandemic – families that cannot verify the conditionality will not be suspended from the program – the annual 20% payment remains in a punitive fashion.

²²⁹ See section 4.1.4.2.2, “Why Imposing Conditionalities?”

²³⁰ Boffi, *supra* note 16 at 192.

²³¹ These processes are detailed in section 4.2.3.1, “Conditionalities: What Behaviour is Required to Receive the Stipend?”

²³² Straschnoy, *supra* note 102. Mora Straschnoy, “Análisis Evaluativo de las Condicionales de la Asignación Universal por Hijo” (2017) 47 *Política y Cultura* 143.

The 20% subtracted from the value of the monthly transfer on account of its annual compliance is deducted *in advance*; thus, the burden of the proof is on AUH recipients. The State assumes beforehand that recipients do not comply unless proof of the contrary; there is a *juris tantum*²³³ (a rebuttable) presumption of wrongdoing. Such withholding differentiates the AUH from the *Family Allowances* received by formal workers, who have nothing to prove to the State.²³⁴ Thus, the State assumes that women are not taking their children to school and health check-ups, placing the burden of the onus of proof on their backs: on women's backs. The State's discriminatory assumption translates into the imposition of harsh conditionalities, which demand significant effort and hassles in its certification for women, which will be analyzed in detail in section *Hooking-in* of this dissertation.²³⁵

4.2.3.2 Female Titularity

Amidst wider Latin American CCT developments, Argentina's AUH program initially presented a distinctive design:²³⁶ the cash was, until 2013, not transferred to women exclusively; both women and men were eligible to become recipients, provided they were primary carers. From the beginning of the AUH program, women were predominantly the ones who received the AUH stipend. Between 2010 and 2012, 92% and 94.4% of recipients cashing the stipend were women,²³⁷ an approach that aims to naturalize women's reproductive roles in the household, as prestigious

²³³ In Argentine Law, a "*juris tantum*" presumption admits proof to the contrary. They are the rule, the exception being absolute or *juris et de iure* presumptions, which do not admit factual refutation. Sistema Argentino de Información Jurídica, Ministerio de Justicia y Derechos Humanos, online <<http://www.saij.gob.ar/presunciones-medios-prueba-suq0025782/123456789-0abc-defg2875-200qsoiramus#:~:text=Las%20presunciones%20iuris%20tantum%20son,que%20no%20admiten%20refutaci%C3%B3n%20f%C3%A1ctica.>>

²³⁴ Valverde, *supra* note 135.

²³⁵ See section 6), "Hooking-in: The Experience of AUH Recipient Women."

²³⁶ Rabinovich & Diepeveen, *supra* note 216 at 3.

²³⁷ Laura Pautassi, Pilar Arcidiácono & Mora Straschnoy, "Condicionando el Cuidado. La Asignación Universal por Hijo para la Protección Social en Argentina" (2014) 50 *Íconos, Revista de Ciencias Sociales* 61 at 68.

Argentine socio-legal scholars Pautassi, Arcidiácono & Straschnoy (2013) argued.²³⁸ Lozano & Raffo (2010) explained that women's high representation as recipients of the AUH could also be explained because there was an automatic *de facto* transfer of beneficiaries from programs that required female titularity, such as the former *Familias* program.²³⁹ The authors argued that women “self-selected” because the responsibility of caring for children has traditionally been assigned to them.

Women were also prioritized as legal recipients since 2009 in cases where their children had a disability. According to article 10 of ANSES Resolution 393/09 – which supplemented Decree 1602/09 – in cases “when both parents share the custody of the adolescent child or disabled person, the mother will be prioritized over the father in the titularity of the benefit.”²⁴⁰

In July 2013, by Executive Power Decree 614/13, after an ANSES recommendation, the cash started to be exclusively transferred to the household's mother, independently of who was receiving the stipend until that point.²⁴¹ Even though no statistical data is available for that year (2013), the high number of women who were already holders of the AUH before the 2013 Decree 614/13 suggests that the effect of such regulation is not very significant in quantitative terms. The

²³⁸ Laura Pautassi, Pilar Arcidiácono & Mora Straschnoy, “Asignación Universal por Hijo para Protección Social de la Argentina: Entre la Satisfacción de Necesidades y el Reconocimiento de Derechos” (2013) 184 Naciones Unidas-CEPAL-UNICEF.

²³⁹ Claudio Lozano, Tomas Raffo & Ana Rameri, “¿Universalización o Ampliación Restrictiva de la Cobertura?” Instituto de Estudios y Formación, online <http://archivo.cta.org.ar/IMG/pdf/Universalizacion_o_restriccion_en_la_ampliacion_de_la_cobertura_noviembre09.pdf>.

²⁴⁰ ANSES, Resolution 393/09, online <<http://servicios.infoleg.gob.ar/infolegInternet/verNorma.do;jsessionid=49FDCCB7A4837E0E9A93FA7E628EE5EB?id=161339>>.

²⁴¹ Diario Día a Día, “Las Mamás Tendrán Prioridad para Cobrar la Asignación,” (May 29, 2013) online <<http://www.diaadia.com.ar/cordoba/mamas-tendran-prioridad-para-cobrar-asignacion>>.

AUH was then formally aligned with other CCTs in Latin America that framed women as the legal beneficiaries of the programs in principle and as a formal legal rule.²⁴²

In an unambiguous statement about the gendered implications of the changes in the AUH program that established that the stipend would be exclusively transferred to women, an ANSES representative explained that:

there are more female heads-of-household than what we actually believe; because of cultural norms of *machismo* in our society, many men claim to be heads-of-households when actually their wives are the ones that make the greater financial contribution to the family. Simultaneously, women continue to be the main responsible individuals for the wellbeing and education of their children.²⁴³

Similarly, former President Cristina Fernández de Kirchner explained that designating women as exclusive recipients means to “recognize the growing significance of women as the pillar of the household, a thought that just a few years ago was inconceivable in such a patriarchal society.”²⁴⁴ Former President Fernández de Kirchner added that the modification of the AUH was based on multiple and constant complaints submitted to the ANSES of women abandoned by their husbands, even though these men kept on receiving the stipend. The former director of the ANSES, Mr. Diego Bossio, communicated this situation to the Executive, and the latter decided to modify the program so that only women could become legal beneficiaries.²⁴⁵ Since November 2020, by Decree of Necessity and Urgency 840/2020 issued by the Executive, the AUH no longer prioritizes

²⁴² Women have played a crucial role in the institutionalization of CCTs in Latin America as the legally responsible beneficiaries. Sarah Bradshaw & Ana Quirós Viquez, “Women Beneficiaries or Women Bearing the Cost? A Gendered Analysis of the *Red de Protección Social* in Nicaragua” (2008) 39:5 Development and Change.

²⁴³ Diario Página Doce, “Cambio Estructural con las Mujeres a la Cabeza” (27 May 2013), online <<http://www.pagina12.com.ar/diario/elpais/1-220910-2013-05-27.html>>.

²⁴⁴ *Ibid.*

²⁴⁵ *Ibid.*

female titularity.²⁴⁶ Either the mother, the father, or a third person by both parents' agreement can be the legal beneficiary of the stipend.²⁴⁷

Evolution of Legal Norms About AUH Titularity

Chronological Time	Organization	Text <i>BossText: Law 24.714</i>	Norm	Organization	Subject
2009	Executive Power	Decree 1602/09	"Article 14 bis.- The Universal Child Allowance for Social Protection will consist of a monthly non-remunerative monetary benefit, which will be paid to one one of the parents, custodian, legal guardian, tutor or curator or relative by consanguinity up to the third degree, for each girl, boy and/or adolescent under the age of eighteen (18) who is under their care, or without an age limit in the case of a person with a disability; in both cases, provided that they are not employed, emancipated, or receiving any of the other benefits provided for in this Law."	ANSES and related social security institutions	AUH Recipients: Mother or Father 
2009	ANSES	Resolution 393/09 (supplements Decree 1602/09)	"Article 10 - When both parents share the custody of the adolescent child or disabled person, the mother will be prioritized over the father in the titularity of the benefit."	ANSES and related social security institutions	AUH Recipients: Parents of Disabled Children: Mother 
2013	Executive Power	Decree 614/13	"Article 7 - The effective payment of family allowances corresponding to the subjects included in article 1 subsections a) and b) of Law 24.714, will be made to the woman, regardless of the member of the family group that generates the right to the collection of the benefit, except in the cases of guardianship, curatorship, tutela, and tenencia, in which it will be made to the corresponding guardian, curator, tutor, or holder respectively."	ANSES and related social security institutions	AUH Recipients: Mother 
2020	Executive Power	Decree 840/2020	"Considering: That by virtue of the progressive capacity of adolescents and the fact that there are girls, boys, and adolescents who are under the care of third parties, it is appropriate to modify Article 7 of Decree No. 614/13, allowing the effective payment of the allowances of aforementioned Law 24.714, to be made to the mother, or to the father or, when agreed by both, to a third party or, to the adolescent daughter or adolescent son from sixteen (16) years of age, regardless of the member of the family group that generates the right to receive the benefit; except in the cases of guardianship, curatorship, tutela, and personal care, cases in which the payment will be made to the guardian or the tutor, curator or caretaker to whom it corresponds."	ANSES and related social security institutions	AUH Recipients: Mother or Father 

Figure 1: The table above synthesizes the evolution of formal legal norms regarding AUH titularity. Source: author.

The AUH program provides a fascinating case study of the impacts of formal and informal laws on gender equality. As shown in the figure above, the government has gone back and forth on whom the recipients are, sometimes targeting women but other times male partners or other relatives or guardians as well, provided they are primary caregivers. Legal pluralist Falk Moore (1973) explained how both State and non-State law interact to influence people's behaviour.²⁴⁸ On

²⁴⁶ Decree 840/20, *supra* note 226.

²⁴⁷ *Ibid.*

²⁴⁸ Sally Falk Moore, "Law and Social Change: The Semi-Autonomous Social Field as an Appropriate Subject of Study" (1973) 7:4 Law and Society Review 719 at 720.

the one hand, the formal laws of the modern nation-State are hierarchical and authoritative, which means that AUH recipient's behaviour cannot be completely independent of such laws from a legal point of view. On the other hand, the behaviour of recipients and other social actors is affected by rules that were "consciously made by legislatures and courts and other formal agencies to produce certain intended effects," but it is also influenced by "rules that could be said to have evolved 'spontaneously' out of social life."²⁴⁹ As the author puts it, how State law affects human behaviour is often overstated; State formal laws are but only one of a multitude of variables that mould people's behaviours, practices, and relations. Simultaneously, how more unplanned and organic informal rules affect recipients' behaviour is frequently underestimated.²⁵⁰ Such is the case of informal ideological imperatives of "responsible motherhood" within a capitalist system that neglects social reproduction: independently from what formal laws have specified in regards to AUH titularity, most recipients continue to be women given socio-economic and cultural norms that assign women as primary caretakers and invisibilize and exploit their labour.

External, hierarchal, formal legislation has not had, nor should be expected to significantly affect AUH female titularity in practice because informal norms such as the ideological code of "responsible mothering" – explained in section *Activating* (7) – are often more influential to mould poor women's behaviour. We must "temper[s] any tendency to exaggerate the potential effectiveness of legislation as an instrument of social engineering."²⁵¹ This explains why despite multiple changes and back-and-forth regarding legislation concerning AUH titularity, women continue to be overwhelming the *de facto* recipients of the AUH. Sometimes spontaneous non-

²⁴⁹ Falk Moore, *supra* note 248 at 744.

²⁵⁰ *Ibid* at 742.

²⁵¹ *Ibid*.

formal norms and codes deflect the operation of formal laws; at other times, the opposite happens, and formal authoritative laws dominate.

One aspect that I like to emphasize of Falk Moore's (1973) approach to understanding the law is its nuance which emphasizes the dynamism of the plurality of laws. In this line of thinking, I understand norms of behaviour not as fixed and pre-determined features of the social world but as the result of constant and contingent struggle, compromise, and collaboration. Following Griffiths (1986), I also see the law as the outcome of profoundly complex arrangements of negotiation, interconnections, and competition whereby formal and informal rules may strengthen, harmonize, disregard or disturb one another, and where there is always an opening for resistance.²⁵²

As I will explain in sections *Hooking-in* and *Activating*, strong ruling relations exist for women to conform to a system of ideological codes and rules of behaviour taken for granted. Tamanaha (2000) explains that there is no shortage of legal pluralists who are "anti-State law by inclination" and mistakenly end up "romanticiz[ing] non-State normative systems."²⁵³ In this dissertation, I do not aim to romanticize informal or formal laws; I aim to problematize both. Moreover, since I am using IE, I focus on a *problematic* and negative connotation of relations of ruling or domination. There exist contexts where informal mothering rules may be favourable for recipients, for example, when they can exercise maternal resistance against abusive and absent male partners. However, informal rules are also frequently positioned within capitalist, cis-hetero-patriarchal, classist, and oppressive structures and thus can inform inequalitarian and unjust arrangements to the detriment of the most vulnerable members within a community, such as poor single mothers who end up being exclusively burdened for the upbringing of the next generations.

²⁵² John Griffiths, "What is Legal Pluralism?" (1986) 18 *Journal of Legal Pluralism and Unofficial Law* at 39.

²⁵³ Brian Z. Tamanaha, "A Non-Essentialist Version of Legal Pluralism" (2000) 27:2 *Journal of Law and Society* at 305.

Thus, I agree with de Sousa Santos (2004) that legal pluralism should be critically appraised to determine which rules help reduce unequal power relations and which ones produce and perpetuate social exclusion.²⁵⁴ I think the State should regulate – and that such regulation should be appraised and problematized – and therefore dissociate myself from anti-regulation advocates from the political right – such as the libertarians – or anarchism. Indeed, in this piece, I argue for decommodification of social services, which in capitalist societies, even semi-peripheral ones like Argentina, is typically achieved by expanding the welfare state through socialization of essential services, which entails nationalization, State ownership, control, and regulation.

4.2.3.3 Monetary Amount: How Much Money do Recipients Cash?

The value of the AUH as of June 2021 was AR \$4,504.1. As of July 2023, the AUH amount is AR \$13,864 – approximately CAD \$71,56 –: AR \$11,091.20 paid monthly, and AR \$2,772.80 paid to recipients once the education and health requirements have been certified.²⁵⁵ The AUH is deposited monthly in recipients’ bank accounts using a magnetic card that works like a debit card. Banks must be partnered with ANSES. In places with none or a few banking entities, recipients cash the stipend over the counter in the local Argentine Post branch.

From 2009 until 2015, the amount of the AUH was updated by presidential decree. In 2015, Congress approved Law 27,160 on *Mobility of Allowances*, which established that *Family Allowances* and the AUH would be “mobile” and, thus, updated twice a year according to the same mobility index calculation used for pensions. This measure allowed for keeping up with rampant inflation. According to Article 3 of Law 27,160, ANSES oversees mobility calculation under the

²⁵⁴ Boaventura De Sousa Santos, *The World Social Forum: A User’s Manual* (2004), online <http://www.ces.uc.pt/bss/documentos/fsm_eng.pdf 2004>.

²⁵⁵ ANSES, *Montos de Asignación Universal por Hija/o y por Embarazo para Protección Social*, online <<https://www.anses.gob.ar/hijos/montos-de-asignacion-universal-por-hijao-y-por-embarazo-para-proteccion-social>>.

guidelines established by Law 27,160.²⁵⁶ ANSES periodically publishes “payment calendars” on their webpage.²⁵⁷ As of 2021, in response to the pandemic, recipients can check their AUH payments through their profile on the ANSES webpage (my ANSES > Daughters and Sons > My Allowances). They can also download the app “MiANSES” on their cellphones.²⁵⁸

4.2.3.4 Selection Criteria: Who Gets Targeted in the AUH?

According to Boffi (2020), the AUH program in Argentina has atypical selection criteria compared to other CCTs in the region.²⁵⁹ Inclusion into the AUH is not means-tested: a household is not included based on a poverty threshold. Instead, inclusion will be determined depending on the relation of the adult in the household to the labour market.²⁶⁰

In this sense, the AUH extended social protection to the children of informal and unemployed workers; the *Family Allowances* program already protected registered workers and their children. Boffi (2020) explains that the social protection for children in Argentina is thus “universal” because it is achieved by combining a non-contributory subsystem based on the AUH, a contributory subsystem based on the *Family Allowances* program, and a tax deductions subsystem that taxes the income of wealthier classes. “These combined elements make up the

²⁵⁶ Law 27,160 on *Mobility of Allowances* (2015), online <<http://servicios.infoleg.gob.ar/infolegInternet/anexos/245000-249999/249221/norma.htm>>

²⁵⁷ ANSES, online <<https://www.anses.gob.ar/consulta/calendario-de-pagos>>.

²⁵⁸ ANSES, online <<https://www.anses.gob.ar/asignacion-universal-por-hijo>> and <[anses.gob.ar/MisAsignaciones](https://www.anses.gob.ar/MisAsignaciones)>. See section 11.7 for an Annex which provides a detailed explanation of how to access MiANSES *libreta*.

²⁵⁹ Boffi, *supra* note 16 at 177.

²⁶⁰ *Ibid.*

structure of social coverage for minors in Argentina.”²⁶¹

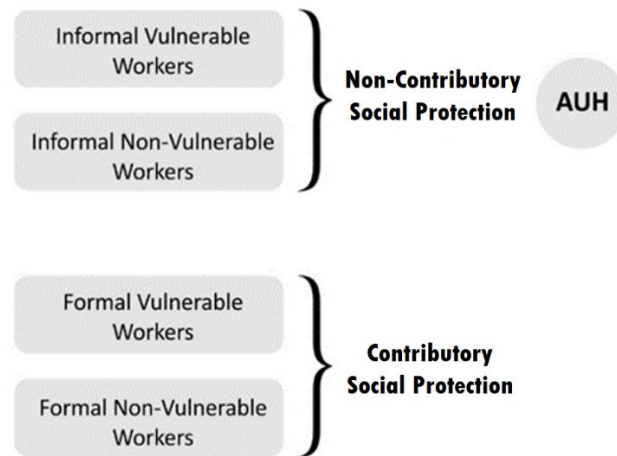


Figure 2: Social security system’s contributory and non-contributory components via labour market insertion. Graphic inspired by the one provided by Boffi, *supra* note 16 at 178.

In the case of other CCTs in the region of Latin America, sectors of the population are neither covered by contributory nor non-contributory schemas; for instance, informal workers not covered by contributory social security schemas which do not pass the means-test do not receive social protection via cash transfers because they do not fit within the poverty criteria established by the CCT program, as depicted in the figure below.

²⁶¹ Boffi, *supra* note 16 at 178, 179.

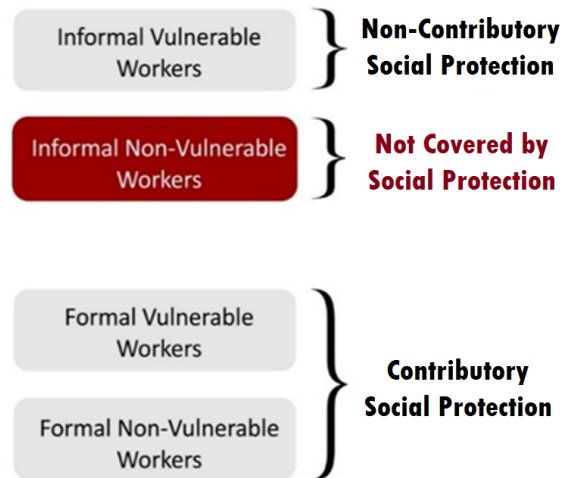


Figure 3: Social security system's contributory and non-contributory components via means-test. Graphic inspired by the one provided by Boffi (2020) and designed by Jissela N. Polasek. Boffi, *supra* note 16 at at 178.

Nevertheless, as Boffi (2020) explains, the AUH could theoretically cover the entire population not protected by contributory schemas because there exists no strict means-test; as a result, non-poor informal workers are also included in the non-contributory system of the AUH.²⁶² It should be clarified that although the AUH requires that recipients have an income lower than the minimum wage for informal workers, this is difficult to corroborate; thus, all informal workers could apply for the AUH.

²⁶² Boffi, *supra* note 16 at 177, 178.

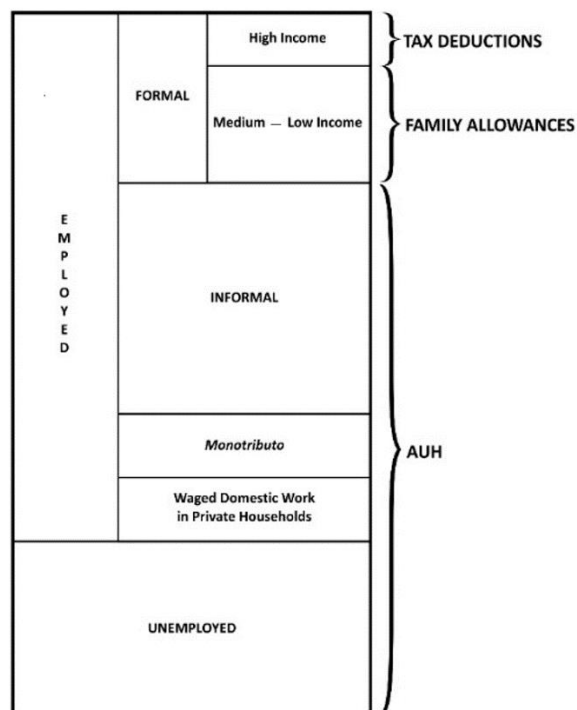


Figure 4: Structure of social protection for children and adolescents in Argentina. Diagram inspired by the one produced initially by Boffi, *supra* note 16 at 179.

The non-existence of a strict means-test to access the AUH has been interpreted as consolidating the idea of the AUH as a “right” or a “citizen’s right” instead of a mere “benefit.”²⁶³ Some authors have argued that the AUH is closer to the notion of a “social protection floor” because its three-fold – contributory, non-contributory, and tax deductions – schema helps create universal coverage for children who are citizens or permanent residents.²⁶⁴ However, I do not believe this to be the case, as immigrant children are still excluded until they comply with the two-year residency requirement in conformity with Decree 840/20. Moreover, the current system excludes those who cannot comply with the AUH conditionality. Article 6 of Decree 1602/09 details the requirements to access the AUH:

²⁶³ Boffi, *supra* note 16 at 180.

²⁶⁴ *Ibid* at 179.

To access the *Universal Child Allowance for Social Protection*, the following shall be required:

- a) That the minor is Argentine, child of a native or by choice Argentine, naturalized or resident, with legal residence in the country not less than three years prior to the application.
- b) Proof of identity of the benefit holder and the minor employing a National Identity Card.
- c) To prove the relation between the person receiving the benefit and the minor by presenting the corresponding certificates and the pertinent judicial testimonies in adoption cases, guardianships, and curatorships.
- d) The accreditation of the disability condition will be determined under the terms of Article 2 of Law 22,431, certified by a competent authority.
- e) Up to four years of age – inclusively – the compliance with the sanitary controls and the mandatory vaccination plan must be accredited. From five to eighteen years of age, the attendance of minors in public educational establishments must also be accredited.
- f) The benefit holder must submit a sworn statement regarding compliance with the requirements herein and the qualities invoked. The benefit will be forfeited without prejudice to the corresponding sanctions if this information is false.

4.2.3.5 Coverage: What Are the Characteristics of those Receiving the AUH?

Since its implementation, AUH coverage has significantly increased, and as of December 2021, 4,391,512 children are covered by the program, one million more children than when the program was created in November 2009.²⁶⁵ As of December 2021, there are 2,484,444 recipients, 93% of whom are women and the remaining 7% are men. Boffi (2020) points out that 98% of AUH legal recipients were women in 2015.²⁶⁶ ANSES prioritizes mothers as recipients, although there may be exceptional cases where another household member collects the stipend.²⁶⁷ The average number

²⁶⁵ Of the total number of beneficiaries, 52,126 receive the AUH for Disability (1%). In the latter case, there is no age limit for receiving the allowance. ANSES, Informe de Estadísticas de la Seguridad Social, IV Trimestre (2021), online <<https://www.anses.gob.ar/sites/default/files/archivo/2022-05/Informe%20de%20Estad%C3%ADsticas%20de%20la%20SS%20IV%20Trimestre%202021.pdf>> at 11.

²⁶⁶ Boffi, *supra* note 16 at 247.

²⁶⁷ This case will be discussed in detail in section 7.4.5, “Form 2.68”

of children per recipient is 1.8,²⁶⁸ a ratio that has remained relatively stable and slightly decreased since the establishment of the AUH in 2009 when the average was 1.9 children per recipient mother.²⁶⁹

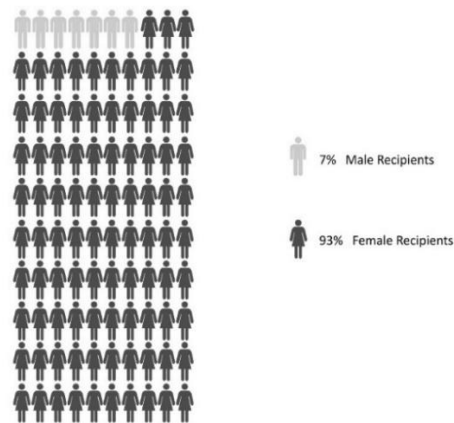


Figure 5: Percentage of AUH recipients disaggregated by sex. Design by author.

Regarding the relation between recipients and the labour market, 7% of recipients are registered in the social *monotributo* – or monotax – system, 3% are domestic workers in private households, and 90% are unemployed or informal workers.²⁷⁰

²⁶⁸ ANSES, *supra* note 265 at 11.

²⁶⁹ ANSES, Dirección Estudios de la Seguridad Social, “Asignación Universal por Hijo para Protección Social (AUH): Hacia un Esquema más Inclusivo” (2021), online <<http://observatorio.anses.gob.ar/archivos/documentos/AUH%20hacia%20un%20esquema%20m%C3%A1s%20inclusivo%20Junio%202021-2.pdf>> at 3.

²⁷⁰ ANSES, Dirección Estudios de la Seguridad Social, *supra* note 269. For an explanation of *monotributo*, see *supra* note 225.

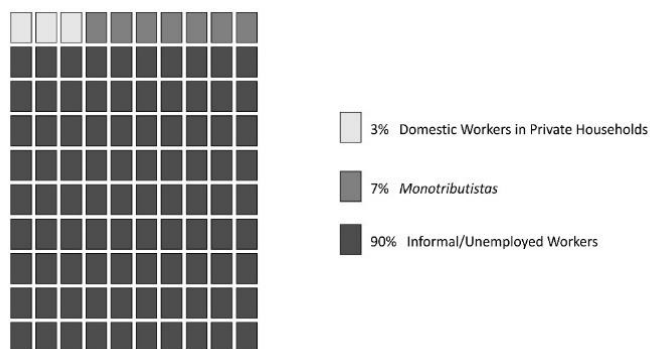


Figure 6: Employment situation of AUH legal recipients. Design by author.

The graph below shows the AUH coverage by province. As illustrated, the highest coverage rates referring to the number of children covered by the AUH are observed in the

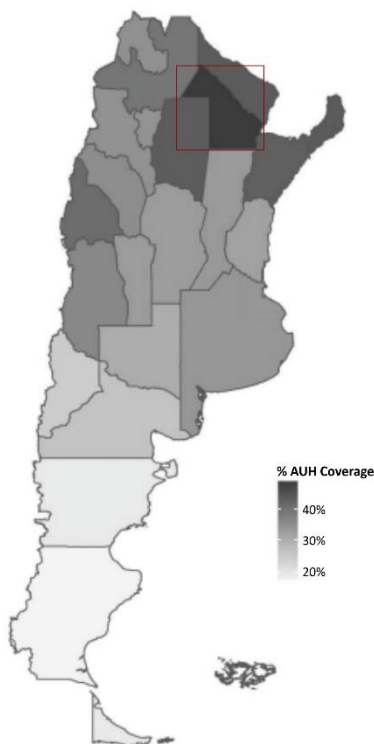


Figure 7: AUH geographical coverage. The figure was modified by graphic designer Jissela N. Polasek based on the one provided by Observatorio ANSES, online <http://observatorio.anses.gob.ar/archivos/documentos/AUH%20hacia%20un%20esquema%20m%C3%A1s%20inclusivo%20Junio%202021-2.pdf>.

Province of Chaco, illustrated with the darkest grey colour. Chaco has the highest child poverty rate in the country – 66% in the first half of 2020.²⁷¹ The program covers more than 60% of children living in poverty, and almost 80% of children in extreme poverty receive the AUH.²⁷² 57% of households living in poverty receive the AUH, while 69% of households living in extreme poverty are recipients of the AUH program in the province of Chaco.²⁷³

4.2.3.6 Financing of the AUH: How is the AUH Program Funded?

According to preambular paragraphs 12 and 13 and Article 3 of Decree 1602/09, the AUH:

shall be financed with the resources provided for in Article 18 of Law 24,241²⁷⁴... strengthened as a result of the investments made from the funds constituting the Sustainability Guarantee Fund of the Argentine Integrated Pension System created by Decree 897/2007 and the annual profitability obtained.²⁷⁵

The transfer of the AUH is financed by the federal government via ANSES, while the provision of public education and health services is the responsibility of the provinces.²⁷⁶ Since its

²⁷¹ ANSES, Dirección Estudios de la Seguridad Social, *supra* note 269 at 4.

²⁷² *Ibid* at 9.

²⁷³ *Ibid* at 10.

²⁷⁴ Law 24,241/1993 on *Integrated Retirement and Pension System*, online <<http://servicios.infoleg.gob.ar/infolegInternet/anexos/0-4999/639/texact.htm>>. Article 18 of Law 24,241 was substituted by Section 4 of Law 24,463/1995. “Section 4 - Section 18 of Law 24,241 is hereby amended to read as follows: Article 18. Financing. The benefits of the public social security system shall be financed exclusively with the following resources: (a) The personal contributions of the members included in the public pension system; (b) The contributions to be paid by the employers, as provided for in Article 11 of this Law; (c) Sixteen points out of the twenty-seven points corresponding to the contributions of self-employed workers; (d) The collection of tax on personal property not incorporated to the economic process or that which may replace it in the future, and other taxes specifically allocated to the retirement system; (e) The additional resources annually fixed by the Congress of the Nation in the Budget Law; (f) Interest, fines and surcharges; (g) Income from investments; (h) Any other resources that legally correspond to the public pension system.” Law 24,463 on *Pension Solidarity*, online <<http://servicios.infoleg.gob.ar/infolegInternet/anexos/15000-19999/16102/norma.htm>>.

²⁷⁵ Decree 1602/09, *supra* note 156 at preambular paras. 12 and 13.

²⁷⁶ Boffi, *supra* note 16 at 190. The institutionalization of the AUH also implied a reconfiguration of the relationship between the federal State and the provinces because it is a program financed by the Nation, but the health and education conditionalities depend on the provinces. See Juan Martín Bustos, Georgina Giglio & Soledad Villafañe, “Asignación Universal por Hijo: Alcance e Impacto por Regiones del País” (2012) 11 Serie Estudios. Publicación del Ministerio de Trabajo, Empleo y Seguridad Social. Rosana Mazola, “Redefinición de Prioridades en la Política Social de un País Federal. La Asignación Universal por Hijo en la Argentina y su Impacto sobre la Política Social de Infancia de la

institutionalization, annual State spending in the AUH has ranged between 0.4% and 0.6% of Argentina's GDP.²⁷⁷ ANSES is financed by contributions, tax revenue, National Treasury transfers, investments, and annual returns obtained through the *Sustainability Guarantee Fund of the Argentine Integrated Pension System* [SIPA].²⁷⁸

In 2007, the *Sustainability Guarantee Fund* was created to manage resources (bonds, shares, debt securities) and finance investments and governmental policies.²⁷⁹ ANSES has various investment funds that allow preserving the value of the agency's assets. These funds were substantially increased after the AFJP [Retirement and Pension Fund Administrators] funds were nationalized in 2008 by Law 26,425, creating the SIPA and eliminating the private capitalization system.²⁸⁰ All the funds previously managed by the AFJP were transferred to the *Sustainability Guarantee Fund*. Previously, there were two operating models in the Argentine pension system: the funded system – controlled by the AFJPs – and the pay-as-you-go system – regulated by the State. The re-establishment of the capitalization system allowed the transfer of the assets held by the AFJP to the ANSES.²⁸¹ ANSES has thus assumed a fundamental role in financing and managing the contributory social security and pension system and expanded its policies toward non-contributory coverage.²⁸²

Provincia de Buenos Aires" (2011) Tesis de Maestría en Administración y Políticas Públicas, Universidad de San Andrés (UDESA), Buenos Aires.

²⁷⁷ Boffi, *supra* note 16 at 190.

²⁷⁸ Alejandro A. Calabria, Analía Verónica Calero, Vanesa D'Elia, Julio Gaiada & Sergio Rottenschweiler, "Asignación Universal por Hijo para Protección Social: una Política de Inclusión para los más Vulnerables" (2011) Observatorio de la Seguridad Social, Administración Nacional de la Seguridad Social, online <<http://observatorio.anses.gob.ar/archivos/documentos/AUH%20para%20Protecci%C3%B3n%20Social.pdf>> at 3.

²⁷⁹ Boffi, *supra* note 16 at 196. ANSES, *Fondo Garantía Sustentabilidad*, online <<https://fgs.anses.gov.a>>.

²⁸⁰ See section 4.2.1, "Historical Framework."

²⁸¹ This measure allowed ANSES to finance numerous social protection programs during this period. These include the AUH (2009), *Conectar Igualdad* (2010), the *Universal Pregnancy Allowance* (2011), the *Bicentennial Argentine Credit Program for Single Family Housing* [PROCREAR, 2012], the *Program to Support Argentine Students* [PROGRESAR, 201], and the pension moratorium of 2005. Boffi, *supra* note 16 at 195.

²⁸² *Ibid* at 196.

4.2.3.7 The ANSES

Paragraph 15 of Decree 1602/09 establishes that:

the National Social Security Administration (ANSES), as an autonomous agency subject to the supervision of the Bicameral Commission for the Control of Social Security Funds created by Section 11 of Law 26,425, shall issue the relevant supplementary rules for the operational implementation, supervision, control and payment of [AUH] benefits.

Article 10 of the AUH Decree adds that “the National Social Security Administration (ANSES) is empowered to issue the relevant supplementary rules for the operational implementation, supervision, control and payment of benefits.” Access to the AUH is mediated by registration to a system established by the National Administration of Social Security (ANSES).

In Argentina, the ANSES is a public administration decentralized organism.²⁸³ These organisms are commonly known as “autonomous agencies” in public administration literature.²⁸⁴ They are structurally disaggregated from the central government and have some independent capacity in their decision-making power, management, and definition of policies.

²⁸³ The Argentine National Public Administration [APN, *Administración Pública Nacional*] is composed by the organizations of the Central Administration [AC, *Administración Central*], decentralized organizations [OD, *Organismos Descentralizados*] and social security institutions [ISS, *Instituciones de la Seguridad Social*]. Jimena Rubio, “Organismos Descentralizados en el Estado Nacional: ¿Administración Centralizada por Otros Medios?” (2017) Centro de Implementación de Políticas Públicas para la Equidad y el Crecimiento 176.

²⁸⁴ Rubio, *ibid.*

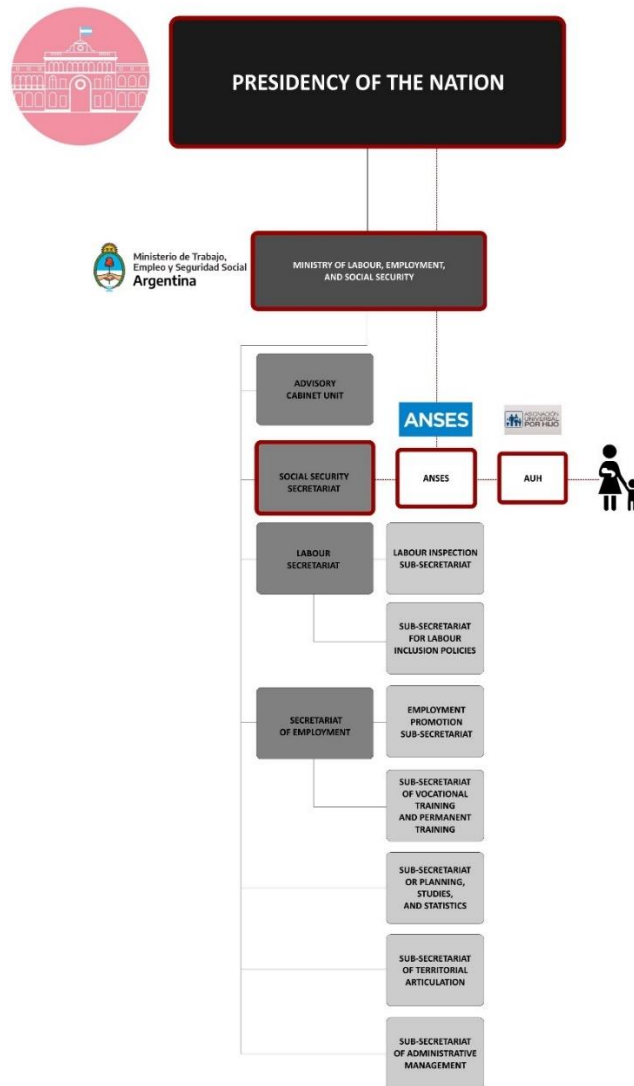


Figure 8: The graph above shows where the ANSES is located without the organizational chart of the Executive Power in Argentina. Graphically designed by Jissela N. Polasek. Organigrama Mapa del Estado, online < <https://mapadeleestado.jefatura.gob.ar/estructura.php>>.

The ANSES is the most critical government agency for social policies in Argentina. It is also Argentina's most crucial public agency, along with AFIP [*Administración Federal de Ingresos Públicos*, Federal Administration of Public Revenue] and *Banco de la Nación Argentina* [Bank of

the Argentine Nation].²⁸⁵ Despite its relevance, little is known about how the State operates in these areas, what these organisms do, and their performance.²⁸⁶

The ANSES was created in 1991 as a decentralized agency of the Ministry of Labour, Employment and Social Security in a context of neoliberal economic deregulation and State structural reform.²⁸⁷ Social security was restricted to administering pensions and retirement benefits based on efficiency and economic rationality principles.²⁸⁸

According to Hopp (2017), Argentina's socio-political and economic transformation process began in 2003, and ANSES then assumed a central role in implementing public policies that facilitated access to social protection.²⁸⁹ The administration of Néstor Kirchner, which took office in 2003, began to restructure the social policy of the Argentine State and shape a new role for ANSES aimed at incorporating populations historically excluded from the social security policy and on the recognition of their rights.²⁹⁰

²⁸⁵ Hugo Bertín, "ANSES: de la Seguridad Social a la Protección Social, 1998-2017" (2019) 28 Documento de Trabajo. Centro de Estudios en Finanzas Públicas Instituto de Investigaciones Económicas. Facultad de Ciencias Económicas, UNLP, online <http://sedici.unlp.edu.ar/bitstream/handle/10915/121119/Documento_completo.pdf-PDFA.pdf?sequence=1&isAllowed=y> at 1.

²⁸⁶ One exception is D'Amico's work. Victoria D'Amico (2016) conducted ethnographic research in the city of *La Plata*, in the province of Buenos Aires, focusing on the experiences of AUH beneficiaries in their relation to the ANSES, specifically, through "encounters with the State." Her work primarily focuses on recipients' experiences. María Victoria D'Amico, "Plan de Tesis de Doctorado: Políticas Sociales y Prácticas Ciudadanas a partir de la Implementación de la Asignación Universal por Hijo en Argentina. 2009 -2013" (2014) 13 Prácticas de Oficio.

²⁸⁷ These processes resulted in the privatization of social security by creating the capitalization sub-system managed by the AFJPs, which resulted in a significant drop in social security coverage. See Daniel Azpiazu & Eduardo Basualdo, "Privatizaciones en la Argentina: Génesis, Desarrollo y Principales Impactos Estructurales," in James Petras & Henry Veltmeyer, eds, *Las Privatizaciones y la Desnacionalización de América Latina* (Buenos Aires: Universidad de Quilmes, 2004) 55. Grassi, *supra* note 175. Javier Curcio, "Descripción del Sistema de Seguridad Social: Componentes al Cabo de la Década del '90 y de la Primera Década del Siglo XXI," in Danani & Hintze, eds, *la Seguridad Social en la Argentina*, *supra* note 181. Javier Curcio & Alejandra Beccaria, "Sistema de Seguridad Social y Mercado de Trabajo: Evolución de la Cobertura en la Argentina Entre 1990 y 2010," in Claudiaí & Hintze, eds, *La Seguridad Social en la Argentina*, *supra* note 181. For a detailed description of where ANSES is located in the sphere of the Executive Power in Argentina, see Figure 8.

²⁸⁸ Malena Hopp, "La Estrategia de Comunicación Directa de la ANSES: Accesibilidad y Cambio Institucional en las Políticas de Seguridad Social Argentinas" (2017) 6:1 Austral Comunicación 45.

²⁸⁹ *Ibid* at 46.

²⁹⁰ *Ibid*.

4.2.3.8 The World Bank

The World Bank is, in addition to ANSES, another relevant institution for understanding the functioning of the AUH. Indeed, the World Bank not only provided multiple loans to Argentina to finance the AUH but has also been a promoter of CCTs and has established expert discourses and theories that support CCTs more generally,²⁹¹ such as the theory of human capital development, the imposition of conditionalities,²⁹² and the establishment of targeted programs against poverty.²⁹³

Argentina joined the World Bank in 1956, and its relation to the lending institution became more robust in the decade of neoliberal policies of the 1990s.²⁹⁴ The Argentine government turned to the World Bank for support for the creation of AUH in 2009; the World Bank granted US \$450 million to Argentina to finance the implementation of the AUH through loan LN7703-AR6, which represented 35% of the total US \$1,270 million invested in the program.²⁹⁵ In 2011, the Bank granted US \$480 million through loan P120622 to increase “the effectiveness of Argentina’s

²⁹¹ See section 7.6.1, “World Bank and Boss Texts: The ‘Holy Grail’ of CCTs.”

²⁹² Hornes (2013) explains that the first notions of “conditionality” originally referred to macroeconomic policies and guidelines for financing development projects. In the mid-1980s, the concept of conditionality was redefined by the World Bank. The notion of conditionality evolved beyond traditional ideas linked to structural reforms to prove a borrower’s commitment to a program. It began to influence “poverty reduction strategies” and the targeting of “vulnerable groups.” After a decade of structural adjustments, international agencies started “advising” borrowing countries to design and implement CCT programs, arguing that these programs effectively reallocate income to the poor. Martín Hornes, “Transferencias Monetarias Condicionadas (TMC): de los Saberes Expertos a los Sentidos Plurales del Dinero” (2013) Tesis de Maestría en Antropología Social, Instituto de Desarrollo Económico y Social Instituto de Altos Estudios Sociales Universidad Nacional de General San Martín at 33-35.

²⁹³ Hornes (2013) explains that parallel to the World Bank’s productions and translations of their work on CCTs, Argentina witnessed the publication of the book “Social Programs in Argentina towards the Bicentenary. Visions and Perspectives,” produced in 2008 by the World Bank. The compilation was published by the International Bank for Reconstruction and Development, an institution that belongs to the World Bank and is headquartered in Argentina, which helped re-centered international debates at the local level and included knowledge experts. Hornes, *ibid* at 121.

²⁹⁴ María Alejandra Corbalán, *El Banco Mundial. Intervención y Disciplinamiento. El Caso Argentino: Enseñanzas para América Latina* (Biblos: Buenos Aires, 2002) at 75. Cited by Horacio Javier Etchichury, “El Banco Mundial y las Políticas Sociales Argentinas: la Asignación Universal por Hijo desde una Perspectiva de Derechos Humanos” (2003) VII 11 Revista Electrónica del Instituto de Investigaciones Ambrosio L. Gioja 57 at 63.

²⁹⁵ Etchichury, *supra* note 294 at 63, 64.

income transfer programs”... “by improving selected design features, transparency and accountability...and extending coverage.”²⁹⁶

The World Bank also provided other loans to Argentina: the *Children and Youth Protection Project* (2016) (P158791) for a total of US \$1,050 million;²⁹⁷ the *Additional Financing for the Children and Youth Protection Project* (2018) (P167851) to “expand coverage of the family allowances programs... and ... improve the transparency of social protection programs implemented by ANSES,” for US \$450 million;²⁹⁸ and *The Second Additional Financing for the Children and Youth Protection Project* (2020) (P173081) for US \$300 million.²⁹⁹

The institution also provides “knowledge”³⁰⁰ and expertise as it disseminates ideas and, through its reports and funding, raises concerns to borrowing countries that serve as the basis for new projects.³⁰¹ The AUH, from the experience of World Bank experts, will be detailed in section *Activating*;³⁰² for now, it suffices to know that the Bank tends to work from dogmatic and economistic perspectives, and as Etchechury (2013) pointed out, it does not adopt a human rights

²⁹⁶ World Bank, “Argentina - Basic Protection Project [Additional Financing]” P120622 (2011) online <<https://www.worldbank.org/en/news/loans-credits/2011/03/10/argentina-basic-protection-project-additional-financing>>.

²⁹⁷ World Bank, “Children and Youth Protection Project” P158791 (2016) online <<https://projects.worldbank.org/en/projects-operations/project-detail/P158791>>.

²⁹⁸ World Bank, “Additional Financing Children and Youth Protection Project” P167851 (2018) online <<https://www.worldbank.org/en/news/loans-credits/2018/11/01/argentina-additional-financing-children-and-youth-protection-project>>.

²⁹⁹ World Bank, “Second Additional Financing for the Children and Youth Protection Project” P173081 (2020) online <<https://projects.worldbank.org/en/projects-operations/project-detail/P173081>>.

³⁰⁰ As Nagel (2021) mentions, the World Bank positions itself as a “knowledge bank.” Nora Nagels, “Gender, the World Bank, and Conditional Cash Transfers in Latin America” (2021) 23:5 *International Feminist Journal of Politics*, online <<https://doi.org/10.1080/14616742.2021.1895862>> at 13, 17.

³⁰¹ Ben Fine, “The World Bank’s Speculation on Social Capital,” in Jonathan R. Pincus & Jeffrey A. Winters, eds, *Reinventing the World Bank* (Ithaca & London: Cornell University Press, 2002) 203 at 207. Etchichury, *supra* note 294 at 60.

³⁰² See section 7.6, “Ruling Relations and the World Bank.”

approach or alternative approaches to the social. Moreover, as the author points out, “most of its technical staff have been trained in United States graduate schools.”³⁰³

4.2.3.9 The Evidence of the Impacts of the AUH

Data show that the AUH has increased recipients’ disposable income and secondary schooling attendance. There is insufficient statistical data to analyze the program’s impact on the periodicity of health check-ups for children. The consensus is that the program creates no incentives for labour informality, though evidence shows a decline in the participation in the waged labour market of women with a low educational level due to the introduction of the AUH. However, there are no conclusive results in the literature, and the topic remains contested.

4.2.3.9.1 AUH Impact on Poverty

Several studies recorded the impacts of the AUH on poverty in the short term: the stipend would allow the poorest “jumping” the poverty or indigence line.³⁰⁴ However, most of these studies are conjectural, that is, conducted *ex-ante* to speculate about the *possible* impact of the AUH on poverty and inequality, employing simulations.³⁰⁵ Agis, Cañete & Panigo (2010) argue that implementing the AUH would positively impact extreme poverty and inequality.³⁰⁶ Likewise, Roca (2011), Basualdo et al. (2010), and Gasparini & Cruces (2010) contended that the AUH would reduce poverty, indigence, and income distribution.³⁰⁷ Salvia, Tuñón & Poy (2014) applied

³⁰³ Fine, *supra* note 301 at 205, 206, 209. Alice Sindzingre, “The Evolution of the Concept of Poverty in Multilateral Financial Institutions. The Case of the World Bank,” in Morten Bøås & Desmond McNeill, eds, *Global Institutions and Development. Framing the World?* (London & New York: Routledge, 2004) 164 at 166, 168, 174. Etchichury, *supra* note 294 at 60.

³⁰⁴ Boffi, *supra* note 16 at 204.

³⁰⁵ The studies resorted to a simulation based on microdata from the Permanent Household Survey (*Encuesta Permanente de Hogares*, EPH). INDEC, Permanent Household Survey (EPH) Microdata Database, online <<https://www.indec.gob.ar/indec/web/Institucional-Indec-BasesDeDatos-1>>.

³⁰⁶ Agis, Panigo & Cañete, *supra* note 218.

³⁰⁷ Eduardo Basualdo, Nicolás Arceo, Mariana González & Nuria Mendizábal, “La Asignación Universal por Hijo a un Año de su Implementación” (2010) Documento de Trabajo 7, Centro Cifra. Gasparini & Cruces, *supra* note 208. Roca, *supra* note 202.

quasi-experimental methods and concluded that the AUH had positive effects on household income but had a less significant impact on the income of households of mothers younger than 25 years of age and children under 12 years of age, a particularly vulnerable sector of the population.³⁰⁸ Waisgrais, Cetrángolo & Curcio (2017) show that the AUH improved the average income of the poorest households by 30% in the first year of its implementation (2010).³⁰⁹ The authors also show that in 2015, 12.5% of the households cashing the AUH program escaped poverty, and 10% of recipient households did so by 2016. Gasparini et al. (2017) explain that the AUH reduced poverty – more markedly among children – and decreased income inequality levels. However, the improvement in life quality was marginal. In summary, evidence shows that the AUH increased poor households' disposable income and helped mitigate the negative impacts of poverty and indigence. However, there is no evidence regarding the program's long-term impacts on eradicating intergenerational poverty.

4.2.3.9.2 Impacts of the AUH on Education

Studies show that the AUH positively impacts education by increasing the years of secondary schooling, particularly for children between 15 and 17 years old. Argentina's elementary schooling rates were practically universal before the AUH's implementation.³¹⁰ In this context, Paz & Golovanevsky (2014) demonstrate that the AUH increased schooling rates only among adolescents.³¹¹ Salvia, Tuñón & Poy (2014) show positive impacts on education continuity, but the

³⁰⁸ Agustín Salvia, Ianina Tuñón & Santiago Poy, “Efectos de la Asignación Universal por Hijo en el Ingreso Per-Cápita familiar, en la Pobreza Extrema e Indicadores de Desarrollo humano de la Infancia” (2014) VIII Jornadas de Sociología de la UNLP, Ensenada, Argentina.

³⁰⁹ Waisgrais, Cetrángolo & Curcio, *supra* note 65 at 31.

³¹⁰ Boffi, *supra* note 16 at 223.

³¹¹ Jorge Paz & Laura Golovanevsky, “Asignación Universal por Hijo. Una Aproximación a Sus Efectos Sobre los Hogares” (2014) III Jornadas Nacionales sobre Estudios Regionales y Mercados de Trabajo. Universidad Nacional de Jujuy, Facultad de Cs. Económicas y Unidad de Investigación en Comunicación, Cultura y Sociedad de la Facultad de Humanidades y Cs. Sociales & Red SIMEL, San Salvador de Jujuy.

impact was more significant for boys than girls.³¹² Jiménez & Jiménez (2016) argue that the AUH reduced adolescent school dropouts due to decreased child labour. Marchionni & Edo (2017) show that AUH increased schooling for all ages, but whereas the increase for children between 12 to 14 years was only 0.8 points, for those aged 15 to 17 years, the increase was 4 points.³¹³

Nevertheless, the authors point out that no evidence exists to demonstrate improvements in educational outcomes due to the AUH, such as years of schooling effectively completed or improvements in the results from standardized tests.³¹⁴ Some literature also explained that the AUH failed to promote the reinsertion of the most vulnerable groups of students that had dropped out of school.³¹⁵ Instead, most of the AUH effects on education documented focused on the educational permanence of those children who were effectively enrolled and attending school.³¹⁶ For these reasons, it is critical to complement the AUH with other policies to improve the supply side of education and the provision of other public services.

4.2.3.9.3 Impacts of the AUH on Health

Regarding the impact of the AUH on health, Waisgrais, Cetrángolo & Curcio (2017) explain that there is no sufficient statistical data to analyze the program's impact on the periodicity of health check-ups for children in recipient households.³¹⁷ Based on the available evidence, the authors did not find significant impacts on the increase in medical visits due to the AUH. The author used the Survey on Social Protection and Social Security [ENAPROSS] prepared by the Ministry of Labour and Social Security in 2011 and 2015, which inquired about the impact of the AUH on health

³¹² Salvia, Tuñón & Poy, *supra* note 308.

³¹³ Marchionni & Edo, *supra* note 65.

³¹⁴ *Ibid.*

³¹⁵ Boffi, *supra* note 16 at 225.

³¹⁶ *Ibid.*

³¹⁷ Waisgrais, Cetrángolo & Curcio, *supra* note 309.

check-ups.³¹⁸ The report shows that 85.9% of children who received the AUH had had a medical consultation in the previous year. This number dropped to 54.7% for those who received other transfers. However, among the mid-higher-class households who received income tax deductions, 87.5% of the minors had made a medical consultation in the previous year. The national average was 80.3%. Nevertheless, there is not necessarily a relation of causality between the presence of the health conditionality in the AUH and an increase in health check-ups, as the latter could be associated with an increase in household income rather than with the conditionalities imposed by the AUH program.³¹⁹

4.2.3.9.4 Impact of the AUH on Waged Labour Participation

There are different perspectives on the impact of the AUH on recipients' participation in the waged labour market.³²⁰ However, Groisman et al. (2011) summarize the general findings in the literature: “the AUH is not associated with a greater probability of moving from employment to inactivity.”³²¹ Maurizio & Vázquez (2014) show that the AUH did not negatively impact recipients' waged labour participation.³²² Bustos & Villafañe (2011), Groisman et al. (2011), Groisman (2015), Kliksberg & Novacovsky (2015), and Maurizio & Monsalvo (2017) argue that the impact of the AUH

³¹⁸ Marta Novick & Ana Catalano, Ministry of Labour, Employment and Social Security, Social Protection and Social Security in Argentina (Resultados de la Encuesta Nacional de Protección y Seguridad Social 2011 [ENAPROSS]) (2014).

³¹⁹ Waisgrais, Cetrángolo & Curcio, *supra* note 309.

³²⁰ Studies from other countries aligned with these findings. For instance, De Brauw, Gilligan, Hoddinott & Roy (2015) found no disincentive effects on aggregate household labour supply but large effects on labour allocation in Brazil. Alan de Brauw, Daniel O. Gilligan, John Hoddinott, & Shalini Roy, “Bolsa Familia and Household Labor Supply” (2015) 63:3 Economic Development and Cultural Change, online <<https://www.journals.uchicago.edu/doi/abs/10.1086/680092?journalCode=edcc> <<http://jhr.uwpress.org/content/48/3/702.abstract>>.

³²¹ Fernando Groisman, Friedrich Bossert & María Eugenia Sconfienza, “Políticas de Protección Social y Participación Económica de la Población en Argentina (2003-2010)” (2011) 202/203 Desarrollo Económico, Buenos Aires at 18.

³²² Roxana Maurizio & Gustavo Vázquez, “Argentina: Efectos del Programa Asignación Universal por Hijo en el Comportamiento Laboral de los Adultos” (2014) 113 Revista CEPAL, Santiago de Chile.

program on waged labour participation of recipients was even positive for some sectors of the population.³²³

Even though most studies agree that the AUH had no statistically significant effect on recipients' activity rate at the aggregate level, the program impacted a specific group: vulnerable women.³²⁴ Gasparini & Garganta (2017) argued that the program affected vulnerable women's participation in the waged labour market.³²⁵ Gasparini & Garganta (2012) also argue that the AUH encourages recipients' non-registration, negatively impacting labour formalization rates.³²⁶ Boffi (2020) explains that the program may have encouraged the insertion of men whose children are recipients of the program in the waged labour market, but there was an increase in formal labour inactivity among women of low-education levels and in precarious job positions.³²⁷ Bustos & Villafañe (2011) confirmed those findings: a decline in the activity rate among women who had a precarious insertion in the labour market before receiving the transfer.³²⁸ Groisman et al. (2011) also found a decrease in labour participation of low-educated women who received the stipend.

Beccaria, Maurizio & Vázquez (2017) explain that in the 2000s, female labour participation rates in the waged labour market remained stagnant in Argentina, an atypical situation *a priori*

³²³ Juan Martín Bustos & Soledad Villafañe, "Asignación Universal por Hijo. Evaluación del Impacto en los Ingresos de los Hogares y el Mercado de Trabajo" (2011) Dirección de Estudios y Coordinación Macroeconómica, Subsecretaría de Programación Técnica y Estudios Laborales, Ministerio de Trabajo, Empleo y Seguridad Social, Presidencia de la Nación. Groisman, Bossert & Sconfienza, *supra* note 321. Fernando Groisman, "Protección Social para el Sector Informal: el Rol del Salario Mínimo y de Las Transferencias Monetarias de Ingresos" (2015) Partnership for Economic Policy (PEP), Working Paper. Kliksberg & Novacovsky, *supra* note 201. Roxana Maurizio & Ana Monsalvo, "Evaluación de los Impactos de la Asignación Universal por Hijo en el Comportamiento Laboral de los Adultos y la Generación de Ingresos," in Waisgrais, Cetrángolo & Curcio, *supra* note 309.

³²⁴ Boffi, *supra* note 16 at 236.

³²⁵ Leonardo Carlos Gasparini & Santiago Garganta, "El Impacto de la Asignación Universal por Hijo sobre los Ingresos de los Hogares: un Ejercicio de Diferencias Dobles," in Waisgrais, Cetrángolo & Curcio, *supra* note 309.

³²⁶ Leonardo Carlos Gasparini & Santiago Garganta, "El Impacto de un Programa Social sobre la Informalidad Laboral: El Caso de la AUH en Argentina" (2012)133 Documento de Trabajo, CEDLAS, Universidad Nacional de La Plata. By contrast, others claim that the AUH should not generate negative effects on the labour formalization rate. See for instance, Agustín Ángel Mario, Paula Cecilia Rosa & Ariel Oscar García, "Políticas Sociales y Mercado de Trabajo en Argentina: El Efecto de la AUH en la Informalidad Laboral" (2013) Universidad Nacional del Litoral, 1:21 Documentos y Aportes en Administración Pública y Gestión Estatal 41.

³²⁷ Boffi, *supra* note 16 at 237.

³²⁸ Bustos & Villafañe, *supra* note 323.

because their labour participation had been increasing since the 1960s.³²⁹ Gasparini et al. (2015) suggest that income transfers could have influenced the decline in labour participation of low-educated women in Latin America. These findings are problematic because vulnerable, poor women comprise most of those who receive the AUH, and as Boffi (2020) points out, 98% of AUH legal recipients were women in 2015.³³⁰ However, the author also argues that this situation may not necessarily be detrimental to women to the extent that women who leave the waged labour market due to the AUH had precarious jobs with no social security protection.

4.2.3.9.5 Long-Term Impact?

No available evidence can more generally demonstrate the long-term and structural impact of the AUH and cash transfers. There are methodological, technical, and ethical difficulties in conducting studies on the long-term impacts of these social interventions.

Barrientos & Hulme (2009) have an optimistic view of the breadth and potential of cash transfers as crucial elements in a quiet revolution that would contribute to reducing poverty and inequality levels in undeveloped regions.³³¹ By contrast, I join those authors who are skeptical about the AUH's capacity to modify the oppressive structures of our racist, patriarchal, capitalist systems.³³² I agree with Pautassi (2009) and Repetto & Díaz Langou (2010). They argue that parents can make decisions regarding their children's education and health and that the State should focus on improving the supply side of social services and solving the existing regional inequalities

³²⁹ Luis Alberto Beccaria, Roxana del Luján Maurizio & Gustavo Vázquez, "El Estancamiento de la Tasa de Participación Económica Femenina en Argentina en los 2000" (2017) 57:221 Instituto de Desarrollo Económico y Social; Desarrollo Económico 3.

³³⁰ Boffi, *supra* note 16 at 247.

³³¹ Barrientos & Hulme, *supra* note 44.

³³² Corina Rodríguez Enríquez, "Programas de Transferencias Condicionadas de Ingreso e Igualdad de Género ¿Por Dónde anda América Latina?" (2011) 109 *Mujer y Desarrollo*, División de Asuntos de Género, CEPAL.

and fragmentation in their provision of essential services in Argentina, which significantly affect low-income sectors.³³³

4.3 Research Site: An Institutional Ethnography in Argentina

I arrived in Argentina in 2016 to conduct preliminary fieldwork, approximately six months after former president Mauricio Macri had assumed his presidential mandate in December 2015.³³⁴ At that time, rumour had it that the AUH program may cease to exist under the presidency of a conservative right-wing party.³³⁵ History did not corroborate such fears.

I chose to conduct an IE in *Presidencia Roque Sáenz Peña*, province of Chaco, Argentina, because I was born and spent the first two decades of my time in this corner of the world. Part of my heart remained in the memories and emotional connections made with its warm people. Having received a Doctoral Research Award to conduct empirical work, I had no doubts that I wanted to channel the funding generously provided by the IDRC to study one of Argentina's most marginalized regions. I partnered with a local organization and hired locals, specifically, two research assistants, a photographer, a translator/transcriber, and a designer who eagerly engaged

³³³ Laura Pautassi, "Programas de Transferencias Condicionadas de Ingresos ¿Quién Pensó en el Cuidado? La Experiencia en Argentina" (2009) Seminario Regional, Las Familias Latinoamericanas Interrogadas. Hacia una Articulación del Diagnóstico, la Legislación y las Políticas. CEPAL y UNFPA. Santiago de Chile, CEPAL. Fabián Repetto & Gala Díaz Langou, "Desafíos y Enseñanzas de la Asignación Universal por Hijo para Protección Social a un Año de su Creación" (2010) 88 Documento de Políticas Públicas, CIPPEC.

³³⁴ Former president Mauricio Macri governed from December 2015 until December 2019. Since the AUH was enacted, there have been three different presidents. First, the AUH was enacted in 2009, halfway through the first presidential mandate of President Cristina Fernández de Kirchner, who was then re-elected until 2015. Second, Macri's mandate began in 2015 until 2019. Third, Alberto Fernández was elected in 2019 and currently presides Argentina. Fernández de Kirchner and Fernández have leftist political inclinations, whereas Macri is positioned towards the centre-right conservative side of the political spectrum. Both Fernández political *ethos* align with *Peronism* or *justicialismo*, an Argentine political movement based on the ideas of Argentine political leader Juan Perón. Also known as the worker's party, *justicialismo* is overwhelmingly supported by the popular and poor sectors and the working class in Argentina. *Justicialismo* has been reformed in 2003, with the birth of the *Frente para la Victoria*, led by former president Néstor Kirchner. Its ideology is known as "Kirchnerism," and comprises a mix of left-wing nationalism, socialism, and radicalism. The political party in the opposition has historically been the "Radical Civic Union," who joined centrist and centre-right parties such as the PRO (Republican Proposal).

³³⁵ Macri's political party is known as the "PRO" (*Propuesta Republicana*). See <<https://pro.com.ar/>>.

with what they saw as a unique work opportunity. I also compensated informant recipient women for their time, which was significant for them.



Figure 9: Map of Argentina. Graphic design by Jissela N. Polasek.

Selecting Chaco as a research site also allowed me to bridge the boundaries between “insider” and “outsider” in my research. Some legal scholars, such as Grosswald Curran (1998), state that cultural immersion is necessary when analyzing a legal system.³³⁶ The author emphasizes the need to adopt an inside perspective (*emic*) instead of only an outsider perspective (*etic*) of the legal system. Having been raised and educated in this region of Argentina and having studied its legal system during my undergraduate studies in law, an “emic” perspective was no impediment. However, legal scholars also argue that the researcher needs to maintain the position of an outsider

³³⁶ See for example Vivian Grosswald Curran, “Cultural Immersion, Difference and Categories in U.S. Comparative Law” (1998) 46 Am J. Comp. L 43. “In its essence, comparative legal analysis is just legal analysis, since comparison is not unique to the field of comparative legal analysis, since, rather, all analysis, legal and other, is comparative at heart.” Vivian Grosswald Curran, “Comparative Law and Language,” in Mathias Reimann & Reinhard Zimmermann, eds, *The Oxford Handbook of Comparative Law*, 2nd Ed (Oxford, 2019) 675 at 699.

even as she attains an understanding of the insider's perspective, "render[ing] the foreign familiar and preserv[ing] its very foreignness at one and the same time."³³⁷

I have also lived in Canada long enough to realize that my immersion in the Argentine cultural context has been, to some extent, compromised: I am a hybrid between insider and outsider in both social, legal, and cultural systems. I am supposed to meet halfway in the pull between the *emic* and the *etic* perspectives, creating a mental space where a multijural mentality can ripen. This requirement may not sound problematic to imagine, but Valentine Palmer (2005) asks, "who has actually achieved this and how is it done? Are only high priests capable of meeting these demands?"³³⁸ I do not have an answer to this question; I know that I will always be as much of an outsider as an insider. I, therefore, take the issue of the dynamics between the *emic* and the *etic* perspectives as a learning exercise which helps me to avoid superficiality by delving beyond judicial decisions, doctoral writings, and the black letter law to instead reach into the grey region of deeper structures where law meets sociology, philosophy, and culture in this turn of the world.

Argentina is abundant in natural resources and has been referred to as a "middle-income" country³³⁹ with "unmet high-income country aspirations."³⁴⁰ It had an estimated population of forty-five million inhabitants in 2018.³⁴¹ Its 2,8 million km² comprise fertile lands for rainfed crop production and cattle that make the country a significant agricultural manufacturer.³⁴² Argentina

³³⁷ Vicent Crapanzo, "Herme's Dilemma: The Masking of Subversion in Ethnographic Description," in James Clifford & George Marcus, eds, *Writing Culture: The Poetics and Politics of Ethnography* (University of California Press, 1986) at 52.

³³⁸ Vernon Valentine Palmer, "From Leretholi to Lando: Some Examples of Comparative Law Methodology" (2005) 53 *American Journal of Comparative Law* 261 at 272.

³³⁹ Alan M. Taylor, "The Argentina Paradox: Microexplanations and Macropuzzles" (2018) 27:1 *Latin American Economic Review*, online <<https://dx.doi.org/10.1007/s40503-017-0051-8>> at 2.

³⁴⁰ World Bank Group, *Argentina: Escaping Crises, Sustaining Growth, Sharing Prosperity* (Washington, DC: World Bank, 2018) online <<https://documents1.worldbank.org/curated/en/696121537806645724/pdf/Argentina-Escaping-Crises-Sustaining-Growth-Sharing-Prosperity.pdf>> at 12.

³⁴¹ Shihui Huang, "Universal or Targeted? A Comparative Analysis of Anti-Poverty Programs in Argentina and Indonesia" (2021) 12:1 *Global Majority E-Journal* 23 at 27.

³⁴² World Bank Group, *supra* note 340 at 12.

had the highest per capita income in Latin America early in this century.³⁴³ However, Argentina's economy has grown unevenly, marked by recessions and stagnation.³⁴⁴ Indeed, since 1950, Argentina has experienced no less than fourteen socio-economic crises excluding the Covid-19-related economic recession.³⁴⁵

Argentina has been unable to reduce poverty. Its low 2,7% average long-term economic growth rate is evidence of a country³⁴⁶ that did not flourish but plummeted and remained in the category of "middle-income."³⁴⁷ Furthermore, 40% of Argentina's inhabitants are susceptible to experiencing poverty, the labour market has increasingly declined since 2012, and economic growth has occurred at the expense of environmental sustainability.³⁴⁸ An analysis of the multiple economic crises that affected Argentina is beyond the scope of this work; however, I believe that capitalism, colonialism, and the hegemonic power of other countries were critical drivers of poverty and inequality in Argentina.

³⁴³ "In the late nineteenth century, [Argentina] was among the top five countries in income per capita, richer than all European countries except Britain and on a par with other rich settler societies such as the United States, Canada, and Australia. Its status among the richest economies reached a peak around 1913 when income convergence stopped. But even until 1929 it still clung on in this club, only to face a slow and widening relative decline thereafter." Taylor, *supra* note 339. After the Second World War, Argentina labour market flourished, it had a generous social welfare state, and a consolidated working class that aimed to become middle-class. World Bank Group, *supra* note 340 at 13.

³⁴⁴ Larry Sawyers, *The Other Argentina: The Interior and National Development* (Boulder, CO: Westview Press, 1996) at 3.

³⁴⁵ World Bank Group, *supra* note 340.

³⁴⁶ It has been said that Argentina's economic history is "one of the most dramatic examples of divergence in the modern era" ... "There is an old saying among economists, possibly apocryphal, and of unclear attribution: 'in history there have been only four kinds of economies in the world: advanced, developing, Japan, and Argentina' ... Material living standards have advanced across the entire world, but the well-known Great Divergence is quite apparent... there is only one notable case of a country that started life relatively rich and ended up comparatively poor: this is the great puzzle or paradox of Argentina." Taylor, *supra* note 339 at 1, 2.

³⁴⁷ World Bank Group, *supra* note 340 at 10.

³⁴⁸ Argentina has lost an average of 12% of its forests between 2001 and 2014, two times the world average. World Bank Group, *ibid.*

4.3.1 A Landscape of Stark Contrasts

In this work, I would like to emphasize the inequality within Argentina, an unevenly developed³⁴⁹ country whose wealth is not evenly experienced throughout the territory, revealing deep inequities in quality of life and access to social services. Primary health care and education are responsibilities at the provincial level. In contrast, revenues are mainly collected at the federal level and then redistributed to provinces through *coparticipación*. The latter is an automatic revenue-sharing mechanism that includes discretionary transfers by the Executive, resulting in a heterogeneous patchwork and substantial fiscal challenges.³⁵⁰

Argentina is a starkly unequal federation in terms of income distribution comprised of twenty-three provinces and the autonomous federal capital of Buenos Aires (*Ciudad Autónoma de Buenos Aires*, or CABA). The CABA region has a significantly lower incidence of poverty than the north of the country, especially the sub-tropical/semi-arid warm-climate region known as the



Figure 10: Argentina's NEA Region. Graphic design by Jissela N. Polasek.

³⁴⁹ Smith (2010) explains how the notion of uneven development has been used in diverse schools of thought, including geographical political, and economic, and geographical currents. Neil Smith, *Uneven Development: Nature, Capital, and the Production of Space* (Athens: University of Georgia Press, 2010).

³⁵⁰ World Bank Group, *supra* note 340 at 13.

“NEA” or *Nordeste Argentino*, including Chaco, as depicted in the map above.³⁵¹ The NEA is comprised of the provinces of Chaco, Corrientes, Formosa, Entre Ríos, and Misiones.

Whereas the CABA – the wealthiest district of the country – has a GDP per capita of US \$28,358,³⁵² Chaco province has a GDP per capita of US \$5,198, ranking the second-lowest GDP per capita in the country.³⁵³ As Lustig & Pessino (2014) explain, Argentina’s *Gran Norte* region has a history of high levels of poverty and inequality exacerbated by the implementation of unsustainable and soil-depleting soy monoculture in low-yield farms. These monocultures have depleted Indigenous lands and ejected Indigenous and peasant communities into urban *villas miseria* (slums).³⁵⁴ The unfavourable socio-economic circumstances of Argentina’s north have remained persistent for at least the last three decades, and it is considered the region with the most adverse environment for the development of its people.³⁵⁵



Figure 11: Many houses in marginalized neighbourhoods in Sáenz Peña city are located in unsuitable areas, either near garbage dumps or in flood-prone zones.

Photo by José Francisco Malina, a local anthropological photographer I partnered with for this research project.

³⁵² Formosa – the poorest province – has a GDP per capita of US \$3,704. World Bank Group, *supra* note 340 at 13.

³⁵³ Ministerio de Hacienda, Secretaría de Hacienda, Dirección Nacional de Asuntos Provinciales, “Chaco: Informe Sintético De Caracterización Socio-Productiva” (2018) online <<http://www2.mecon.gov.ar/hacienda/dinrep/Informes/archivos/chaco.pdf>>.

³⁵⁴ Nora Lustig & Carola Pessino, “Social Spending and Income Redistribution in Argentina During the 2000s: The Increasing Role of Non-Contributory Pensions” (2014) 42:3 Public Finance Review 304.

³⁵⁵ Vilma Lilian Falcón, “Evidencias del Desarrollo Humano en Argentina: Desequilibrio Regional. Situación de las Provincias del Nordeste en las Dos Últimas Décadas (1996-2016)” (2018) 15:29 Geográfica Digital 1 at 15, 16.

Socio-economic asymmetries between regions have been systematic throughout Argentine colonial history and persist today.³⁵⁶ These disparities have been studied from myriad perspectives.³⁵⁷ The Northeast [NEA] and Northwest [NOA] regions present negative tendencies in almost all development indicators, except for the social security dimension in the NEA, which has shown an improvement in the last decade.³⁵⁸ Indeed, the AUH has become a vital income redistribution tool at the provincial level because vulnerable provinces such as Chaco have greater participation in its expenditure. Whereas Chaco's population comprises 2,7% of Argentina's total population,³⁵⁹ AUH holders in Chaco are approximately 172,673, 4,3% of Argentine AUH recipients.³⁶⁰ Estimates indicate that national AUH spending favours poor provinces in the *Family Allowances* system due to the prevalence of informality and underemployment in the country's poorest regions.³⁶¹

³⁵⁶ Horacio Cao & Josefina Vaca, "Desarrollo Regional en la Argentina: la Centenaria Vigencia de un Patrón de Asimetría Territorial" (2006) XXXII 95:111 *Revista Eure*. Jorge Gelman, "Desequilibrios Regionales, Desigualdades Sociales. Las Economías Argentinas en el Siglo XIX," in Jorge Gelman, ed, *El Mapa de la Desigualdad en la Argentina del Siglo XIX* (Rosario: Prohistoria, 2011) 11.

³⁵⁷ See Juan Gabriel Brida, Nicolás Garrido & Silvia London, "Estudio del Desempeño Económico Regional: el Caso Argentino" (2013) XXXII: 60 *Cuadernos de Economía*, Universidad Nacional de Colombia Bogotá, Colombia, 437. Nicolás Garrido, Adriana Marina & Daniel Sotelsek, "Convergencia Económica en las Provincias (1970-1995)" (2002) 20:2 *Estudios de Economía Aplicada* Asociación Internacional de Economía Aplicada Valladolid 403. Francisco Gatto, "Crecimiento Económico y Desigualdades Territoriales: Algunos Límites Estructurales para Lograr una Mayor Equidad," in Bernardo Kosacoff, ed, *Crisis, Recuperación y Nuevos Dilemas. La Economía Argentina, 2002-2007* (Santiago de Chile: CEPAL, Naciones Unidas, 2007) 307. Gabriel Kessler, *Controversias sobre la Desigualdad: Argentina, 2003-2013* (Buenos Aires: Fondo de Cultura Económica, 2014). Andrés Alberto Niembro, *Las Brechas Territoriales del Desarrollo Argentino: un Balance (Crítico) de los Años 2000* (2015) 215 *Desarrollo Económico* 21. Alejandro Rofman, *Desigualdades Regionales y Concentración Económica. El Caso Argentino* (Buenos Aires: Ediciones Siap-Planteos, 1974). Alejandro Rofman, *Desigualdades Regionales en la Argentina* (Buenos Aires: CEUR, 1988).

³⁵⁸ Andrés Niembro, Mariana Dondo & H. Martín Civitaresi, "La Manifestación Territorial de las Desigualdades Socioeconómicas en Argentina: del Diagnóstico a las Políticas Públicas" (2016) 23:1 *Población y Sociedad*, online <http://www.scielo.org.ar/scielo.php?script=sci_arttext&pid=S1852-85622016000100003>.

³⁵⁹ Dirección Nacional de Población, Registro Nacional de las Personas, Ministerio del Interior, "Reporte de Estadísticas Demográficas y Sociales: Chaco" (2021), online <https://www.argentina.gob.ar/sites/default/files/2021/09/reporte_chaco_final_0.pdf>.

³⁶⁰ Estado Argentino, "Informe Diagnóstico Chaco," online <https://www.argentina.gob.ar/sites/default/files/20.07.08_informe_cha.pdf> at 12.

³⁶¹ Observatorio de la Seguridad Social, *Asignación Universal por Hijo para Protección Social: Una Política de Inclusión para los más Vulnerables* (Buenos Aires: Administración Nacional de la Seguridad Social, 2011).

Despite measures such as the AUH, territorial inequalities continue. Northern jurisdictions have the highest levels of poverty and inequality, while Patagonian jurisdictions are at the opposite extreme.³⁶² The country's wealthiest areas have become wealthier; the poorest, poorer. Gatto (2007) points out that overall national economic growth did not erase structural poverty in northern Argentina due to the limited coordination of territorial policies.³⁶³

Historically, Argentina's "interior" comprises 70% of its territory yet has remained in poverty since 1930, neglected in national and international descriptions of Argentina.³⁶⁴ For instance, the pervasive term "pockets of poverty" has been used in the Argentine literature to refer to the poverty experienced in the provinces, reinforcing the misleading notion that such poverty is "exceptional" and isolated rather than systematic.³⁶⁵ Unsurprisingly, the interior provinces have remained mainly invisible to policy-makers and social scientists in this context. Moreover, analyses of CCTs often ignore the socio-economic and geographical peculiarities of the communities and provinces in which their programs are executed, risking developing "pockets of ignorance" that obscure the unintended consequences of the AUH.

The systematic neglect of the experiences of provinces such as Chaco is also colonial and racialized. The postcolonial feminist work of anthropologist Rita Segato (2006, 2007) illuminates my fieldwork.³⁶⁶ She warns against uncritically transplanting concepts developed in power centres

³⁶² Héctor Zacaria & Juan Ignacio Zoloa, "Desigualdad y Pobreza entre las Regiones Argentinas: Un Análisis de Microdescomposiciones" (2006) 39 Documento de Trabajo, La Plata: Centro de Estudios Distributivos, Laborales y Sociales (CEDLAS), Facultad de Ciencias Económicas, Universidad Nacional de La Plata. Andres López, Andres Niembro & Daniela Ramos, "Diagnóstico de (Brechas de) Desarrollo para Argentina: En 'Estado Crítico' a Fines de los 2000" (2014) 13 Revista de Economía Política de Buenos Aires 1853. Patricio Millan-Smitmans, "Políticas Públicas y Desigualdades Regionales en la Distribución del Ingreso en la Argentina" (2008) 2 Ensayos de Política Económica.

³⁶³ Gatto, *supra* note 357.

³⁶⁴ Sawyers, *supra* note 344 at 4.

³⁶⁵ *Ibid* at 15.

³⁶⁶ Rita Segato, "Racismo, Discriminación y Acciones Afirmativas: Herramientas Conceptuales" (2006) 404 Serie Antropológica, Brasilia. Rita Segato, *La Nación y Sus Otros: Raza, Etnicidad y Diversidad Religiosa en Tiempos de Políticas de la Identidad* (Argentina, Buenos Aires: Prometeo Libros, 2007).

to explain peripheral experiences. Segato (2006) explains that processes of “racialization” happen in at least two specific ways in Latin America. First, Latin American societies are seen as non-white and are racialized from the vantage point of white dominant nations. Second, “otherness” has also been constructed within each Latin American nation-State.³⁶⁷ Universal uniform citizenship is a legal fiction; instead, the “national formation of otherness” perpetuated internal fragmentations along the axis of race, gender, and class, among others.³⁶⁸ According to Segato (2006), unlike Brazil, which has embraced *mestizaje* – racial intermingling –, Argentina has adopted an “ethnic terror,” a racist homogenizing governance project³⁶⁹ conducted by the centralized Eurocentric elite established in Buenos Aires, which controls the destiny of the nation.

Being “provincial” or “*del interior*” in Argentina goes beyond being restricted in access to services, resources, and a higher quality of life. It also means being discriminated against along racial, ethnic, and classist lines.³⁷⁰ For example, in Argentina, the term “*negrxs*” [blacks] or “*cabecitas negras*” [black heads] are racist labels reserved for the poor, non-white, Indigenous populations, workers from the provinces, those politically associated with the Workers’ Party, and those that might receive “help” in the form of a program [*asistencia*] from the State.³⁷¹ According to Ratier (1971), racism in Argentina has also served the political function of discriminating against those who identify with Peronism or the workers’ party, immigrants, and provincials.³⁷²

³⁶⁷ Segato, “Racismo, Discriminación y Acciones Afirmativas,” *supra* note 366.

³⁶⁸ *Ibid* at 7.

³⁶⁹ *Ibid* at 8.

³⁷⁰ In the context of Argentina, I am a white settler woman who was born and educated in the province of Chaco. Despite my degree of privilege, it was not unusual for me to be discriminated against for being “*del interior*” or underestimated based on my Northern accent and mannerisms when visiting the nation’s capital.

³⁷¹ The racist practices in Argentina “do not admit easy equivalences with constructions of blackness typical of other contexts.” In Argentina, “black” is not typically associated with certain phenotypic traits but rather associated with being poor. Claudia Briones, *La Alteridad del ‘Cuarto Mundo’: Una Deconstrucción Antropológica de la Diferencia* (Buenos Aires: Ediciones del Sol, 1998) at 23. Cited in Alejandro Grimson, “Unidad 16: Nuevas Xenofobias, Nuevas Políticas Étnicas en Argentina” (2016) online <http://cidac.filo.uba.ar/sites/cidac.filo.uba.ar/files/revistas/adjuntos/UNIDAD%2016%20-%20Nuevas%20xenofobias%20Argentina_1020951901.pdf> at 3.

³⁷² Hugo E. Ratier, *El Cabecita Negra* (Buenos Aires: Centro Editor de América Latina, 1975) at 13.

In sum, the livelihoods and landscapes throughout which the AUH is conceived and implemented are disparate, not merely in terms of geography, demographics, and climate but also concerning life quality, employment, access to resources, infrastructure, and human development. In the following section, I introduce the research site, situating it in the broader, unevenly developed Argentine landscape.

4.3.1.1 Presidencia Roque Sáenz Peña, Chaco, in an Unevenly Developed Argentina

The research site is located in the *Nordeste* region of Argentina: the city of *Presidencia Roque Sáenz Peña*, in the province of Chaco, where most informants resided and worked.³⁷³

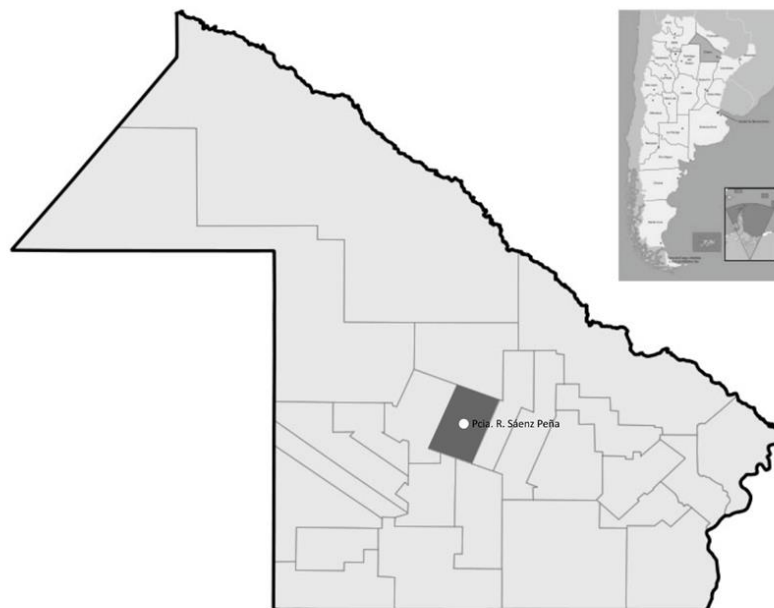


Figure 12: Map of the Province of Chaco. Design by Jissela N. Polasek.

Before conducting preliminary fieldwork, I was in contact with an NGO that used to work with the *Merendero del Rosario*, located in one of the city's poorest and most marginalized

³⁷³ Except academic informants who were scattered around the country.

barrios.³⁷⁴ The gatekeeper introduced me to a group of AUH recipient women who volunteer at the *merendero* – the patio of a small church whereby poor mothers prepare a late-afternoon snack [*merienda*] for those who would otherwise go hungry. If ingredients were available, they would meet for approximately two hours to prepare food every day. The gatekeeper and I travelled there by motorcycle; the neighbourhood was quite far off: we had to cross the *Ruta 16*, a boundary that sets the confines of the city core and differentiates the urban centre from the periphery.

There were approximately fourteen mothers and the *coordinadora*. All these women were recipients of the AUH except the coordinator. Women did not have access to cooking utensils and thus were improvising by using diverse plastic containers to prepare copious amounts of food. They planned to prepare rice pudding by mixing powdered milk, white rice, granulated sugar, and vanilla extract. They would get in circles and talk about several issues while cooking. Mothers discussed grocery shopping and provided mutual advice about where to buy affordable sneakers for their children. After informally discussing for an hour and a half, the women started to get dispersed and worked intensively to prepare the food. They set up a fire and started cooking the rice, methodically and gently stirring the milk and folding the rest of the ingredients. The church's backyard was crowded with vivacious children playing while eagerly waiting for their *merienda*. The air smelled like a scrumptious concoction of smoky wood and vanilla extract; the soil was still humid and somewhat muddy as it had rained two days before my visit.

³⁷⁴ I have decided not to disclose the name of the organization and changed the *merendero*'s name to preserve the identity of informants.



Figure 13: An AUH recipient woman preparing food in a *merendero* in *Presidencia Roque Sáenz Peña*. Photo by José Francisco Malina.³⁷⁵



Figure 14: An AUH recipient woman cooking in a *merendero* in *Presidencia Roque Sáenz Peña*. Photo by José Francisco Malina.

This region of Argentina, where the city of *Presidencia Roque Sáenz Peña* is located, sits on a large area of flat lands. Its soils contain clay, which, coupled with their low inclination, makes water drainage difficult. Some of these neighbourhoods are prone to flooding after copious rains. The Province of Chaco is situated in *Chaco Austral*, part of the *El Gran Chaco* region, a sparsely

³⁷⁵ For confidentiality and anonymity reasons, the *merendero* pictured is not the same *merendero* I visited.

populated, hot, and semiarid lowland, the second-largest forest in South America and one of the most deforested regions on the planet.³⁷⁶



Figure 15: In the province of Chaco, deforestation has eaten away ceaselessly at the local forests and Indigenous lands. Photo by José Francisco Malina.



Figure 16: *El Gran Chaco* accounts for 87% of total deforestation in Argentina, according to the Ministry of the Environment and Sustainable Development.³⁷⁷ Photo by José Francisco Malina.

³⁷⁶ The *Gran Chaco* as a geographic region extends across Argentina, Bolivia, Paraguay and Brazil. In the Argentine region of the *Gran Chaco*, there live more than twenty-four different groups of Indigenous peoples who speak languages grouped into six linguistic families: “guaycurú (toba/qom, pilagá, toba-pilagá, mocoví and caduveo/eyiguayegui), mataco-mataguaya (mataco/wichí, chulupi/nivaklé, chorote/manjui and maká), tupi-guaraní (chiriguano/avá, guaraní ñandeva/tapiete, chané, isoseño/guaraní and occidental guaraní), enlhet-enenlhet (enxet/lengua sur, enlhet/lengua norte, angaité, sanapaná, guaná and toba-maskoy/enenlhet), lule-vilela (vilela/chunupí) and zamuco (chamacoco/ishir ebidoso, chamacoco/ishir tomaraho and ayoreo). Florencia Tola, “No-Humanos que Hacen la Historia, el Entorno y el Cuerpo en el Chaco Argentino” (2019) 23:2 Etnográfica 489.

³⁷⁷ Rodolfo Chisleanschi, “The Lost Forests of the Argentine Gran Chaco” (19 August 2020) MONGABAY, online <[226](https://news.mongabay.com/2020/08/the-lost-forests-of-the-argentine-gran-chaco/#:~:text=According%20to%20Argentina's%20Ministry%20of,decades%20of%20the%2021st%20century.>.”</p>
</div>
<div data-bbox=)

The most common economic activities in Chaco involve agriculture, the construction sector, commerce, services, and domestic work in private households.³⁷⁸ Ferrero (2016) also highlights the predominance of public employment over private employment in Chaco, with most formal employees working for the public sector.³⁷⁹



Figure 17: Women cleaning the streets of downtown *Sáenz Peña* city. Photo by José Francisco Malina.

The city of *Presidencia Roque Sáenz Peña* (commonly known as *Sáenz Peña* or simply “SP”) is the second-largest city in the province of Chaco, located right at its geographical heart, approximately one-hundred-seventy kilometres northwest of the provincial capital, *Resistencia*. *Sáenz Peña* was founded in 1912 as the principal city of the *Comandante Fernández District* in the province and has developed as an industrial and commercial hub supplying the surrounding agricultural region of the *Gran Chaco* plains.³⁸⁰ It is known as the “thermal waters city” or “the national capital of cotton” of Argentina, and according to the last

³⁷⁸ Lucas Ferrero, “Restricciones para el Desarrollo Regional Una Visión desde la Economía Chaqueña” (2016) online <<https://coneschaco.org.ar/wp-content/uploads/2021/03/restricciones-al-desarrollo-regional-cones.pdf>>.

³⁷⁹ *Ibid.*

³⁸⁰ Estado Argentino, “Municipio de Roque Sáenz Peña,” online <<https://www.argentina.gob.ar/chaco/saenzpena>>. See <<https://saenzpena.gob.ar/>> for the official webpage of the city.

census of 2010, it has a population of approximately 96,164 inhabitants.³⁸¹ Sáenz Peña is also known for its unforgiving weather conditions: a hot climate that has systematically reached the highest temperatures in Argentina during the summer months.³⁸²

In the last three decades, there has been an increasing urbanization process in most Argentine provinces, particularly in Chaco.³⁸³ The rural population continues to move to cities in search of jobs. The city of *Presidencia Roque Sáenz Peña* is a clear example of this increased urbanization; new settlements and marginal neighbourhoods have formed surrounding the core of the city: remote populated spaces that lack access to essential services such as access to drinking water, electricity, garbage collection and disposal, and access to paved roads, among others.³⁸⁴ Most AUH recipient mothers I interviewed resided in some of these marginal neighbourhoods, indicated by grey circles in the map of the city below.

³⁸¹ Estado Argentino, “Municipio de Roque Sáenz Peña,” *supra* note 381.

³⁸² Chaco Día por Día, “Sáenz Peña, Otra Vez la Ciudad más Calurosa de la Argentina” (22 Jan 2019), online <

³⁸³ Teresa Laura Artieda, María Julia Simoni & Guillermo Vega, *III Jornadas Libro de Actas: Intercambio de la Producción Científica en Humanidades y Ciencias Sociales, 1st Ed* (Resistencia: Universidad Nacional del Nordeste, Facultad de Humanidades, 2019), online <https://repositorio.unne.edu.ar/bitstream/handle/123456789/30684/RIUNNE_FHUM_AC_P%c3%a9rtile_VC.pdf?sequence=1&isAllowed=y at 54>.

³⁸⁴ Artieda, Simoni & Vega, *ibid.*



Figure 18: Map of *barrios* in the city of Sáenz Peña. Marginalized barrios are shown in grey circles.
Graphic design by Jissela N. Polasek.³⁸⁵



Figure 19: Houses in marginalized neighbourhoods are characterized by the material precariousness of the dwellings, that is, they have dirt floors or unstable roofs. Photo by José Francisco Malina.

³⁸⁵ Original map available at the website of the Municipality of Sáenz Peña, online < https://saenzpena.gob.ar/wp-content/uploads/2019/04/mapa_barrios_saenz_pena_actualizado.jpg>.



Figure 20: Most dwellings in poor neighbourhoods do not have access to drinking water or have access to inadequate water sources, that is, off-site water networks, unprotected wells, and lacking motorized pumps. Photo by José Francisco Malina.

Historically, the province of Chaco sits on unceded Indigenous territory³⁸⁶ and is also called “The Impenetrable,” alluding to the thickness of its forests.³⁸⁷

³⁸⁶ In doing reflexivity, it is essential to point out that I am a white settler woman in the context of Argentina. As such, I have benefited from Indigenous dispossession. My maternal great-grandfather, for example, is locally considered and celebrated as one of the two immigrant “precursors” from the Czech Republic who came in to settle in Central Chaco in the early 1900’s to work the land throughout extensive plantations of cotton. This land was “given” to them by the Argentine State to “populate” the territory of Chaco. For thousands of years, these lands that were unjustly “gifted” to my predecessors were Indigenous lands; they were not *terra nullius*. Moreover, I would like to admit that before my interview with Anahí, an Indigenous AUH recipient mother, my knowledge about the Qom community was poor – if not non-existent. Mills (2007) explains that “white ignorance” implies ways of thinking agreed upon by the privileged to misconstrue the world. Charles Mills, “White Ignorance,” in Shannon Sullivan & Nancy Tuana, eds, *Race and Epistemologies of Ignorance* (Albany: State University of New York Press, 2007) 11 at 18. Gaile Jr. Pohlhaus, “Relational Knowing and Epistemic Injustice: Toward a Theory of Willful Hermeneutical Ignorance” (2012) 27:4 *Hypatia* 715.

³⁸⁷ Adrián Alejandro Almirón, “La Ocupación del Territorio Nacional del Chaco: Empresarios, Agricultores y el Rol de los Expertos Estatales (1926-1935)” (2014) 19:1 *Anuario de Historia Regional y de las Fronteras* 139, online <http://www.scielo.org.ar/scielo.php?script=sci_arttext&pid=S1669-90412010000100004&lang=en>.



Figure 21: “The Impenetrable” monte (forest). Photo by José Francisco Malina.

Chaco was forcibly incorporated into the Argentine State as a national territory in 1872, even though colonial forces had occupied it earlier. The campaign led by State military forces in 1884 was the start of a systematic mission to advance over Indigenous territory to establish militarized “civilizing” colonies made up of foreigners and subjecting Indigenous peoples.³⁸⁸ Since the 1870s, Argentine State colonization initiatives involved appropriating Indigenous lands to be exploited by “civilized” immigrant settlers.³⁸⁹ For instance, Law 2,875, known as the *Settlement Law* (1891), provided the legal framework for the alienation of Indigenous lands. Indigenous people in the Chaco region were violently forced to settle in a sedentary way of living in agricultural communities, work in lumber and sugar mills, and abandon their hunter-gatherer

³⁸⁸ Carla Mariana Lois, “La Invención del Desierto Chaqueño. Una Aproximación a las Formas de Apropiación Simbólica de los Territorios del Chaco en los Tiempos de Formación y Consolidación del Estado Nación Argentino” (1999) 38 Scripta Nova Revista Electrónica de Geografía y Ciencias Sociales, online <http://www.ub.edu/geocrit/sn-38.htm#N_12_>.

³⁸⁹ *Ibid.*

traditions.³⁹⁰ In the 1950s, the process of “provincialization” began.³⁹¹ The “Territory of Chaco” became the “Province of Chaco” by Law 14,037, enacted by the Executive in 1951.³⁹²

Chaco province covers an area of 996,337 km², the 12th largest province in Argentina.³⁹³ Its economy is based on cotton and soybean crops, cattle production, and *quebracho* wood extraction.³⁹⁴ Around 250,000 Indigenous people who belong to more than twenty different ethnic groups live in the territory of the geographic region of the *Gran Chaco*.³⁹⁵ Before being decimated and dispossessed by the Spanish conquest and the Argentine State, Indigenous groups in the *Gran Chaco* practiced a nomadic or semi-nomadic economy based on hunting, fishing, and gathering honey and fruits.³⁹⁶ The main Indigenous populations in Argentina that have occupied what is now the province of Chaco include the Wichí, Qom, and Mocoví.³⁹⁷

In 2010, according to the last population census, Chaco had 1,06 million inhabitants, 2.6% of Argentina’s total population.³⁹⁸ In conformity with the UNDP 2010 Human Development Index (HDI) study, Chaco had the lowest human development index – 0.775.³⁹⁹ Buenos Aires region had

³⁹⁰ Tola, *supra* note 377.

³⁹¹ Almirón, *supra* note 388.

³⁹² The first Constituent Convention sanctioned the First Provincial Constitution on December 21st, 1951. It organized the provincial State and its municipal regime and named the province as “President Perón.” Orlando J. Ferreres, Marta N. Barros, Lucila María Gallo, Ezequiel Brodschi & Rosario Campos, *Chaco, su Historia en Cifras* (2011), online <http://portal1.chaco.gov.ar/uploads/multimedia/archivo/_Chaco%20-%20su%20historia%20en%20cifras.pdf.pdf>.

³⁹³ Tola, *supra* note 377.

³⁹⁴ Indigenous communities in this territory share some sociocultural and linguistic traits, forms of socio-political organization, and specific aspects of their cosmologies. Alejandro López & Florencia Tola, “Qom (Tobas) y Moqoit (Mocovíes). Antiguas y Nuevas Andanzas por el Gran Chaco,” in Silvia Hirsch & Axel Lazzari, eds, Ministerio de Educación y Deportes de la Nación, *Pueblos Indígenas en la Argentina: Historias, Culturas, Lenguas y Educación*, 1st Ed (Ciudad Autónoma de Buenos Aires: Ministerio de Educación y Deportes, 2016), online <<http://www.bnm.me.gov.ar/giga1/documentos/EL005239.pdf>> at 15.

³⁹⁵ *Ibid.*

³⁹⁶ *Ibid.*

³⁹⁷ In 2010, Chaco became the second Argentine province to adopt more than Spanish as an official language, declaring the *Qom*, *Moqoit*, and *Wichí* languages as the province’s official languages. Tola, *supra* note 377.

³⁹⁸ Ministerio de Hacienda, Secretaría de Hacienda, Dirección Nacional de Asuntos Provinciales, *supra* note 353 at executive summary. The estimated projected population of Chaco for 2020 was 1,204,541 inhabitants, 2.7% of Argentina’s total population. Dirección Nacional de Población, Registro Nacional de las Personas, Ministerio del Interior, *supra* note 359.

³⁹⁹ Mariana Chudnovsky, *Régimen Político, Estado y Políticas Públicas: El Rol de los Gabinetes en el Desarrollo de Capacidades Estatales* (2014) Doctoral Dissertation, Universidad Torcuato Di Tella at 104, online <<https://repositorio.utdt.edu/handle/20.500.13098/2217>>.

the highest development index – 0.858.⁴⁰⁰ The labour market in Chaco is limited; it has the third-lowest activity rate in the country: 38.2%, 7.2 percentage points below the national average.⁴⁰¹ The average remuneration of formal workers in the private sector in Chaco was 24.5% lower than the national average.⁴⁰² By 2006, Argentina’s adult literacy rate remained close to 100%.⁴⁰³ However, in 2010, Chaco was the province that exhibited the highest percentage of illiteracy at the national level – 5.5%.⁴⁰⁴ Moreover, 72.67% of homes in the province of Chaco do not have access to drainage and sanitary services, and 21.27% of homes lack access to potable water.⁴⁰⁵



Figure 22: A person filling a container with water from an off-site water network. Photo by José Francisco Malina.

⁴⁰⁰ Ministerio de Hacienda, Secretaría de Hacienda, Dirección Nacional de Asuntos Provinciales, *supra* note 353.

⁴⁰¹ *Ibid.*

⁴⁰² *Ibid.*

⁴⁰³ Shihui Huang, *supra* note 341 at 28.

⁴⁰⁴ Ministerio de Hacienda, Secretaría de Hacienda, Dirección Nacional de Asuntos Provinciales, *supra* note 353.

⁴⁰⁵ Chudnovsky, *supra* note 399.



Figure 23: In marginal neighbourhoods, dwellings with poor sanitation are typical. Evacuation is not connected to the sewage network or septic tank. Photo by José Francisco Malina

In Chaco, AUH recipients have historically experienced exclusion based on their gender, class, ethnicity, skin colour, literacy level, education, language, and the geographical location of their homes. In 2006, Chaco was the province with the highest percentage of households below the poverty line, reaching 42.6%,⁴⁰⁶ while the average percentage among Argentine provinces and the federal capital was 26.4%.⁴⁰⁷ Geographical disparities exist within the city of *Presidencia Roque Sáenz Peña* itself. Wealth is concentrated downtown, and the poorest people live in the most isolated neighbourhoods where access to public transportation is inexistent or difficult.

⁴⁰⁶ Chudnovsky, *supra* note 399 at 100.

⁴⁰⁷ *Ibid* at 100, 101.



Figure 24: Access to public transportation is inexistent or restricted in many neighbourhoods. Recipient mothers walk or use bicycles or motorcycles. Photo by José Francisco Malina.

Harsh inequities also exist in access to decentralized health care and education in Argentina, which broadly fall under the jurisdiction of the provinces, although the federal government still has some competence through specific programs.⁴⁰⁸ Regarding coverage of people's basic needs and the fight against poverty, the federal government covers approximately 79% of the total expenditure in this area, whereas the provinces cover approximately 21% of it.⁴⁰⁹

Health and education services in the province of Chaco have been historically limited and of low quality. The education case shows a fragmented system that differs according to the socio-economic inequalities suffered by the population, whether between public or private schools.⁴¹⁰ For instance, in 2010, about 50% of the students in Buenos Aires City attended private schools

⁴⁰⁸ Niembro, Dondo & Civitaresi, *supra* note 358.

⁴⁰⁹ *Ibid.*

⁴¹⁰ Pablo Bezem, "Equidad en la Distribución de la Oferta de Educación Pública en la Argentina" (2012) 91 Working Document, Centro de Implementación de Políticas Públicas para la Equidad y el Crecimiento [CIPPEC]. CIPPEC, "Los Estados Provinciales Frente a las Brechas Socio-Educativas: una Sociología Política de las Desigualdades Educativas en las Provincias Argentinas" (2004) Buenos Aires: Centro de Implementación de Políticas Públicas para la Equidad y el Crecimiento & Fondo de Investigaciones Educativas - PREAL. Axel Rivas, "Tendencias Educativas, Desigualdades Sociales y Fragmentación Provincial," in *Aportes para el Desarrollo Humano en Argentina* (Buenos Aires: Programa de las Naciones Unidas para el Desarrollo, 2010).

which offered smaller class size and individualized attention by teachers, while less than 10% in Chaco did.⁴¹¹

In the field of health, there is a common consensus in the literature about the extreme fragmentation, inefficiency, lack of coordination, and inequity of the Argentine health system.⁴¹² In the interior of Argentina, there are marked differences in availability and access to health services. Regarding health insurance coverage, while less than 20% of the Buenos Aires region and southern provinces' inhabitants were not covered, more than 50% of the population of Chaco did not have access to private health insurance.⁴¹³ This fact accounts for geographic disparities and the greater demand placed on the public health system in the case of Chaco. Moreover, 67% of inpatient health facilities in the province of Chaco are private.⁴¹⁴ The indications of systematic public underinvestment in public essential health services are appalling, with poor infrastructure being a salient feature in this study.

Such statistics ought to be predictable given that poor women encounter severe obstacles to health, including geographical hurdles such as lack of public transportation and offered

⁴¹¹ Niembro, Dondo & Civitaresi, *supra* note 358.

⁴¹² Hugo Arce, *El Territorio de las Decisiones Sanitarias* (Buenos Aires: Ed. Macchi, 1993). Roberto Bisang & Oscar Cetrángolo, "Descentralización de los Servicios de Salud en Argentina" (1997) 47 Serie Reformas de Política Pública. Santiago de Chile: CEPAL, Naciones Unidas. Kessler, *supra* note 357. Daniel Maceira, "Sistema de Salud Argentino," in Francoise Berten, Walter Flores & Ana Hardoy, eds, *La Inequidad en Salud. Hacia un Abordaje Integral* (Buenos Aires: IIED-América Latina Publicaciones, 2008). Daniel Maceira, "Inequidad en el Acceso a la Salud en la Argentina" (2009) 52 Documento de Políticas Públicas, Buenos Aires: Centro de Implementación de Políticas Públicas para la Equidad y el Crecimiento [CIPPEC]. Daniel Maceira, *Financiamiento, Aseguramiento y Prestación de Servicios de Salud en Argentina* (México DF: Serie Financiamiento en Salud y Protección Social en América Latina y el Caribe. Fundación Mexicana para la Salud, 2011). Federico Tobar, Sofía Olaviaga & Romina Solano, "Retos Postergados y Nuevos Desafíos del Sistema de Salud Argentino" (2011) 99 Documento de Políticas Públicas. Buenos Aires: Centro de Implementación de Políticas Públicas para la Equidad y el Crecimiento [CIPPEC]. Federico Tobar, Sofía Olaviaga & Romina Solano, "Complejidad y Fragmentación: las Mayores Enfermedades del Sistema Sanitario Argentino" (2012) 108 Documento de Políticas Públicas. Buenos Aires: Centro de Implementación de Políticas Públicas para la Equidad y el Crecimiento [CIPPEC]. Niembro, Dondo & Civitaresi, *supra* note 358.

⁴¹³ Arce, *ibid.* Bisang & Cetrángolo, *ibid.* Kessler, *ibid.* Maceira, "Sistema de Salud Argentino," *ibid.* Maceira, "Inequidad en el Acceso a la Salud en la Argentina," *ibid.* Maceira, "Financiamiento, Aseguramiento y Prestación de Servicios de Salud en Argentina," *ibid.* Tobar, Olaviaga & Solano, "Retos Postergados y Nuevos Desafíos del Sistema de Salud Argentino," *ibid.* Tobar, Olaviaga & Solano, "Complejidad y Fragmentación: las Mayores Enfermedades del Sistema Sanitario Argentino," *ibid.* Niembro, Dondo & Civitaresi, *supra* note 358.

⁴¹⁴ Chudnovsky, *supra* note 400 at 106, 107.

treatment, understaffing, and lack of resources and infrastructure. While public health services are technically available to low-income Argentines, they do not cover all medical treatments and are often of lower quality and burdensome access. Indigenous women also face the mistreatment by health actors who, in most cases, do not speak their languages.⁴¹⁵ Moreover, the maternal mortality rate in Chaco is 4,3% (higher than the national average),⁴¹⁶ and 20% of births result from teenage pregnancies.⁴¹⁷

All the above factors impacted how the AUH was implemented and what poor recipient women were forced to do to receive their stipend. The AUH may be an instrument that benefits poor provinces in the interior of Argentina. Nevertheless, the research presented in this dissertation shows how cash incentives such as the AUH do not automatically eliminate socio-economic and geographical inequities and, in numerous cases, can actively intensify them.

⁴¹⁵ ENDEPA, “Situación de las Mujeres Indígenas del Gran Chaco Argentino” (January 20, 2017), online <<https://www.endepa.org.ar/situacion-de-las-mujeres-indigenas-del-gran-chaco-argentino/>>.

⁴¹⁶ Estado Argentino, *supra* note 360 at 7.

⁴¹⁷ Dirección Nacional de Población, Registro Nacional de las Personas, Ministerio del Interior, *supra* note 359 at 7.

5) Analytical Part: Administrative and Obstetric Violence

5.1 Introduction

In the analytical section of this dissertation, I describe the problematic of administrative and obstetric violence exerted by the Argentine State against AUH recipient women and identify legal regimes interacting within the institution of the AUH. Not much has been written about CCTs recipients and the administrative and obstetric violence they suffer.¹ This dissertation works to name it and bring it into focus.

Over the years it took me to complete this Ph.D., I grew aware that I might be fixated on understanding VAW.² Nevertheless, the topic sadly imposed itself on me because violence was pervasive in AUH recipient women's everyday life. Of course, there is the perennial peril of the researcher contributing to a fetishist and voyeuristic portrayal of violence. However, I am convinced it is more concerning not to see violence where it exists.³

¹ Cookson has referred to "shadow conditions" in the context of her IE of the *Juntos* Program in Peru. Tara Patricia Cookson, *Unjust Conditions: Women's Work and the Hidden Cost of Cash Transfer Programs* (Oakland, CA: University of California Press, 2018). Nagels described racial inequalities and obstetric violence in the context of the Bolivian CCT program. Nora Nagels, "Conditional Cash Transfer and Gender, Class, and Ethnic Domination. The Case of Bolivia," in Jean-Pierre Olivier de Sardan & Emmanuelle Piccoli Balen, eds, *Cash Transfers in Context: An Anthropological Perspective* (New York: Berghahn Books, 2018). Strachnoy & Ambort (2017) described violence against AUH recipient women as exerted by gynecologists and obstetricians. Matilde Laura Ambort & Mora Strachnoy, "Burocracias Escolar y Sanitaria: ¿Facilitadores u Obstaculizadores del Acceso a la Asignación Universal por Hijo y la Asignación por Embarazo para la Protección Social?" (2018) 5 Horizontes Sociológicos, Revista de la Asociación Argentina de Sociología 139.

² See section 3.7, "Reflexivity."

³ I do not use the popular term "microaggression" because I do not think that the word "micro" – defined in the Cambridge English dictionary as "very small" – does justice to the type of violence AUH recipients face. "Microaggression" is a term used in critical race theory, psychology, and also in the study of obstetric violence to refer to demeaning attitudes used in racist manner. One of the points I am trying to make in these pages is that violence against women is not insignificant and should not be minimized. Derald Wing Sue, Christina M. Capodilupo, Gina C. Torino, Jennifer M. Bucceri, Aisha M. B. Holder, Kevin L. Nadal, & Marta Esquilin, "Racial Microaggressions in Everyday Life Implications for Clinical Practice" (2007) 62: 4 American Psychologist 271. See also Peggy C. Davis, "Law as Microaggression" (1989) 98:8 The Yale Law Journal 1559. Lydia Zacher Dixon, "Obstetrics in a Time of Violence: Mexican Midwives Critique Routine Hospital Practices" (2015) 29:4 Medical Anthropology Quarterly 437. Vania Smith-Oka, "Microaggressions and the Reproduction of Social Inequalities in Medical Encounters in Mexico" (2015) 143 Social Science & Medicine 9.

I use IE to show how AUH recipient mothers' individual experiences and practices are being disciplined by, and simultaneously mould, institutional priorities, which Smith calls "relations of ruling."⁴ IE requires me to knit the knowledge of a diversity of AUH program actors together. As such, the analytical section of this thesis is structured in three parts: *Hooking-in*, *Activating*, and *Extending*. Section *Hooking-in* begins with recipient women's everyday lives, the "small sheros." Section *Activating* elucidates the work of relevant operators and their mandated workplace activities. Section *Extending* identifies the legal regimes interacting and immersed in the AUH institution.

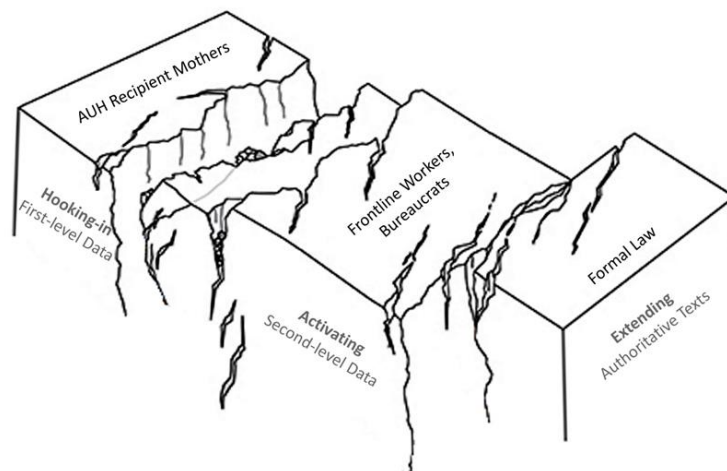


Figure 25: The figure above represents "lines of fault" and illustrates the organization of the analytical section of this dissertation. Source: author.

The choice of the organization was not random; I start with women's accounts and finish with the identification of legal regimes, honouring one of the objectives of my research endeavour: to connect the everyday experiences and actualities of recipient women with technocratic and legalistic understandings of rights, from the bottom-up.

⁴ Dorothy Smith, *Texts, Facts and Femininity: Exploring the Relations of Ruling* (London: Routledge, 1990).

In this introduction to the analytical part of my dissertation, (1) I first provide a road map of the analytical section to the reader and (2) I then explain what I understand by “violence” in order to make sense of the problematic that I have found while conducting empirical research: violence against AUH recipient mothers in the completion of the AUH program’s requirements.

5.2 Analytical Section Structure

In the first chapter of the analytical section (*Hooking-in*), I start from recipient women’s experiences of administrative violence with the AUH bureaucratic apparatus, specifically with the ANSES (Social Security Agency) and related agencies (such as the National Persons’ Registry, hospitals, health centres, post office, banks). I use IE to understand how local practices are structured and coordinated to reveal the larger institution through work practices, texts, and language. I explain how informants identified certain documents – “texts in action” – as one of the primary sources of their relationship with the ANSES. An informant becomes hitched up to the AUH system after delivering these documents. The term “hooking-in” expands upon Smith’s (2005) discussion of how local work practices are hooked up to the institutional apparatus. The term is in harmony with IE’s focus on the larger institution and is used to demonstrate the connectedness between women who receive the AUH and broader institutional processes.

In the section *Hooking-in*, I depart from the experiences of the people that Smith refers to as the “small hero:” the point of departure for her feminist sociology; I adapted this term and decided to use the term “small shero” instead.⁵ The “small shero” is the standpoint of AUH recipient mothers. Each mother is an expert in her own life, and “it is the individual’s working knowledge of her everyday world that provides the beginning of the inquiry.”⁶ Institutional

⁵ Liz Stanley, *Dorothy E. Smith, Feminist Sociology & Institutional Ethnography: A Short Introduction* (Independently Published, 2018) at 20.

⁶ Dorothy E. Smith, *The Everyday World as Problematic: A Feminist Sociology* (Toronto: University of Toronto Press, 1987) at 154.

analysis elucidates generalized bases of the experience of administrative and obstetric violence; in this case, AUH recipients were subjected to stigmatization, abuse, and surveillance throughout numerous situations of administrative and obstetric humiliation, waiting, hostility, and invisibilization. However, explaining women's experiences does not restrain the research to the description of that experience because "the problematic of the everyday world arises precisely at the juncture of a particular experience, with generalizing and abstract forms of social relations organizing a division of labour of society at large."⁷

Thus, in the section *Activating*, I focus on institutional circuits (mandated courses of institutional action) and frontline work in the institution of the AUH, specifically, the ANSES and the World Bank as large-scale organizations. Here I connect to the idea of the small shero in framing institutional circuits as the ones that "bind frontline workers into higher-level textual media of governing – we have called them 'boss texts' – that are hitched up into relations extending beyond those that have been brought into focus."⁸ As Stanley (2018) puts it, the institutional apparatus "is what the small [s]hero confronts."⁹ In *Activating*, I focus on the experience of frontline workers, ANSES agents, and key informant interviewees from the World Bank and how they understand the AUH. This layer is where different organizations and agencies are involved, responding to the issue in question as part of their mandate, using various texts to complete their work, and turning activities and practices into stripped-down institutional categories. The work of these agencies and actors is influenced by and simultaneously shapes the lives of mothers who receive the AUH.

⁷ Smith, "The Everyday World," *supra* note 6 at 157.

⁸ Alison Griffith & Dorothy E. Smith, "Introduction," in Alison Griffith & Dorothy E. Smith, eds, *Under New Public Management: Institutional Ethnographies of Changing Front-Line Work* (Toronto: University of Toronto Press, 2014) at page 342, cited in Stanley, *supra* note 5.

⁹ Stanley, *supra* note 5 at 51.

In chapter *Extending*, I map the formal legal regimes interacting and impacting women's lives, identified through "relations of ruling." I describe three legal schemes intermeshed in the fabric of the AUH institution: (1) human rights and Argentine constitutional law; (2) administrative law; and (3) the transversal and integral legislation of VAW in Argentina. In this chapter, boss texts are crucial – especially authoritative legal texts – because they allow social security governance to happen at the level we observe today.

Texts are crucial to IE and will be the thread that will pierce and run through all three parts (*Hooking-in, Activating, and Extending*) in this analytical section. A contribution of Smith to this thesis is that texts are the technology by which an individual practice is related to, and helps to mould, broader institutional practices. Texts are seen as "texts in action" because, for IE, the emphasis is not on a text-confined analysis detailing its content but on how they function in social practices and relations.¹⁰ In the context of CCTs, texts can be illustrated as the channel that connects the individual experience of any recipient and the institutional priorities of social policy in Argentina. Indeed, social security organizational work is controlled and managed through institutional texts.

In short, in the following chapters, I work from people's accounts of their own experiences, knitting different perspectives together, and exploring the text-based organization of the institution of the AUH, constructing a representation of how the institution works and identifying the multiple interacting legal regimes related to the institution.¹¹ If the AUH is an institution, administrative violence is – paraphrasing prestigious Argentine feminist anthropologist Rita Segato's (2003) words – the "hierarchal mortar" that reinforces the AUH scaffolding. "From top to bottom, the

¹⁰ Dorothy E. Smith, *The Conceptual Practices of Power: A Feminist Sociology of Knowledge* (Boston, MA: Northeastern University Press, 1990) at 148-151.

¹¹ Dorothy E. Smith, *Institutional Ethnography: A Sociology for People* (Lanham, MD: AltaMira Press, 2005) at Chapter 8.

lingua franca that keeps the building standing is the subtle dialect of moral violence.”¹² Throughout the analytical section of this work, parting from women’s experience, I show how relations of administrative and obstetric violence plague the institution of the AUH as a not-quite-subtle language. Such violence characterizes women’s experience with the State and points toward a problematic disjuncture between the black-letter law and recipient women and frontline workers’ knowledge and experiences.

Before delineating the contours of my approach to violence, I would like to make two points. Firstly, I hold recipient women’s experiences at the front and centre of this work. I do so by weaving together the narratives and descriptions of emotions, actions, and perspectives of their diverse responses to violence. Secondly, I introduce excerpts within my writing whereby informants can “talk” about their experiences, creating “windows” within the text. Rather than paraphrasing or heavily translating the work of recipient women and other informants, I offer extensive quotations and comprehensive descriptions of their efforts, aspirations, and practices.

By starting from their words and practices, I emplace their narratives as fully as possible within their story and context, acknowledging and respecting informants’ presence and authority over their stories and expertise in their own lives. Because of space constraints, I cannot include a complete account of each AUH recipient mother’s life in these pages; however, I did include their short biographies in section 11.2.9. Even though there is a risk of distracting my analysis and the reader from focusing on institutional relations, I firmly believe that it is fundamental to feminist politics and theory to include recipient women’s voices *ad verbatim*. I preserve the standpoint of the women I interviewed, honouring the narratives of those who allowed me to have a glimpse of

¹² My own translation: “De arriba a abajo, la lengua franca que mantiene el edificio en pie es el sutil dialecto de la violencia moral.” Rita Laura Segato, “La Argamasa Jerárquica: Violencia Moral, Reproducción del Mundo y Eficacia Simbólica del Derecho” (2003) 332 *Série Antropologia* (Brasília, Distrito Federal, Brazil), online < <http://repositorio.ciem.ucr.ac.cr/jspui/handle/123456789/150>>.

their lives, and “inserting knowledge that ruptures the monologies of institutional discourse and ideology.”¹³ After all, IE “does not transform people into objects, but preserves their presence as subjects.”¹⁴

5.3 A Take on Violence: Administrative and Obstetric

Let me start with Leonor’s illuminating words, which describe her experience as an AUH recipient mother:

I do not know if you will allow me to use an analogy, perhaps to simplify, because I do not handle all the technical terms that... a sociologist, psychologist, or law person might use. For me, it is like the ‘boiled frog syndrome’ because if you put the frog in cold water, it still retains its ability to move its muscles, its joints. And even when it is submerged, it does not realize that the temperature is increasing. However, by the time it realizes it, her joints and muscles are useless, the heat has affected it, and the frog cannot jump to go outside, so it boils to death. You do not go through the trouble of killing it, just acclimating it to that hostile, shall we say, aggressive environment. Through this, the naturalization of removing the exercise of the power, let us say, of the autonomy of ‘*les sujetes*’ (the subjects)¹⁵ is achieved. Because you are conditioning it to a need or to the usufruct of a right that you tell her belongs to her, but at the same time, through that fact, you coerce, or limit, or manipulate her autonomy. It has become a weapon of institutional violence and patriarchal violence as well [Leonor 00:14:34].

¹³ Smith, “Institutional Ethnography: A Sociology for People,” *supra* note 11 at 123-124.

¹⁴ Smith, “The Everyday World,” *supra* note 6 at 151.

¹⁵ Leonor was the only participant that used inclusive language consistently throughout the interview. I have preserved her use of inclusive language in the transcripts to emphasize the progressive and social-justice oriented nature of Leonor’s choice of language. Leonor is part of an Argentine movement to make Spanish grammar less centered on male terms. This movement has gained broad adherence in Argentina since June 2018, when Natalia Mira, an Argentine student activist, used gender-inclusive language in a broadcasted interview. In Spanish and other Romance languages, LGBTQ+ and feminist activists have pioneered a push to utilize the letter “e” to deviate from the binary structure of masculine “o” or the feminine “a,” whereby the use of the masculine is the rule by default. However, the Royal Spanish Academy, the world’s foremost authority on Spanish grammar and vocabulary – and a colonial institution – has failed to acknowledge the necessity for this change. However, certain Spanish speakers, such as Leonor, are trying to change that sexist rule. Samantha Schmidt, “A Language for All,” *The Washington Post* (5 December 2019), online <<https://www.washingtonpost.com/dc-md-va/2019/12/05/teens-argentina-are-leading-charge-gender-neutral-language/>>.

Leonor is a 34-year-old mother, a feminist, and an activist. Her words allowed me to summarize the puzzling event addressed in this work – normalized violence from the State towards AUH recipients. Leonor introduced the term “administrative violence” which I later decided to use.¹⁶ Leonor also referred to “institutional violence” as a synonym for administrative and patriarchal violence [Leonor 00:13:41, 00:14:34]. I decided to maintain “administrative violence” to avoid repetitions in light of IE’s focus on the “institutional” and to honour Leonor’s valuable contribution to identifying extra-local relations.¹⁷

I will explain what I consider “violence” in the following pages. For now, it suffices to say that I identify the violence suffered by AUH recipient mother informants while doing AUH work as “administrative” and “obstetric” violence. I focus on the violence exerted by the State, also reverberated by society at large. To the extent that I focus on obstetric violence as exerted by State health actors who work in the public health system in Argentina, obstetric violence is also administrative violence. Etymologically, “obstetric” comes from modern Latin “*obstetricus*,” which means “pertaining to a midwife.”¹⁸ Literally, *obstetrix* means “one who stands opposite,” from the verb *obstare*, “stand opposite to.”¹⁹ Interestingly, *obstare* is also part of the etymology of the word “obstacle.” Many actors “stand opposite” to women who suffer obstetric violence: in

¹⁶ Violence varies in its identification, so it is harder for victims to identify it; this is evident in the use of multiple notions to try to capture it, such as: institutional violence, moral violence, psychological violence, emotional violence, microaggressions, structural violence, or administrative violence, among many other terms.

¹⁷ “Structural violence occurs without a single person touching another and may include political, social, economic, and environmental factors.” Maaret Jokela-Pansini, “Complicating Notions of Violence: An Embodied View of Violence Against Women in Honduras” (2020) 38:5 Politics and Space 848 at 851. Institutional violence is “perpetrated by state institutions, such as the police and judiciary, sector ministries such as health and education, as well as extra-state institutions such as social cleansing vigilante groups.” Caroline O. N. Moser & Cathy McIlwaine, “Latin American Urban Violence as a Development Concern: Towards a Framework for Violence Reduction” (2006) 34:1 World Development 89 at 93.

¹⁸ Online Etymology Dictionary, “Obstetric,” online <<https://www.etymonline.com/word/obstetric>>.

¹⁹ *Ibid.*

this case, the State stands opposite to AUH recipient women, exerting violence through its social security and health bureaucracies and obstaculizing women's rights, wellbeing, and emancipation.

I preserved the term “obstetric” due to its specificity: it helps contextualize violence against recipient women within health bureaucracies, supports women in articulating the abuse they experience when they interact with the State in the fulfilment of conditionalities, and it challenges normalized medical conduct and societal views on poor women. “Obstetric violence” originated in Latin and Central America to recognize the gendered, racialized, and classist facets of reproductive rights violations.²⁰ I follow Chadwick's (2021) conceptualization of obstetric violence as “the violation (rupturing, destruction) of reproductive subjectivity. This (...) refers to a broader sense of being diminished, appropriated, reduced, unseen, unheard, and incapacitated, as an embodied, relational, and epistemic subject during reproductive life events.”²¹ I adopt a broad perspective of obstetric violence, understanding it as resulting from structural violence against women that cannot be disassociated from other types of violence²² and violates human rights associated with health and reproductive health.²³

Of course, not all AUH recipient women suffered administrative and obstetric violence. Indeed, some women had no complaints about the administrative and public health system and felt respected and accompanied. However, many recipient women did not, and this was problematic. Women's accounts broaden our understandings of the impacts of the conditionalities on women's

²⁰ Smith-Oka, *supra* note 3. Simone G. Diniz, & Alessandra S. Chacham, “‘The Cut Above’ and ‘the Cut Below’: The Abuse of Caesareans and Episiotomy in São Paulo, Brazil” (2004) 12:23 *Reproductive Health Matters* 100. Zacher Dixon, *supra* note 3.

²¹ Rachelle Chadwick, “Breaking the Frame: Obstetric Violence and Epistemic Rupture” (2021) 35:3 *Agenda* 104.

²² Michelle Sadler, Mário JDS Santos, Dolores Ruiz-Berdún, Gonzalo Leiva Rojas, Elena Skoko, Patricia Gillen & Jette A. Clausen, “Moving beyond Disrespect and Abuse: Addressing the Structural Dimensions of Obstetric Violence” (2016) 24:47 *Reproductive Health Matters*. Obstetric violence “is dynamically intersectional and its aims go beyond the policing and regulation of ‘women’... it “involves the complex entanglements of racist histories and legacies, forms of medical misogyny, and multi-stranded stratified inequalities.” Chadwick, *supra* note 21 at 110.

²³ This will be explored in further detail in section 8.6.4, “Obstetric Violence: Legal Framework.”

bodies, labour, lives, and reproductive processes – socioeconomic, biological, and cultural – beyond both administrative and healthcare services’ limited discourses and beyond disingenuous narratives about the benign role of the conditionalities in CCTs.

5.4 What is “Violence”?

The concept of ‘violence’ – any concept of ‘violence’ – must include a dimension of meaning whose empirical content will be variable, and which makes the pretension of constructing a univocal concept difficult – at least, without giving in to the impatience of oversimplifying reductionisms. This being so, we will search in vain for a consensus among researchers and analysts on how to define a concept of ‘violence’ whose extension encompasses all that we would want to include and nothing more than that...²⁴

The concept of “violence” has been explicated as philosophically “inherently confused.”²⁵ Violence is a polysemic, complex, ambiguous, contested concept, and there is no single accepted definition.²⁶ Thus, my understanding of violence is one of the many possible readings of this polyvalent concept. In this brief conceptualization of violence, I heavily rely on theoretical categorizations, which “often obscure as much as they elucidate.”²⁷ Nevertheless, I have found these categories of violence helpful in shedding light on the problematic of violence against AUH recipient women. Of course, these theoretical devices “are [only] meant to be starting points for

²⁴ Translation is mine. José Garriga Zucal & Gabriel Noel, “Notas para una Definición Antropológica de la Violencia: un Debate en Curso” (2010) Año VIII N° IX Publicar at 101.

²⁵ There is no particular discipline on violence. Violence can take numerous forms, from physical manifestations to more subtle control mechanisms embedded in the hierarchy of society, which have been addressed by a rich, interdisciplinary literature including psychology, psychiatry, sociology, development, ethnography, security and criminal justice. Robert Paul Wolff, “On Violence” (1969) 66:19 *Journal of Philosophy* 601 at 602.

²⁶ Willem de Haan, “Violence as an Essentially Contested Concept,” in Sophie Body-Gendrot & Pieter Spierenburg, eds, *Violence in Europe: Historical and Contemporary Perspectives* (Springer 2009) 27.

²⁷ Philippe Bourgois, “Neoliberal Lumpen Abuse in the 2000s: A 25 Year Ethnographic Retrospective on Violence in the Americas,” *Democracy and Development*, Princeton Lecture (4 March 2008), online < http://ceas.iscte.pt/ethnografeast/papers/philippe_bourgois.pdf > at 1.

approaching violence in a way that facilitates recognizing the roots, links, tentacles, diversity and pervasiveness of violence's multiple forms and effects."²⁸

The etymological root of the word violence comes from the Proto-Italic word **wīs*²⁹ and refers to force or strength.³⁰ Partridge (1983) states that it is a strength exerted against someone.³¹ The etymological origin of the word violence itself points towards "a combination of aggression and othering. It is aggression performed on another."³² In this work, my approach is to move away from a violence paradigm that emphasizes physical force towards an understanding that emphasizes the structures that organize our societies.³³ Rather than being a series of aberrations, violence is a systematically produced harm and consequence of the settler-colonial ableist white capitalist cis heteropatriarchy that undergirds our system.

Authors have pointed out how violence against women has traditionally been seen as physical, individual, and mainly identified *post facto*.³⁴ Women's everyday experiences of violence in this work include more than physical injury; they include forms of violence such as exploitation, deprivation, humiliation, domination, coercion, repression, invisibilization, abuse,

²⁸ Bourgois, "Neoliberal Lumpen Abuse," *supra* note 27 at 1.

²⁹ Etymologeeek, "Violence," online <<https://etymologeeek.com/eng/violence>>.

³⁰ The word "violence" also comes from the Latin *uis*, which means strength. Jennifer Woodhull, "Etymological Root of the Word 'Violence,'" Naropa University (18 April 2017), Youtube, online <<https://www.youtube.com/watch?v=GfBirU1GLiw>>.

³¹ Woodhull further explains that the word violence also has an Indo-European origin signifying force, particularly, referring to rape. Woodhull, *ibid*.

³² *Ibid*.

³³ I do not adopt narrower, "universal," and doctrinal definitions of violence such as the one provided, for example, by Bufacchi (2005), who defined violence as an act of unwarranted force used to cause harm to the right to integrity by action or omission. Omission is said to be violence if it was foreseeable and avoidable. Bufacchi argues that the definition of violence should be determinate to help develop a universally valid notion of violence. According to the author, not all human rights violations can be equated to violence because such a comprehensive definition of violence makes it omnipresent but inconsequential. He characterizes violence as including a victim, perpetrator, and spectator. Vittorio Bufacchi, "Two Concepts of Violence" (2005) 3 Polit. Stud. Rev. 193 at 197. The aforementioned narrow definition fails to recognize the multiple meanings and modalities that violence assumes, precluding a more inclusive construction of violence that does not part from assumptions but empirically reflects people's realities.

³⁴ Christine Bichsel, "Violence as a Human Condition: Recent Contributions from the German Social Sciences" (2017) 35:3 Environment and Planning D: Society and Space 550. Dana Cuomo, "Security and Fear: The Geopolitics of Intimate Partner Violence Policing" (2013) 18:4 Geopolitics 856.

and subordination involving feelings such as anger, fear, and sadness.³⁵ Interviewed women expressed a persistent feeling of having their rights violated and experiencing that violation in their daily lives. In this sense, in this work, I address and understand violence as domination, exploitation, oppression, and subordination rather than as blunt physical force.

I believe that violence against women is both a cause and a consequence of gender inequality and that the feminist struggle for equality must be anti-capitalist. Not all recipient women suffered administrative violence equally. Violence affects women differently due to their class, ethnicity, race, citizenship status, and Indigeneity, among others.³⁶ For example, as I will explain in the following pages, the data showed how women from lower socioeconomic classes, particularly Indigenous women, suffer administrative violence more intensely. Indeed, Argentina, a colonial nation-State, continues to enact violence against Indigenous women. As Anahí – an Indigenous AUH recipient mother – explained, “violence is brought by the same State, by the State itself” [Anahí 00:17:15].

After surveying the literature on violence, I defined five broad conceptualizing directionalities on violence that are useful for this work and align with my ontological and epistemological assumptions, including that violence is: (a) multifaceted; (b) structural; (c) paradoxical; (d) invisibilized; and (e) both about misrecognition and misdistribution.

5.4.1 Violence as a Multidimensional and a “Continuum”

The literature I rely on concerning “everyday violence” has been developed mainly by critical ethnographers such as Scheper-Hughes (1996, 2004), Bourgois (2004, 2008), and Segato (2003).

³⁵ Jokela-Pansini, *supra* note 17.

³⁶ Kimberlé Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics” (1989) University of Chicago Law Forum 139. *See also* Kimberlé Crenshaw, “Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color” (1991) 43 Stanford Law Review 1241. Trina Grillo, “Anti-Essentialism and Intersectionality: Tools to Dismantle the Master’s House” (1995) 10 Berkeley Women’s Law Journal 16.

Their perspective was based on empirical qualitative field research. My approach is also informed by critical sociological theory, which understands violence as a multifaceted social process, not an inescapable biological human trait.³⁷

Scheper-Hughes & Bourgois (2004) conceptualized violence as “a continuum,” meaning that diverse forms of violence give birth to each other and that, as the saying goes, violence begets violence.³⁸ This means that violence of inequality, poverty, exclusion, and exploitation translates into chains of violence in a non-linear manner where it becomes impossible to understand any form of violence against women – or any type of violence – in isolation from the other.³⁹

The complexity of violence means that VAW is a deep structural problem that cannot be addressed with one strategy or one type of intervention; it needs a multi-pronged approach and an understanding of the local contexts of violence. It is a collective problem, not only concerning individual victims/survivors. The complexity of violence also means that we must problematize the propensity to resort to existing legal structures as responses to VAW. In this work, I go beyond understanding violence as a law-and-order problem.⁴⁰ First, the law does not only mean criminal

³⁷ Peter Benson, “Violence in War and Peace (Review)” (2005) 78:1 *Anthropological Quarterly* 289 at 290. Those who defend a universal and univocal concept of “violence” fall into a reductionist biologism and equate violence to “aggression,” related to a pseudo-universal “instinct” that disregards the meaning-making elements in the determination of an action as “violent.” This position is comfortable because it allows to claim the “irrationality” and “animality” of acts of violence supported by the “scientific” prestige of contemporary biological sciences. Garriga Zucal & Noel, *supra* note 24 at 101.

³⁸ Everyday violence has impacted on genocide studies, the field in which Scheper-Hughes had applied the theory of normalized violence. Disposability, dehumanization, and normalization of routinized violence are common themes, but I do not draw from the field of genocide studies in this dissertation.

³⁹ Nancy Scheper-Hughes & Philippe Bourgois, *Violence in War and Peace. An Anthology* (Oxford: Blackwell, 2004).

⁴⁰ Violence is often defined from a legal and technical approach as “the actual or threatened, knowing or intentional application of statutory impermissible physical force by one person directly against one or more other persons outside the contexts both of formal institutional or organizational structures and of civil or otherwise collective disorders and movements for the purpose of securing some end against the will or without the consent of the other person or persons.” Neil Alan Weiner, “Violent Criminal Careers and ‘Violent Career Criminals.’ An Overview of the Research Literature,” in Neil Alan Weiner & Marvin E. Wolfgang, eds, *Violent Crime, Violent Criminals* (Newbury Park, CA: Sage, 1989) 35.

justice.⁴¹ Second, I focus on the socioeconomic dimension of violence, which calls for a multiplicity of responses sensitive to marginalized communities' situations, including universal and de commodified social services, decent and affordable housing, health care, education, and the active presence of civil society, among many others. Therefore, at a minimum, tackling violence means recognizing the intricate historical, political, legal, structural, social, and economic dynamics perpetuating the continuum of violence in all its appearances.

5.4.2 Violence is Structural

To understand the nature and magnitude of the violence that AUH recipient women suffer, we must unearth how violence that is integral to social structures of capitalist, gendered, colonial, and socioeconomic inequalities produces and perpetuates particular forms of administrative and obstetric violence that are operating today within the AUH institution.

Among many violence cases found in the empirical data, I understand Leonor's story as especially paradigmatic. When referring to her experience receiving the AUH, Leonor explained that "the administrative violence is always there" [Leonor 00:09:19]. When asked to explain further what she means by "administrative violence," Leonor emphasizes the AUH program's discriminatory aspects towards women and informal workers.

Administrative violence: the opening feature is how the system is set up. It is there when first establishing imbalances of power, who can, who cannot claim it, who receives more money, and who receives less. If you work '*en blanco*,' they take it [the AUH] away from you. They take away the entitlement, let us say, of the AUH from a woman who, even if she has declared or goes and declares that she does not live together with her partner, that

⁴¹ Criminal justice approaches to violence tend to focus on deterrence and disciplining through higher arrest and conviction rates, and severe punishment. For more on the law, see section 3.12, "How is the Law Deployed in this Work?" and section 9), "In Lieu of a Conclusion: From Empowerment to Emancipation."

she is in a violent relationship, whatever it may be, they still take it away. This asymmetry is already being raised from the start [Leonor 00:09:28].

We must understand violence by addressing it as a result of broader structures of capitalism, cis-hetero-patriarchy, and colonialism, rather than framing it as an isolated short-term problem or a contagious disease resulting from masculinity gone wrong. For example, liberal feminist scholarship has framed gendered violence as a single-axis problem arising from the binary gendered power dynamics endorsed through systems of patriarchy.⁴² Such perspectives overlook the efforts of Indigenous, Latinx, socialist, Black, postcolonial, and decolonial feminist scholars that refer to gendered violence as a multifaceted problem that – in seemingly inconsistent ways and through combined vectors – reinforces capitalist and colonial logics.⁴³

I will briefly describe several structuralist approaches to violence that different authors have developed. These approaches help us recognize and trace the “weighted directionality of the flow” of overlapping forms of violence recipient women suffer while doing AUH work. Such theoretical schemas include the work of Galtung (1969), Farmer (2005), Scheper-Hughes & Bourgois (2004), Scheper-Hughes (1992, 1996, 1997), Segato (2003), and Fraser (1997, 2003, 2007), among others.

⁴² Ruíz (2020), mentioned by Nora Berenstein, points out that “violence under colonialism is a deeper, cultural, epistemic, and discursive phenomenon that supports the internal consistency of colonial power by limiting the domain of intelligibility – what violence can appear as – to settler colonial logics.” Elena Flores Ruíz, “Cultural Gaslighting” (2020) 35:4 *Hypatia* 687. Nora Berenstein, “White Feminist Gaslighting” (2020) 35:4 *Hypatia* 733.

⁴³ Crenshaw, “Demarginalizing the Intersection,” *supra* note 36. María Lugones, *Pilgrimages/Peregrinajes: Theorizing Coalition Against Multiple Oppressions* (New York: Rowman & Littlefield, 2003). María Lugones, “Heterosexualism and the Colonial/Modern Gender System” (2007) 22:1 *Hypatia* 186. María Lugones, “Toward a Decolonial Feminism” (2010) 25:4 *Hypatia* 742. Menendez (2002) described the history of post-colonial violence in Argentina. Eduardo L. Menendez, *La Parte Negada de la Cultura. Relativismo, Diferencias y Racismo* (Bellaterra, Barcelona: Ediciones, 2002).

Bourgois (2008) explains that structural violence had been conceptualized in Marxism but was first coined by Galtung (1969).⁴⁴ Galtung explained that “violence is built into the structure and shows up as unequal power and consequently as unequal life chances.”⁴⁵ This inequality is avoidable and indefensible. The author argues that the cause of structural violence is that “the power to decide over the distribution of resources is unevenly distributed.”⁴⁶

Medical anthropologist Farmer (2005) focuses on structural violence to describe how “suffering is structured by historically given (and often economically driven) processes and forces that conspire ... to constrain agency.”⁴⁷ These processes include the unequal terms of trade between wealthier and non-industrialized nations, sexism, classism, racism, colonialism, and poverty. Structures of unequal power distribution are no “accident” but “direct or indirect consequence... of human agency.”⁴⁸ According to Farmer,⁴⁹ structural violence also implies a human rights violation because it constrains agency so that basic human needs cannot be met.⁵⁰ Human rights violations expose deeper pathologies of power intimately interwoven with the structures that determine who will suffer violence and who will be guarded against it.⁵¹ Farmer’s conceptualization has been critiqued for being too broad; however, this approach fits well with this IE because it provides a compass but does not step over the actualities that the ethnographic endeavour is meant to reveal.⁵²

⁴⁴ Bourgois, “Neoliberal Lumpen Abuse,” *supra* note 27 at 1.

⁴⁵ Johan Galtung, “Violence, Peace, Peace Research” (1969) 6:3 *Journal of Peace Research* at 171. Galtung (1990) later distinguished three types of violence: personal, structural, and cultural violence. Johan Galtung, “Cultural Violence” (1990) 27:3 *Journal of Peace Research* 291.

⁴⁶ Galtung, “Violence, Peace, Peace Research,” *supra* note 45 at 171.

⁴⁷ Paul Farmer, *Pathologies of Power* (Berkeley: University of California Press, 2005) at 40.

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

⁵¹ *Ibid* at 7. Farmer notes, “the world’s poor are the chief victims of structural violence...the poor are not only more likely to suffer; they are less likely to have their suffering noticed.” Farmer, “Pathologies,” *supra* note 47 at 50.

⁵² Bourgois, “Neoliberal Lumpen Abuse,” *supra* note 27 at 1-2.

Scheper-Hughes & Bourgois (2004) define structural violence as “everyday violence” and “part of the normative fabric of social and political life.”⁵³ The authors explain that structural violence frequently remains covert because it is naturalized as “part of the routine grounds of everyday life.”⁵⁴ Ethnographer Scheper-Hughes (1996) coined the term “everyday violence” during an ethnographic account of child mortality in Brazil.⁵⁵ The author focused on social indifference to extreme sorrow through institutional processes that normalize the aberrant, specifically, the bureaucratic funding of coffins for “angel babies” (newborns who died of malnutrition) by the municipal office in a *favela* in Brazil. This everyday violence normalized the hidden genocide of malnourished babies and helped legitimize oppressive structures by blaming the individual.⁵⁶ In this work, I focus on naturalized and taken-for-granted forms of violence.

5.4.3 Violence is a Paradoxical Concept

Violence is a paradoxical concept because it destroys in one sense while it constructs in others;⁵⁷ this study shows that women resist, cope, and adapt and could, at least theoretically, exert violence

⁵³ Scheper-Hughes & Bourgois, *supra* note 39 at 4. Bourgois’s work focused on the context of the United States whereas Scheper-Hughes’ ethnographic sites were in Brazil. They showed how everyday violence in poverty and marginalization were causal factors in interpersonal violence between men and intimate partner violence against women. Bourgois makes a connection between the global economic crisis and gang violence among Latino immigrants in New York. Philippe Bourgois, “In Search of Masculinity. Violence, Respect and Sexuality among Puerto Rican Crack Dealers in East Harlem” (1996) 36:3 *British Journal of Criminology* 412. Nancy Scheper-Hughes, *Death without Weeping. The Violence of Everyday Life in Brazil* (Oakland, CA: University of California Press, 1993).

⁵⁴ Scheper-Hughes & Bourgois, *supra* note 39 at 4. Bourgois introduced the category “intimate violence” to describe visible interpersonal violence, without resorting to psychological or individualistic approaches that place blame on the victims. Bourgois, “Neoliberal Lumpen Abuse,” *supra* note 27 at 2.

⁵⁵ Scheper-Hughes, “Death without Weeping,” *supra* note 53. Nancy Scheper-Hughes, “Small Wars and Invisible Genocides” (1996) 43:5 *Soc. Sci. Med.* 889. Nancy Scheper-Hughes, “Specificities: Peace-Time Crimes” (1997) 3:3 *Social Identities* 471. Scheper-Hughes’ “everyday violence” notion was influenced by Taussig’s “terror as usual,” Arendt’s “banal violence,” and Basaglia’s “peacetime crimes” (“crimini di pace”). Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (Viking Press, 1964). Franco Basaglia, Nancy Scheper-Hughes & A.M. Lovell, *Psychiatry Inside Out: Selected Writings of Franco Basaglia* (Columbia University Press, 1987). Mick Taussig, “Terror as Usual: Walter Benjamin’s Theory of History as a State of Siege” (1989) 23 *Social Text* 3.

⁵⁶ Bourgois, “Neoliberal Lumpen Abuse,” *supra* note 27 at 2.

⁵⁷ Garriga Zucal & Noel, *supra* note 24 at 101.

when resisting.⁵⁸ Therefore, when, how, and in what sense violence takes place must be an empirical question rather than a pre-assumed position.⁵⁹ The latter approach includes understanding recipient women's modes of survival and adaptation: how they resist, assert their presence, and defy the logics of capitalism, patriarchy, racism, ableism, and coloniality as interconnected relational struggles.

Arendt (1970) explained how violence is mainly understood as a destructive phenomenon but can also be a procreant social force that historically has helped to “constitute, uphold and organise existing social relations.”⁶⁰ As Bourgois (2008) points out, Sartre explicitly claimed that “violence against the symbolic violence of colonial racism is necessary and liberating.”⁶¹ Whether violence equals exploitation, domination, and repression or resistance will not be understood based on *a priori*, empirically indefensible assumption because otherwise, “violence becomes a black box, where macrostructural forces are unknowingly transformed into local manifestations of suffering”⁶² without any explanations of *what* actually happens and *how* it happens. And what and how it happens is what the ethnographic endeavour aims to elucidate along variations of experience within the “social machinery of oppression.”⁶³

Agency is understood as an individual's “active participation in a world of contested meanings.”⁶⁴ In my opinion, structural violence approaches can offer a nuanced analysis of the dynamics between structures and agency if they understand violence as a result of the unequal

⁵⁸ Ashley Noel Mack & Tiara R. Na'puti, “‘Our Bodies Are Not Terra Nullius’: Building a Decolonial Feminist Resistance to Gendered Violence” (2019) 42:3 *Women's Studies in Communication* 347.

⁵⁹ Garriga Zucal & Noel, *supra* note 24 at 101.

⁶⁰ Hannah Arendt, *On Violence* (Penguin: London, 1970).

⁶¹ Bourgois, “Neoliberal Lumpen Abuse,” *supra* note 27 at 3.

⁶² Chris Lockhart, “The Life and Death of a Street Boy in East Africa: Everyday Violence in the time of AIDS” (2008) 22:1 *Medical Anthropology Quarterly* 22:1 at 94.

⁶³ Farmer, “Pathologies,” *supra* note 47 at 307.

⁶⁴ Lois MacNay, *Gender and Agency. Reconfiguring the Subject in Feminist and Social Theory* (Cambridge, UK: Polity Press, 2000).

distribution of resources and power within our societies, which actively confines people's agency and systematically disadvantages vulnerable individuals. For instance, in this dissertation, I shed light on how AUH recipient mothers experience restrictions and constraints on their agency. People have different amounts of privilege; some have easier access to ruling relations and have their experiences represented. Following Liew's (2020) approach to agency and structure, in this study, I see value in not seeing the interplay of structure and agency as a binary experience for recipient women; their agency is inevitably interwoven with the structures they live in, diversities of relationships, and heterogeneity of experiences and perspectives.⁶⁵

A nuanced approach also means we should not understand the structuralist approach to violence as monolithic, reductionist, and over-deterministic. We must also pay attention to the discontinuities of structures⁶⁶ because sometimes recipient women resist, and bureaucrats, frontline workers, and the law can often be helpful or valuable to people on the ground, as will be explained in detail in sections *Hooking-in* and *Activating* of this dissertation.

5.4.4 Violence is Invisibilized

I am guided by the work of Argentine expert on gender violence and anthropologist Rita Segato's (2003) definition of violence and use it to point out the invisibilization of the violence AUH recipients suffer in their relation to State bureaucracy. The author defines "moral violence" – which she later refers to as structural violence – as legitimated mechanisms that guarantee the preservation of the *status quo* by controlling the permanency of hierarchies.⁶⁷ As Segato brilliantly puts it, "the system's normality is a violent normality, which depends on the daily demoralization

⁶⁵ Jamie Chai Yun Liew, "The Invisible Women: Migrant and Immigrant Sex Workers and Law Reform in Canada" (2020) 14:21 *Studies in Social Justice* 90 at 92-93.

⁶⁶ Joshua M. Price, *Structural Violence: Hidden Brutality in the Lives of Women* (State University of New York Press, 2012) at 143.

⁶⁷ Segato, "La Argamasa Jerárquica," *supra* note 12 at 105-106.

of vulnerable groups.”⁶⁸ Women experience violence in contexts where they occupy naturalized and subordinated positions as secondary workers. It is a form of socially tolerated coercion reproduced and sustained under a veil of invisibility. This type of violence:

is diffusely disseminated and prints a hierarchical character on the more minor and imperceptible practices of daily routines ... most of the time, it does so without the need for aggressive actions or criminal attacks, and that is when it shows its most outstanding efficiency [and] lends the mortar for the hierarchical support of the system.⁶⁹

Segato (2003) believes that invisibilized violence is more efficient than explicit violence, and so do I. A significant school of thought that focuses on the critique of domination – including Bourdieu,⁷⁰ Foucault,⁷¹ and Gramsci⁷² – refutes the belief that raw violence is the most effective

⁶⁸ Translation is mine; original: “La noción de violencia moral apunta al oximorón que se constituye cuando la continuidad de la comunidad moral, de la moral tradicional, reposa sobre la violencia rutinizada. Afirimo, así, que la normalidad del sistema es una normalidad violenta, que depende de la desmoralización cotidiana de los minorizados.” Segato, “La Argamasa Jerárquica,” *supra* note 12 at 119.

⁶⁹ Segato, *ibid* at 112.

⁷⁰ Bourdieu referred to symbolic violence, misrecognition, and condescension. Bourdieu defines symbolic violence as violence “exerted (..) through the purely symbolic channels of communication and cognition (...) recognition or even feeling.” Pierre Bourdieu, *Masculine Domination* (Cambridge: Polity Press, 2011) at 2. It explains the violence that happens when the oppressed naturalize the *status quo* and blame themselves for their oppression, seeing it as legitimate. For instance, it happens when AUH recipients internalize stigmatizing beliefs or blame themselves for being poor. Misrecognition is defined as “recognising violence which is wielded precisely inasmuch as one does not perceive it as such.” Pierre Bourdieu & L.J.D. Wacquant, *An Invitation to Reflexive Sociology* (Chicago: The University of Chicago Press, 1992) at 168. Condescension means to minimize power differences with others who occupy subordinate positions by manipulating proximity to our own advantage. It “enables the speaker to combine the profits linked to the undiminished hierarchy with those derived from the distinctly symbolic negation of the hierarchy.” Pierre Bourdieu, *Language and Symbolic Power* (Cambridge: Polity Press, 2002) at 68.

⁷¹ Foucault developed the concept of biopower to contrast it with the bloody, public, and tortuous violence feudal authorities exerted on subjects. It is a form of State power that arose during the modern era to manage citizens efficiently through what Foucauldians call “governmentality,” involving technologies such as prisons, vaccines, the control of sexuality, among others. Michel Foucault, *The Will to Knowledge: The History of Sexuality Volume 1* (1976) (trans. R Hurley, 1998).

⁷² “A current danger in perpetuating the status quo is by co-opting the poor through a neo-Gramscian strategy of economic concessions that offer them real material benefits and incentives while at the same time ... sustaining the processes of capitalist exploitation, dispossession, and accumulation. This is what Gramsci referred to when he wrote of a passive revolution – socialization and cooperation by the ruling class in the sphere of production that nonetheless does not touch upon their appropriation of profit nor their control over the ‘decisive nucleus of economic activity,’ thereby ensuring that the elite interests prevail.” John Linarelli, Margot E. Salomon & Muthucumaraswamy Sornarajah, *The Misery of International Law: Confrontations with Injustice in the Global Economy* (Oxford: Oxford University Press, 2018) at 237.

means of domination. Invisibilization could also be understood as “normalization.” Scheper-Hughes & Bourgois (2004) refer to “normalized violence” that shapes what we define as violent, which means that normalized violence facilitates other forms of violence.⁷³

In this work, I also refer to violence as “invisibilization.” I want to note that I do not see “invisibilization” as just a matter of misrecognition of women’s subordination but also as a matter of maldistribution because such violence has material consequences for recipient women. Perceiving the violence recipient women suffer is a *sine qua non* condition for recognition and redistribution. Paying attention to their silenced and disregarded narratives is essential for emancipation, “for without perception there is no knowledge” and therefore no emancipation.⁷⁴ (In)visibility includes imperceptibility,⁷⁵ inaccessibility, silencing, exclusion or discursive absence,⁷⁶ “desoevrement” (the impossibility of carrying out one’s own practices),⁷⁷ and State and social control of recipient women’s mothering practices through naturalized discourses of “responsible” motherhood. (In)visibility is a metaphor. It does not necessarily mean that relevant actors, such as the State, do not literally “see” or “hear” recipient women but disregard their narratives and fail to consider women’s experiences of violence. It means that the State and society looks “through” recipient women as if they were not present.⁷⁸ Invisibility is related to the metaphors of marginalization – removed from the center of social perception – and exclusion –

⁷³ Scheper-Hughes & Bourgois, *supra* note 39 at 21.

⁷⁴ Sabine Heiss & Benno Herzog, “Invisibilization of Coloniality. The Control of Being, Knowledge and Power” [“Invisibilización de la Colonialidad. El Control de los Seres, Saberes y del Poder”] (2021) 10:1 *International and Multidisciplinary Journal of Social Sciences* 52 at 53.

⁷⁵ Dimitris Papadopoulos, Niamh Stephenson & Vassilis Tsianos, *Escape Routes: Control and Subversion in the 21st Century* (Pluto Press, 2018). As Heiss & Herzog (2021) clarify, the absence of something does not always mean its imperceptibility. We can perfectly perceive the absence of AUH recipients in the decision-making spaces of social policies that affect poor and racialized women. Heiss & Herzog, *supra* note 74 at 55.

⁷⁶ Benno Herzog, “Exclusión Discursiva. Hacia un Nuevo Concepto de la Exclusión Social” (2011) 69:3 *Revista Internacional de Sociología* 607. Melani Schröter & Charlotte Taylor, eds, *Exploring Silence and Absence in Discourse – Empirical Approaches* (Palgrave, 2018).

⁷⁷ Guillaume Le Blanc, *L’Invisibilité Sociale* (France: Presses Universitaires de France, 2009) at 1.

⁷⁸ See Axel Honneth, “Invisibilidad. Sobre la Epistemología Moral del Reconocimiento,” in *La Sociedad del Desprecio* (Trotta, 2011). Cited by Heiss & Herzog, *supra* note 74 at 59.

outside what is considered socially relevant.⁷⁹ LeBlanc (2009) explains that exclusion and marginalization always include processes of invisibilization or silencing.⁸⁰

When I refer to invisibilization, I also refer to visibilization because they are dialogical concepts that do not contradict each other but work in synergy. Indeed, visibilization can also be a mechanism of control and subordination of AUH recipient women.⁸¹ The dynamics between visibilization and invisibilization thus allow me to illustrate violence against AUH recipient mothers. For example, I use the metaphor of invisibility of the violence recipient women suffer in the first part of this chapter. In contrast, towards the end of the chapter, I explain how the State moulds poor women's mothering practices – and, therefore, the State “sees” certain behaviours as “good mothering” and others as “bad mothering” and “sees” the latter as problematic.⁸² Thus, the complex interplay between visibility and (in)visibility means that the response to invisibility should not automatically be visibility because the latter can be pernicious, oppressive, or part of a control regime.⁸³ For example, naming certain people as “welfare recipients” is a form of visibilization. Papadopoulos & Tsianos (2008) would argue that such categorization and naming

⁷⁹ Robert Castel, “Los Riesgos de Exclusión Social en un Contexto de Incertidumbre” (2014) 72:1 *Revista Internacional de Sociología* 15. José María García Blanco, “Los Problemas Teóricos y Metodológicos del Concepto de Exclusión Social. Una Visión Neofuncionalista” (2016) 74:2 *Revista Internacional de Sociología* 1. Cited by Heiss & Herzog, *supra* note 74 at 56.

⁸⁰ Le Blanc, *supra* note 77. Cited by Heiss & Herzog, *supra* note 74 at 56.

⁸¹ Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Vintage Books, 1986). Papadopoulos, Stephenson & Tsianos, *supra* note 75.

⁸² Herremans & Destrooper (2021) distinguish between two types of omissions: erasure and invisibilization. Invisibilization is the process whereby certain voices are omitted from the current sphere of intelligibility, but there is no specific actor or act directly causing it as it works through social structures that affect people. Erasure refers to direct violence in which an actor can be specifically identified, for instance, the State. The authors add that “...it is the identifiable act and the identifiable actor which are crucial, not the actor's intention. Choices could be driven by strategic calculation as much as by feasibility or efficiency considerations. Indeed, there may be justifiable reasons to omit particular voices or topics, or to prioritize certain issues over others.” I do not distinguish between invisibilization and erasure in this work and use both terms interchangeably. However, I agree with Herremans & Destrooper in that the intention of actors is “irrelevant.” Brigitte Herremans & Tine Destrooper, “Stirring the Justice Imagination: Countering the Invisibilization and Erasure of Syrian Victims' Justice Narratives” (2021) 15 *International Journal of Transitional Justice* 576 at 580, 581.

⁸³ Heiss & Herzog, *supra* note 74 at 69-70.

is thus a form of policing, surveillance, and management.⁸⁴ Describing VAW as exacerbated by the AUH as “invisible” may lend to the idea that if we rewrote the law to represent women’s experiences better, it would fix the problem as if it were a problem with representation rather than a problem of redistribution. However, I understand VAW as concerning both misrecognition and maldistribution,⁸⁵ and I scrutinize the shortcomings of mere law reform and formalistic approaches to the law elsewhere in this work.⁸⁶

5.4.5 Violence Encompasses Misrecognition and Maldistribution

Borrowing from political scientist Nancy Fraser’s (1997) justice framework, I understand violence as having both a distributive and a recognition dimension.⁸⁷ Violence affects the material conditions of women and also how women as a group lack the recognition of their human dignity when abused. Fraser argues that “both maldistribution and misrecognition are fundamental to sexism” and that combatting “the subordination of women requires an approach that combines a politics of redistribution with a politics of recognition.”⁸⁸ The fight against gender violence would thus require both “cultural justice” – a politics of recognition with “affirmative” remedies – and “economic justice” – a politics of redistribution with “transformative” remedies. A distribution approach emphasizes how economic structures structure the fundamental division between paid “productive” labour and unpaid “reproductive labour,” delegating women significant responsibility for the latter. A recognition approach relates to the institutionalized androcentric cultural standards that benefit traits associated with masculinity and undervalue femininity.

⁸⁴ Papadopoulos, Stephenson & Tsianos, *supra* note 75. Heiss & Herzog, *supra* note 74 at 62.

⁸⁵ See section 5.4.5, “Violence Encompasses Misrecognition and Maldistribution.”

⁸⁶ See section 3.12, “How is the Law Deployed in this Work?” and section 9), “In Lieu of a Conclusion: From Empowerment to Emancipation.”

⁸⁷ Nancy Fraser, “From Redistribution to Recognition? Dilemmas of Justice in a ‘Postsocialist’ Age,” in *Justice Interruptus: Critical Reflections on the “Postsocialist” Condition* (New York: Routledge, 1997) 11.

⁸⁸ Nancy Fraser, “Feminist Politics in the Age of Recognition: A Two-Dimensional Approach to Gender Justice” (2007) 1:1 *Studies in Social Justice* at 26-27.

In many ways, concerns for recognition have overshadowed redistributive strategies because, in the context of neoliberalism, affirmative remedies are easier to implement than transformative remedies aimed at changing structures of inequality, to the extent that recognition measures are more “liable to the charge of being ‘merely symbolic.’”⁸⁹ Recognition measures, such as law reforms, when taken up in environments characterized by obscene economic inequalities such as Argentina’s Chaco, tend to become “empty gestures; like the sort of recognition that would put women on a pedestal, they mock, rather than redress, serious harms.”⁹⁰ Hence, recognition-based reforms cannot achieve emancipation unless they are tied to measures for redistribution, as I explain in detail in the section *Extending* of this work.⁹¹

However, I think that both recognition and redistribution are essential in understanding violence against women and seeking solutions to it and that the boundaries between both categories are blurry. Bhattacharya (2013) explained that sexuality and labour are “braided chains of discipline that bind the most vulnerable sections of global labor.”⁹² In this sense, I see gender violence as “the expression of deeper mechanisms of labor discipline and violence.”⁹³ In fact, as Bhattacharya (2013) explained,

the real material need for food and shelter combined with the highly ideological expectation that women are responsible for meeting that need within the home, provide the conditions of possibility of gendered violence.⁹⁴

⁸⁹ Fraser, “Feminist Politics in the Age of Recognition,” *supra* note 88 at 32.

⁹⁰ *Ibid.*

⁹¹ *Ibid.*

⁹² Tithi Bhattacharya, “Explaining Gender Violence in the Neoliberal Era” (2013-2014) 91 International Socialist Review, online <<https://isreview.org/issue/91/explaining-gender-violence-neoliberal-era/index.html>>.

⁹³ *Ibid.*

⁹⁴ *Ibid.*

Both the distribution and recognition dimensions are necessary to understand and fight gender violence.⁹⁵ They are practically intertwined because “...overcoming injustice in virtually every case requires both redistribution and recognition.”⁹⁶ Fraser developed a non-identitarian concept of recognition,⁹⁷ emphasizing its institutional impact:

Because these norms are not just in people’s heads but actually institutionalized in social arrangements (...) Women cannot today participate in the labour market on the same terms with men because of care responsibility ... That is a result of a norm – ... that it is women’s work that would emasculate a man to do. So that is an institutionalized norm that has a real material effect that blocks women’s capacity to participate fully on equal terms with men in the labour market, in political life, and in civil society.⁹⁸

Fraser explains that distribution and recognition are intimately interwoven and cannot be separated. She gives an example that unambiguously applies to the AUH:

Redistributive policies ...programs aimed specifically at ‘female-headed families’ often insinuate the lesser value of ‘childrearing’ vis-à-vis ‘wage-earning’ and of ‘welfare mothers’ vis-à-vis ‘tax-payers.’ At their worst, they mark single mothers as sexually irresponsible scroungers, thereby adding the insult of misrecognition to the injury of deprivation. In general, redistributive policies affect women’s status and identities, as well as their economic position. These effects must be thematized and scrutinized, lest one end up fuelling sexist misrecognition in the course of trying to remedy sexist maldistribution. ... [F]eminist struggles for redistribution cannot succeed unless they are joined with

⁹⁵ Fraser concluded: “Even the most material economic institutions have a constitutive, irreducible cultural dimension; they are shot through with significations and norms. Conversely, even the most discursive cultural practices ... are under-pinned by material supports.” Fraser, “From Redistribution to Recognition?”, *supra* note 87 at 72.

⁹⁶ Fraser, “Feminist Politics in the Age of Recognition,” *supra* note 88 at 27.

⁹⁷ Fraser (2000) defined misrecognition as a “status injury.” She explained: “To be misrecognized, accordingly, is not simply to be thought ill of, looked down upon or devalued in others’ attitudes, beliefs or representations. It is rather to be denied the status of a full partner in social interaction, as a consequence of institutionalized patterns of cultural value that constitute one as comparatively unworthy of respect or esteem.” Nancy Fraser, “Rethinking Recognition: Overcoming Displacement and Reification in Cultural Politics” (2000) 3 *New Left Review* 3.

⁹⁸ Nancy Fraser & Marina Liakova, “Emancipation is not an all or Nothing Affair: Interview with Nancy Fraser” (1 August 2008) *Eurozine*, online < <https://www.eurozine.com/emancipation-is-not-an-all-or-nothing-affair/> > at 2.

struggles for cultural change aimed at revaluing caregiving and the feminine associations that code it. In short, no redistribution without recognition.’⁹⁹

We must de-institutionalize androcentric norms but also restructure the division of labour. It means that combatting VAW cannot be separated from our defence of public services decommodification to facilitate social provisioning, better wages, and social reproductive justice.

⁹⁹ Fraser, “Feminist Politics in the Age of Recognition,” *supra* note 88 at 32-33. *See also* Nancy Fraser, “Clintonism, Welfare, and the Antisocial Wage: The Emergence of a Neoliberal Political Imaginary” (1993) 6:1 *Rethinking Marxism* 9.

6) Hooking-in: The Experience of AUH Recipient Women

6.1 Introduction

In the following pages, I begin to explicate the institution of the AUH, drawing from the experience of AUH recipient women: the small heroes. The standpoint of the thirty-nine AUH recipient women I interviewed is the beginning of this empirical investigation that reveals ruling relations within the AUH. I talked to twelve recipient women through in-depth interviews, twenty-one through focus group discussions, and six women participated in narrative photovoice.¹ Of course, I could not include all women's stories in detail in the following pages because of space constraints and the fact that IE always requires keeping the focus on ruling relations. In this light, I remind you *not* to read this work as a conventional ethnography with its site-specific focus.² Instead, the focus of IE is always on ruling relations: women's experiences are the window that allows us to see how those experiences are moulded and mould broader institutional concerns. I invite you to read their short biographies to learn about each informant woman.³

Based on women's narratives, I argue that the Argentine State constructs and facilitates violence against AUH recipient mothers. This violence is manifested through subordination, (in)visibilization, coercion, domination, exploitation, oppression, limitation, disciplining, and manipulation of recipients' autonomy. To explicate the problematic, in this chapter, I move from a description of administrative forms of State violence over recipient mothers to a description of

¹ See section 3.8, "Data Collection & Fieldwork."

² In IE, descriptions of individual experience relate to the bigger institutional picture: it aims to identify social relationships, power, and texts that replicate among people and places, instead of focusing on experiences in a specific setting as in conventional ethnographies. Unlike conventional ethnography, IE does not use textual analysis to triangulate but focuses on how human relations are textually mediated. As well, IE focuses on how things happen instead of exclusively focusing on what is happening. Jennifer Grouling, *Adapting VALUES: Tracing the Life of a Rubric through Institutional Ethnography* (The WAC Clearinghouse: University Press of Colorado, 2022) at 38-39, citing Michelle LaFrance, "Institutional Ethnography: A Theory of Practice for Writing Studies" (2019) 191 *References Researchers*, Utah State University Press at 131.

³ See Annex, section 11.2.9, "Short Biographies of Informant Women."

the obstetric violence they suffered. Whether through explicit or more veiled forms, the State appropriates women's labour, producing women as secondary workers and – paraphrasing Molyneux (2006) – “mothers at the service of the State.”⁴

As for the roadmap for this chapter, it goes as follows: I start the chapter by describing more invisibilized and naturalized forms of violence and transition to forms of violence that entail control – and therefore, visibility – and physical brutality – such as in the case of obstetric violence suffered by recipient mothers. In the first section of this chapter, I focus on describing experiences explained by women that constitute administrative violence. Then, I end the chapter by explicating the obstetric violence endured by AUH recipient mothers. Each type of violence – administrative and obstetric – is explicated by an empirical description of a variety of acts described by informant women during the interviews. First, recipient women described not knowing what the objectives of the AUH program are or how much money they are supposed to be receiving. Second, women described the AUH stipend as being meagre but significant given the conditions of poverty in which they live and the burdens they face. Third, women described having to pay for AUH-related services out of their pockets when those services should be provided free of cost by the State. Fourth, recipient women experienced abuse and violence while enrolling in the program: they were mistreated as ignorant. Fifth, recipient women described queuing at different institutions for long hours under unforgiving weather conditions, being sleep-deprived, and risking their safety, all to comply with AUH conditionalities. Sixth, an Indigenous informant described how Indigenous women are discriminated against at the ANSES and the hurdles Indigenous mothers face while doing AUH work. Seventh, recipient women suffered abuse at the Civil Registry and were judged for not behaving as “good” mothers would. Eighth, women described the abuse they suffered at

⁴ Maxine Molyneux, “Mothers at the Service of the New Poverty Agenda: Progresa/Oportunidades, Mexico's Conditional Transfer Programme” (2006) 40:4 Social Policy and Administration 425.

the Argentine Post and Banks when trying to cash the AUH stipend; the violence they suffered included financial abuse from bureaucrats. Ninth, women faced severe difficulties verifying compliance with conditionalities and were suspended or withdrawn from the program for unknown or alien reasons, such as administrative negligence. Mothers explained the stress, anxiety, and emotions of fear they experienced because of arbitrary suspensions. Tenth, informants' descriptions show how the AUH is boy-centred and how girls' education tends to be sacrificed because of caregiving burdens. Finally, women deploy strategies to avoid retaliation from State actors. In fact, a critical informal law among recipients was: "you must be patient, you must endure, you must not make yourself 'hated' by the bureaucrats." Recipient women who suffer violence also know that if they were to claim their rights by filing complaints and seeking remedies, they would encounter retaliation from the bureaucracy, damaging their already precarious position and rendering them more vulnerable.⁵ These recipient women could not afford to fight the violence they were suffering by challenging the State and encountering even more violence.

After empirically specifying the administrative violence suffered by informants, I explain obstetric violence by the end of this chapter. First, I explain how informant women described how they were infantilized and not heard by health actors when expressing concerns about their health and bodies. Second, I explain how women faced barriers to accessing health services and contraception – specifically, tubal ligation. I conclude by highlighting the importance of decommodification and the State focusing on providing high-quality health services.

⁵ See section 6.14, "The Rule of Avoiding Retaliation at all Costs," and section 8.7, "Lack of Access to Justice and the AUH."

6.2 Small Sheroes

AUH recipient mothers are what Smith (2006) calls the “small sheroes,” doing things while coordinating with the doings of others and “implicated in a complex of relations beyond her view.”⁶ I will use IE to find out what the “small sheroes” are doing beyond the textual account of the formal law, the AUH Decree and other regulations I have described above.⁷ As I explained elsewhere in this work, recipient women have a life outside of this textual legal record that is inadequately represented by formal laws.⁸ The incompleteness of the textual formal legal record of the AUH reflects problematic aspects of the AUH that rely on and result in the exploitation of women’s work, marginalization of their experiences, and invisibilization of the violence they suffer, all in the name of the “fight against poverty.”

The illustration below – adapted from Smith’s version – has an AUH recipient woman standing beneath a mosaic of overlapping empty boxes, representing the ruling relations governing recipient mothers’ experiences with the AUH. In this section, I detail the ruling relations that AUH recipient mothers confront while doing AUH work, drawing from their own narratives.

⁶ Dorothy E. Smith, “Introduction,” in D. E. Smith, ed, *Institutional Ethnography as Practice* (Rowman & Littlefield Publishers, 2006) at 3.

⁷ See section 4.2.2, “Legal Framework.”

⁸ See section 4.2.2.3, “What Does the AUH Decree State?”



Figure 26: An AUH Recipient woman or “small shero” facing ruling relations.⁹ Graphically designed by Jissela N. Polasek.

An example of what might populate these boxes is the forms that mothers need to fill to certify compliance with conditionalities in conformity with the legislation.¹⁰ The forms subordinated to Decree 1602/09 organize the issuing of proof of recipient families’ compliance with the education and health components.¹¹ Recipient women enter this textual process because they must demonstrate to State authorities that they have complied with the conditionalities to remain enrolled in the AUH program in conformity with the legislation.¹² The conditionalities involve health control for children that need to be certified by a health actor, educational attendance that needs to be certified by a school authority, and children’s enrollment in a national health plan.¹³

Leonor, a 34-years old recipient mother I interviewed, struggles with verifying compliance with the conditionalities. She is an assertive, strong, intelligent, articulate, and progressive-thinking feminist. Leonor self-identified as “a lesbian woman, but anti-hegemonic, dissident of the

⁹ Small sheroes refers to recipient women standpoint. Smith, “Introduction,” *supra* note 6 at 3.

¹⁰ See section 4.2.3.1, “Conditionalities: What Behaviour is Required to Receive the Stipend?”

¹¹ See section 4.2.2.1, “Legal Texts “in Action”

¹² See section 4.2.2.3, “What Does the AUH Decree State?”

¹³ See section 4.2.3.1, “Conditionalities: What Behaviour is Required to Receive the Stipend?”

hegemonic, of the patriarchal, and the binary norm” [Leonor 00:22:44]. She continued to explain that although she performs a binary role, she is “totally aware of what those edges are, what are those points in which we are indoctrinated and in which we are, let us say, servants of the patriarchy” [Leonor 00:22:44]. Leonor struggles with the conditionalities because she often does not have money to afford transportation to different offices and the hospital and cannot afford nutritious food for her children. Leonor does not own a motorized vehicle and often walks or bikes anywhere she needs to be. She does not have time left to be spared because she is always working: working in the informal labour market, at home, and volunteering for diverse organizations. Leonor is an activist and is currently volunteering for the federal campaign for the separation and the State and church in Argentina [Leonor 00:34:20]. She is also an active member of an “*agrupa*” (a collective) for marginalized mothers and an organization that fights for autistic people’s rights.

Waiting all night queuing at the hospital to get an appointment for her children means that Leonor misses her much-needed rest. Leonor has faced many challenges: she is an intimate partner violence survivor, a migrant, persecuted, discriminated against because of her sexual orientation, and poor. She had to drop out of her studies – law – and run to protect her life and her children’s lives from her abusive ex-partner. She explained later during the interview that she is a “rebellious ‘*torta*’” (lesbian) who ran away as exiled from her province of origin to protect her children from their violent father [Leonor 00:42:44].

Leonor has three children: one with a disability and two others who suffer serious health complications. However, her children do not qualify for a disability pension. In the past, her abusive ex-partner was cashing the *Family Allowances* because he was a formal worker and received it automatically, even though he had not seen his children in years. Leonor had to request the stipend to be seized and cashed by her for her children. Eventually, her children’s father

stopped working formally, and Leonor now receives the AUH. Leonor is an abstract and intuitive thinker; as such, she tends to speak in terms of metaphors, and she prefers to talk about comprehensive ideas rather than diving into the sensorial aspects of her experience. I understand Leonor's story as paradigmatic, as it illustrates violence's systematic character. Leonor explained throughout the interview how socially imposed patriarchal norms of motherhood and capitalism had constricted her life and the way she wanted to live it fully.

It is as if they have taken away our right to be self-satisfied, self-serving, to have time, to have money, continue training, to continue educating ourselves, to act politically, to work in freedom ... I ... have a child with a disability, autism, ASD¹⁴, intellectual disability, epilepsy, and some allergic respiratory complications. My other two 'niños'¹⁵ also have minor asthmatic, respiratory, and ASD complications ... So, it is challenging to count on financial help ... Moreover, it is challenging if you are a 'torta' [lesbian], a 'bastard,' separated from your family, or persecuted like me [Leonor 00:42:44].

Leonor started to organize a collective of mothers who, like her, experienced "violated motherhoods" [Leonor 00:40:34]. According to Leonor, these are poor mothers who mother in solitude, raising children with low resources and social vulnerabilities. Leonor believes it is a "very political" strategy to meet and talk to other poor mothers because it allows them to "revert this social shame that we have, because of the conditions to which we have been subjected" [Leonor 00:40:34]. Indeed, AUH recipient mothers are often socially shamed.

A particularly pervasive type of stigmatization in Argentina is reserved for poor single women who receive the AUH stipend. They are mocked as the "*luchonas*," a rude term used to ridicule poor single mothers with behaviours considered "irresponsible." This stigmatization also

¹⁴ ASD refers to "autism spectrum disorder."

¹⁵ "Niños" means "children" in gender-neutral and inclusive Spanish language.

showed through esthetic humiliation: recipient women explained that poor mothers stigmatized as *luchonas* are judged for their physical appearance.¹⁶ The myth of the *luchona* is used to judge mothers who wear makeup, straighten their hair, or dare to wear new clothes; caring for anyone or anything other than their children is frowned upon. The term *luchona* pre-dates the AUH and can be used to describe a poor single mother even though she does not receive the AUH stipend; however, in the vast majority of cases, the term is used in public narratives to humiliate and ridicule AUH recipient mothers who are single.

Grounded in the stories of women like Leonor, this chapter provides an alternative view of the AUH. Beginning with recipient women's experiences, I will show how the AUH ruling apparatus uses ideology to manage the gap between the experiential – what actually happens to recipient women – and the ideological – what we get to know and understand about the AUH program, particularly through the law.¹⁷ What happens to recipient women in their everyday experiences is concealed; it differs from how it becomes known to the bureaucratic apparatus and incorporated into official accounts and the law. Indeed, this analysis reveals that through the use of textually-mediated ideological processes, including the law, women's lived realities are replaced with a “version of the world that is peculiarly one-sided, that is known only from within the modes of ruling... and that defines the object of its power.”¹⁸ For example, in the photographs below, we see AUH recipient women doing social reproduction work – preparing meals, doing and hanging up the laundry, caring for children and pets, fetching water, and handwashing clothing, among infinitesimal other tasks this work illuminates. Recipient women's work is

¹⁶ See the work of Giuliana Pignataro, “Estudiantes, Heroínas y ‘Luchonas’: Un Estudio Antropológico sobre las Experiencias del Devenir Mujer de Adolescentes Escolarizadas de un Barrio Popular,” Unpublished Dissertation, UNSAM, 2020.

¹⁷ Dorothy E. Smith, *The Conceptual Practices of Power: A Feminist Sociology of Knowledge* (Boston, MA: Northeastern University Press, 1990) at 45.

¹⁸ Smith, “The Conceptual Practices of Power,” *supra* note 17 at 83-84.

necessary for the workings of the AUH yet taken for granted and neglected in AUH laws and authoritative discourses about the program that circulate in society.



Figure 27: An AUH recipient mother preparing a meal in her household. Photo by José Francisco Malina.

Women's social reproduction labour – depicted in figures 27, 28, and 29 – is usurped by the State and invisibilized, and the experiences of violence and abuse they suffer while enrolled in the AUH program, neglected. This underrepresentation of women's experiences of violence presents a severe challenge to the institutional understanding of the AUH, which fails recipient women and simultaneously obfuscates that failure. The law's authoritativeness helps normalize certain narratives, and this normalization strengthens law's epistemic power and the social relations that are privileged within legal discourse and endowed with social power.¹⁹ For this reason, it is imperative to include recipients' experiences into the texts of the AUH. This is because the effects of marginalizing a poor mother's experience within the AUH text propagate far beyond

¹⁹ For instance, Smart (1990) explicated the frictions in efforts in legal discourse that reproduce gendered subjectivities by creating certain conceptions of naturalized difference. Carol Smart, "Law's Power, the Sexed Body, and Feminist Discourse" (1990) 17:2 *Journal of Law and Society* 194.

the consequences of exclusion for that specific poor mother in that particular case.²⁰ I thus add my voice to those feminist legal authors who have expressed concerns about the disjuncture between the law and women's experiences and how gender roles and antinomies – male versus female, private versus public, market versus home, work versus non-work, physical versus intangible – are created and enshrined into legal language.²¹



Figure 28: An AUH recipient mother hanging up the laundry to dry while holding her child. Photo by José Francisco Malina.

²⁰ See section 4.2.2.3, “What Does the AUH Decree State?”

²¹ See for example: Carole Pateman, *The Disorder of Women: Democracy, Feminism, and Political Theory* (Stanford University Press, 1989); Dianne Otto, “International Human Rights Law: Towards Rethinking Sex/Gender Dualism,” in Margaret Davies & Vanessa E. Munro, eds, *The Ashgate Research Companion to Feminist Legal Theory* (Ashgate Publishing, 2013) 197; Dianne Otto, “Lost in Translation: Re-Scripting the Sexed Subjects of International Human Rights Law,” in Anne Orford, ed, *International Law and its Others* (Cambridge: Cambridge University Press, 2006) 318. Emma Cunliffe, “(This is Not a) Story: Using Court Records to Explore Judicial Narratives in *R v Kathleen Folbigg*” (2007) 27:1 *Australian Feminist Law Journal* 71.



Figure 29: An AUH recipient mother doing laundry, one of the myriad tasks of social reproduction that recipients carry out on a daily basis. Photo by José Francisco Malina.

In short, in this section, I aim to bring into focus the invisibilized side and neglected version of the world of the AUH: AUH recipient women's side. In all cases, women's experiences on the ground were not reflected in what happens at the level of the formal laws I describe elsewhere in this dissertation.²² In the following pages, I explain women's experiences of administrative and obstetric violence in their role as AUH recipients in relation to the State.

6.3 Not Knowing, Uncertainty, and Legal Illiteracy

During the interviews, recipient women described not knowing with certainty what the objectives of the AUH program are and how much money they should be cashing for the stipend.²³ Lack of knowledge is the starting analytical point in understanding women's experiences because it creates a conducive terrain for recipients to be more vulnerable to experiencing violence from the social

²² See action 4.2.2.3, "What Does the AUH Decree State?," and section 8), "Extending & Mapping Cartographic Laws: Fantastic Rights and Where to Find Them."

²³ See section 4.2.3.3, "Monetary Amount: How Much Money do Recipients Cash?"

security system. How can we expect recipient women to be “empowered” by the transfer when they have limited information?²⁴ Knowing, or not knowing thereof, is essential because knowledge and power come together to organize what happens to AUH recipient women.

Drawing upon the stories of women informants, it is ultimately far from clear from their perspective what the AUH’s purpose has been. When explaining the AUH program and what it means to them, all women clarify it is “an aid” (“*una ayuda*”), and they also mention that it is – or it should be – “for the children.” However, the objectives and the rationale behind the AUH remain a mystery for most women. For example, Olivia²⁵ – a university-educated AUH recipient mother – expresses her frustration and confusion about the objectives of the AUH throughout the interview and states that she thought the AUH money was meant “to live with your child or something” [Olivia 00:40:03]. Olivia admits that, before the interview, she had reviewed the guiding questions I had sent in advance and was nervous because she did not know the program’s objectives.²⁶ “And if you look on the internet, there is no information out there either” [Olivia 00:40:37].²⁷ Olivia emphatically reiterates the importance of the State being transparent with the objectives of the AUH:

to be able to communicate what it ...really aims at with this money ... so that the users can evaluate what is going on, because if it is like a private health insurance plan... it may suffice, but if it is aimed at other things as well, such as food and so on, well, the AUH

²⁴ See section 4.2.3, “AUH Features and Characteristics: How Can the AUH Program be Described?”

²⁵ Olivia, a 24-year-old mother to Franco, a 3-year-old boy, recently finished her bachelor’s degree and was eager to share her thesis with me. See Annex, section 11.2.9, “Short Biographies of Informant Women.”

²⁶ AUH Decree of Necessity and Urgency 1602/09, online <<https://www.ilo.org/dyn/travail/docs/1804/DECRETO%201602.pdf>>. For a detailed description of the objectives of the AUH as stated in Decree 1602/09, see section 4.2.3, “AUH Features and Characteristics: How Can the AUH Program be Described?”

²⁷ Feeling uneasy, Olivia decided to ask a former professor of sociology about the purpose of the AUH, who told her that the AUH is actually a “private health insurance plan.” Olivia explained, “when I first started receiving the plan, I did not understand it well, but a professor at my school explained to me that the AUH is like an ‘*obra social*’ [private health insurance] for those children who do not have social security. So, let us say, when the kids are little, every month they have a check-up with the doctor, and every month they must get several vaccinations” [Olivia 00:08:54].

money is not enough. However, this is not known in practice because the State is not clear about the program's objectives [Olivia 00:43:33].²⁸

As renowned Argentine sociologist Javier Auyero (2012) explained in his ethnographic work on waiting in Argentina,²⁹ the experiences of the dispossessed in Argentina are characterized by “‘not quite knowing’ what to do, what to expect.”³⁰ Likewise, throughout my empirical work, I noticed a sense of reigning uncertainty about the AUH program that characterized the interactions between poor recipient women and the State. Informant women are also perplexed about the differences in the final amounts each collects.³¹ In Focus Group 4, Merceditas explains that she received only 2,400 *pesos* per month for the AUH. “I do not get the 3,000 *pesos* everyone else does” [Merceditas 00:15:27].³² During focus groups, women used humour and laughter to hypothesize why they perceived different amounts if they were all enrolled in the same program, a topic that provoked great dynamism and curiosity among recipients.³³

The struggle against poverty and inequality should guide recipients in making sense of extra-local relations embedded in everybody's lives. This is what Darville (1995) referred to as “organizational literacy,” which groups, sorts out, and deploys knowledge for organizational

²⁸ CCTs studies stated that failing to communicate program objectives, eligibility, and targeting increased tensions within the community between those selected for the program and those not. Carol Brady, “Walking the Talk: Cash Transfers and Gender Dynamics” (2011) Concern Worldwide and Oxfam GB, London. Kamila Wasilkowska, “Gender Impact Analysis: Unconditional Cash Transfers in South Central Somalia” (2012) The Somalia Cash Consortium, [online <https://reliefweb.int/sites/reliefweb.int/files/resources/Somalia%20Cash%20Consortium%20Gender%20Study%20Dec%202012.pdf>](https://reliefweb.int/sites/reliefweb.int/files/resources/Somalia%20Cash%20Consortium%20Gender%20Study%20Dec%202012.pdf).

²⁹ Auyero's work is a “tempography of domination” that understands practices of waiting as “temporal processes in and through which political subordination is produced.” Javier Auyero, *Patients of the State. The Politics of Waiting in Argentina* (Durham: Duke University Press, 2012) at 2.

³⁰ *Ibid* at 100.

³¹ See section 4.2.3.3, “Monetary Amount: How Much Money do Recipients Cash?”

³² Florencia was confused because Merceditas only gets 2,000 *pesos* while she gets at least 3,200 monthly [Florencia 00:19:45].

³³ Francesca echoed what other women had also shared with me: there were times when Francesca would get paid a certain amount, and the following month, it would be a different sum [Francesca 00:18:26]. Interacting with other women allowed Francesca and other women to informally diffuse information about formal State requisites.

goals.³⁴ Darville argued that literacy needs to go beyond “how things get written up” and involve learners’ experiential knowledge of their lives.³⁵ IE helps us see how power runs through the veins of institutional forms of knowing. However, if women do not know about the legal regulations that coordinate the AUH³⁶ and cannot access them, they do not know about their rights, cannot successfully engage with organizational practices of the ANSES nor resist or “insist that organizations serve them rather than just manage them.”³⁷

Knowing is essential for women to control their own lives, and lack of knowledge is an obstacle to women’s access to justice.³⁸ Increased legal knowledge and literacy are “an essential element in the fight against poverty”³⁹ and against VAW. For these women, the law remains an abstraction but not an instrument they can use to exercise their fundamental rights.⁴⁰

6.4 Not Enough but Significant Money

All women informants agreed that the money was insufficient (“*no alcanza*”) to cover basic living expenses. However, the stipend is highly significant to recipients who count on it. As of September 2022, the AUH amount was AR \$8,471 (approximately CAD \$69,07): AR \$6776,80 paid monthly, and AR \$1,694.20 paid to recipient mothers as a lump sum once the education and health requirements have been certified through the *libreta*.⁴¹

³⁴ Marie Louise Campbell & Gregor Frances, *Mapping Social Relations: A Primer in Doing Institutional Ethnography* (Altamira Press, 2004) at 12.

³⁵ Richard Darville, “Literacy, Experience, Power,” in M. Campbell & A. Manicom, eds, *Knowledge, Experience and Ruling Relations: Studies in the Social Organization of Knowledge* (Toronto: University of Toronto Press, 1995) 249 at 254.

³⁶ See section 4.2.2, “Legal Framework.”

³⁷ Campbell & Frances, *supra* note 34 at 13.

³⁸ See section 8.7, “Lack of Access to Justice and the AUH.”

³⁹ Laura Goodwin & Vivek Maru, “What Do We Know about Legal Empowerment? Mapping the Evidence” (2017) 9 Hague Journal on the Rule of Law 157 at 157.

⁴⁰ “‘Legal empowerment’ is ... about giving people the power to understand and use the law.” Goodwin & Maru (2017) reviewed and analyzed 199 legal empowerment interventions and found “positive impacts of legal empowerment programs on institutions – changes in law, policy or practice at various levels of Administration.” *Ibid* at 158.

⁴¹ See section 4.2.3.3, “Monetary Amount: How Much Money do Recipients Cash?” and section 7.4.3.3, “The *Libreta*.”

Most women manifested that they would “die” [*“me muero”*] if they stopped receiving the transfer. In this case, the verb “die” was figurative rather than literal. However, it tells something very troubling about the situation of recipient women: not receiving that little amount of money is sufficient to destabilize the situation of those women who barely make ends meet in a context of violence that the State itself is unable or unwilling to prevent and reduce. As Cookson (2018) explains concerning the *Juntos* Program in Peru, “when broader economic and political conditions” complicate life, “every ‘little bit of help’ is deeply important.”⁴²

Paraphrasing Friedrich Engel (1844) when referring to the nineteenth-century proletariat in England, AUH recipients are a class that “knows no security in life...play-ball to a thousand chances.”⁴³ Recipients live in precarious conditions with no stable income, and in order to obtain a regular stipend such as the AUH, they must endure various acts of administrative and obstetric violence, including mistreatment, discrimination, economic abuse, arbitrary suspensions and withdrawals, lack of access to contraceptives and health technologies, and disregard for their knowledge and experiences, to which I will come back further below in detail. They work in the household and as cheap and expendable workers outside of it.⁴⁴ Their health is compromised as

⁴² Tara Patricia Cookson, *Unjust Conditions: Women’s Work and the Hidden Cost of Cash Transfer Programs* (Oakland, CA: University of California Press, 2018) at 156.

⁴³ Friedrich Engels, *The Conditions of the Working Class in England* (New York: Oxford University Press, 1973 [1844]) at page 139. Cited by Auyero, “Patients,” *supra* note 29 at 109.

⁴⁴ Many AUH recipient women I interviewed worked in the care economy as “*trabajadoras de casas particulares*” [female workers in private houses], an activity regulated by Law 26,844/2013. They performed social reproduction tasks for other households to complement the AUH money and were forced to sometimes leave their children alone in their homes. Domestic workers make up a submissive and “cheap” labour force because of the situation of poverty in which they are immersed, and due to marginalized women’s need for flexible arrangements. AUH legal regulation explicitly incorporated *empleadas domésticas* as legally entitled to receive the AUH even if they earn more than the minimum wage. In Argentina, domestic work plays a critical role in the labour market structure. Shokida (2020) adds that in the year before the Covid-19 pandemic, more than 900,000 people worked as domestic workers, 98% of whom were women, according to data from the second trimester of 2019 from the Permanent Household Survey. Despite its importance, domestic work has historically been a relegated sector. As Isabel noted during the interview, *empleadas domésticas* live on “hypermiserable” salaries. The recipient women interviewed who worked as domestic workers informally made an average of AR \$200 an hour, equivalent to CAD \$2.48, whereas the minimum hourly wage in 2021 was approximately ARS \$610. All the recipient women I interviewed that were currently working as *empleadas domésticas* were working *en negro*: none of them were registered as formal workers. Law 26,844/2013 mandated that all household workers be registered, so their employers would have to pay social insurance, make pension

they do not have access to quality health services; these women live in a situation of permanent stress without access to counselling; and they have assumed sole responsibility for their children in most cases either because the father of their children had always been absent or abandoned them.

Furthermore, the Covid-19 pandemic has exacerbated women's precarious situation. For example, in Focus Group 1, Ernestina explained that her family needed to rely on internet connectivity to ensure their kids could access their classes online because of the pandemic:

You have to have enough money for the internet, but the 2,500 *pesos* of the AUH are not enough...but it is a fixed help that you have so you can pay so that the child can attend classes and have access to the teacher and learn something [Ernestina 00:22:57].

Ursula added that the AUH stipend would only last a day or two; because of rampant inflation in a financially volatile country, all prices increase every day such that “you need 1,000 *pesos* a day to eat, to afford one meal in the morning and one in the evening” [Ursula 00:23:38]. Informant women in Focus Group 4 explained that even when the total amount of the AUH stipend is increased, it does not compensate for economic inflation:

Last month I went to buy three litres of vegetable oil at *El Arriero* [supermarket], I remember, and it was 540 *pesos*, and this month it increased, and it now costs 800 *pesos*. Every month prices go up like that. I cannot keep up [Merceditas 00:21:02].

I do not know how people survive with crumbs and with the inflation we have ... things are extremely expensive at the supermarket [Florencia 00:25:18].

contributions, and give workers paid maternity and sick leave. None of the AUH recipients I interviewed were formal *empleadas domésticas* enjoying such protections. See Natsumi Shokida, “Las Trabajadoras de Servicio Doméstico en Argentina. 2^{do} Trimestre de 2019” (2020) Economía Femini(s)ta, online <https://ecofeminita.github.io/EcoFemiData/informe_servicio_domestico/trim_2019_02/informe.nb.html>.



Figure 30: An AUH recipient mother, her older daughter and her youngest child shopping for groceries at a supermarket in Presidencia Roque Sáenz Peña, Chaco. Photo by José Francisco Malina.

The AUH is crucial but limited for recipients. In this context, the argument favouring introducing conditionalities based on the liberal presumption that it would allow families to defeat poverty is exaggerated.⁴⁵ The ideological discourse behind CCTs allows the State to claim that the AUH helps overcome poverty in the long run. However, the subsidy barely helps; it is not a silver bullet because it does not address capitalism's indefensible inequality.⁴⁶ Moreover, women have to use the modest stipend to cover AUH-related costs, to which I now turn.

⁴⁵ See section 4.1.4.2.2, "Why Imposing Conditionalities?"

⁴⁶ Linarelli, Salomon & Sornarajah (2018) describe capitalism as a system that "enriches the few at the expense of everyone else, ... wrongs women with particular efficiency, and ... is environmentally ... unsustainable;" it is a "grossly disempowering system that has both failed to benefit most people and created a huge alienated transnational class in the process" as a "dispensable necessity." John Linarelli, Margot E. Salomon & Muthucumaraswamy Sornarajah, *The Misery of International Law: Confrontations with Injustice in the Global Economy* (Oxford: Oxford University Press, 2018) at 16-17.

6.5 Having to Pay for AUH-related Paperwork: Privatization of Services for Recipient Women

- [I am not satisfied with the ANSES customer care] because they tell you to go at a specific time for your appointment, you ‘buy that appointment’ because you schedule it, and they charge you just for giving you that little piece of paper [Uma 00:59:20]
- What do you mean by ‘buying an appointment?’ [Melisa 00:59:33]
- You go to the ANSES website... sometimes the website is full, so ... they do not let you make an appointment. Then you go to a *cyber* ⁴⁷(cyber-café), and ... they will get your appointment, but you will need to come back in at least two days, and it will cost you fifty pesos. In other words, you lose fifty pesos [Uma 00:59:33]. If the cyber-café schedules an appointment for you, it is not free, but it is free if you get it yourself [Uma 01:00:16].



Figure 31: Photograph taken and shared by informant recipient woman Lili to symbolize her experiences with the AUH program. It shows a cyber-café in the downtown of Presidencia Roque Sáenz Peña city. It is located close to the ANSES and offers services to recipients such as “turnos ANSES” [ANSES appointments].

⁴⁷ Internet cafés o cyber-cafés are known in Argentina as “cybers” or “kiosks.” Cybers charge a fee for the use of computers with high-bandwidth Internet connectivity. In most cases, usage is paid by the minute or by the half-hour. Often, an Internet café will also provide refreshments or other services, such as phone repairs and photocopies. Women described using *cybers* to have forms printed and even to have their CUIL printed and laminated.

Services related to the AUH are supposed to be provided free of charge by the ANSES. However, scheduling appointments and printing AUH forms have been relegated to the private sector, which means that the State has off-loaded its responsibilities.



Figure 32: Photograph taken and shared by informant recipient woman Valeria. It also depicts a cyber-café, and Valeria chose this photo because she often gets her “ANSES turnos” [ANSES appointments] at cyber-cafés.

When asked why they think the system works so that ANSES cannot schedule appointments for them, Nara hypothesizes that the problem of accessing the ANSES webpage⁴⁸ may be due to a “saturation” of the system.⁴⁹

Sometimes so many women have to submit papers that a certain amount of paperwork gets uploaded, and the webpage is ‘saturated,’ and you cannot get it to schedule an appointment, not even those who have the luxury of having internet at home. And the same thing happens at ANSES [Nara 00:13:45].

⁴⁸ ANSES Appointments, ANSES webpage, online < <https://ansesturnos.org/>>.

⁴⁹ A “saturated system” could refer to network congestion, which happens when numerous people try to access the network at one time in a specific area. Sometimes the server is interrupted, and users cannot connect; others, internet lines fluctuate or are not optimized.

Cyber-café have an advantage over individual recipient women when trying to access the online system to schedule an appointment because, as Uma explains, some “cyber-café are dedicated to trying to get an appointment all day long” [Uma 01:01:17]. Auyero (2012) identified three processes in the interaction of the “destitute” with the Argentine State: veiling, confusion, and alternate delaying and rushing.⁵⁰ “Veiling” happens when no human is identified as responsible for actions concealed behind the veil of non-human processes, such as software, webpages, and bank deposits.⁵¹ Veiling involves a process of extreme de-personalization whereby machines are said to control the client, and no human is said to control nor be responsible for such work. ANSES computerized e-governance technologies now intermediate interpersonal relations through abstractions, and actual women’s embodied experiences are displaced.⁵²

Women pay “100, 200, 300, 500 pesos, depending on the procedure” [Nara 00:11:40]. According to Luna, in the city of Presidencia Roque Sáenz Peña, every cyber-café offers services to help with ANSES paperwork because it constitutes an extended practice [Luna 00:13:08].⁵³ Nara explains what managing the paperwork in a cyber-café means; the cyber-café worker must input women’s DNI (ID), CIUL⁵⁴ (*Código Único de Identificación Laboral*, or Unique Code of Labour Identification), and relevant data to complete the procedure.

⁵⁰ Auyero, “Patients,” *supra* note 29 at 17.

⁵¹ *Ibid* at 73.

⁵² See section 7.5, “Different Perspectives on the Bureaucratic Endeavor.”

⁵³ However, Taina adds that not all cyber-café manage to schedule an appointment effectively. Taina explains that in a particular cyber-café, located in the Barrio 713 Viviendas [713 Houses Neighbourhood], they “charge you a little bit more; it is more expensive because they say they can get you an appointment in two or three days” [Taina 00:13:13]. Taina used the services from that cyber-café, and they managed to get an appointment in only “three or four days, and that is considered fast ... they say they have a password or something from ANSES so they can access the system more easily. Alternatively, in the late evening hours or early mornings when there is no one online, it may be easier to access the system for them” [Taina 00:15:15].

⁵⁴ The CUIL is a personalized number created and assigned by ANSES by which an individuals’ labour contributions are recorder, registered, and monitored. See <<https://www.argentina.gob.ar/solicitar-constancia-de-cuil>>. See Annex 11.3, “Proof of CUIL.”

And then everything appears to them on-screen [Nara 00:14:21]. It is not possible to simply download a standard [social security] form and have it printed out; each form is issued to a particular recipient, that is, your name and the children's names are already printed on it [Taina 00:18:12].

Having to rely on cyber-cafés to manage paperwork also means that recipient women have to compromise their rights to privacy and the protection of their personal information.⁵⁵ The personal accounts are called “Mi ANSES” [“My ANSES”], and users must log in by inputting their username and passwords to access it.⁵⁶ This process entails that recipient women will have to share their personal information, username, and password with the cyber-café's personnel. Azul speculates that there may be an off-the-record “agreement” between the cyber-cafés and the ANSES [Azul 00:16:55]. Nara intervenes, ostensibly outraged, and rightfully so.

ANSES does not give you forms nor schedules appointments for you, and they tell you, ‘If you cannot get it, go to a cyber-café.’ It is easier for them to disengage instead of taking the necessary time, assigning a manager to work on that, or hiring staff to schedule appointments for recipients, so you do not have to pay. Instead, they tell you, ‘Oh no, go to a cyber-café,’ and that is it. As if! Unbelievable, you have to go to a cyber-café and pay! [Nara 00:15:56]. All the paperwork is made of photocopies and printouts. That

⁵⁵ Privacy is a fundamental right, enshrined in numerous human rights treaties and protected by Article 19 of the Argentine Constitution. Argentina has also ratified the International Covenant on Civil and Political Rights, whose article 17 protects the right to privacy; and the “Pact of San José de Costa Rica” which protects privacy in its article 11. *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, 999 U.N.T.S. 171 [entered into force 23 March 1976, ratification by Argentina 08 August 1986] [ICESCR]. Organization of American States (OAS), *American Convention on Human Rights*, “*Pact of San Jose*” of Costa Rica (22 November 1969) [entry into force 18 July 1978, ratified by Argentina 14 August 1984]. The protection of personal data in Argentina is enshrined by Law 25,326 that regulates management of personal data by public and private bodies. However, the law is not enforced and has two structural faults: “excessive permissiveness in favour of the State in relation to storage, processing and transfer of personal data; and a weak monitoring system comprised by an agency that reports to the executive.” Privacy International, “El Derecho a la Privacidad en Argentina,” *Comunicación Conjunta de la Asociación por los Derechos Civiles y Privacy International* (March 2017), online < <https://adc.org.ar/wp-content/uploads/2019/06/026-el-derecho-a-la-privacidad-en-argentina-03-2017.pdf>> para. 41 at 11.

⁵⁶ ANSES, MyANSES, online < <https://www.anses.gob.ar/informacion/mi-anses>>. Login online < <https://servicioscorp.anses.gob.ar/clavelogon/logon.aspx?system=miansesv2>>.

[responsibility] belongs to ANSES and should be free of cost. All life is now beginning to be charged for in the cyber-café [Nara 00:16:58]. And that is not it all! No explanation is given to us, and we need it [the AUH]. With that money, you get your child ahead ... in education, and if you do not present the paperwork, they cut you off from the benefit. And from there on, you have to do it all over again. It costs us a lot ... [Nara 00:17:31].

When asked if scheduling an appointment has always been cumbersome, women unanimously responded that “the system” had always been like that; it is not a problem that just happens because of the pandemic [Focus Group 5 00:15:39]. The mystery of the AUH “system” remained constant throughout the interviews with informant recipient women. By “mystery,” I mean the reasons *why* the system failed so often remained an enigma for recipient mothers, whose experience is considered evidence for this study. Of course, as we shall see in the next section – *Activating* – other actors, such as ANSES employees, have a different explanation for this enigma. For now, it is crucial and sufficient to understand that for recipient mothers, what the “system” is, how it works, and why it often does not, is unclear. Mothers simultaneously manifested disappointment and acquiescence when they referred to the system as “pre-determined.” There is no space for appeals, nuance, or negotiation, and the causes of delays, postponements, and errors remain hidden behind a “mystical veil”⁵⁷ of ANSES software, which conceals the politics of social security. Women have no hopes for accountability.⁵⁸

⁵⁷ Karl Marx, *Capital: Volume 1* (New York: New World, 1887) at 84. Cited by Auyero, “Patients,” *supra* note 29 at 115.

⁵⁸ See section 6.14, “The Rule of Avoiding Retaliation at all Costs” and section 8.7, “Lack of Access to Justice and the AUH.”



Figure 33: Photo by recipient Carmen. It shows a cyber-café located in a *barrio*. Specific cyber-café are known among informants for getting ANSES appointments “*en el acto*” (instantaneously, promptly).

The deceptive intertwinement of concealed and unconcealed modes of abuse misattributed as a “glitch” of the system displaces attention from the causes of violence against recipients and diffuses the State’s responsibility. Having to pay for services that should be provided by the ANSES free of charge is one of the findings of this study that was not reflected in the laws or the numerous accounts about the AUH I had read before talking with recipient women. There is virtually no scholarship documenting these practices of recipient women paying for AUH-related paperwork and services in cyber-café.⁵⁹ It is an invisibilized aspect of the AUH institution that represents economic violence and violates women’s rights to privacy. It problematically results in granting private-sector employees – cyber-café’s workers – access to recipients’ women’s data in

⁵⁹ In the context of Peru, Cookson (2018) refers to *Juntos* program managers – not recipients – using Internet cafés to enter data into the system and paying it out of their own pockets because there are not enough available computers in their offices. Cookson, “Unjust Conditions,” *supra* note 42 at 100-101.

the pursuit of various regulatory and administrative tasks that remain on the “periphery” of what we know about the AUH.⁶⁰ Once women manage to secure an appointment in this inequitable manner, they head to the ANSES office to complete paperwork and experience more violence, to which I turn.

6.6 Mothers Experiencing Violence While Accessing the AUH

Participant mothers describe an unrelenting attitude of disregard from State operators towards AUH recipients. Recipient women explain how the Administration denied them explanations when they approached ANSES offices with questions or doubts about the program. Simultaneously, they were treated as ignorant for not knowing. In this vicious circle: if women dared to ask for clarifications, State agents accused them of being ignorant; if they did not ask, women remained uninformed about the program and their rights.



Figure 34: Photo shared by AUH recipient Emilia. It shows the ANSES office in downtown Presidencia Roque Sáenz Peña city. Emilia explained she could take a picture of the building not being crowded because it was *siesta* time and thus not open to the public.

⁶⁰ Boaventura De Sousa Santos, “Law: A Map of Misreading. Toward a Postmodern Conception of Law” (1987) 14:3 Journal of Law and Society 279.

Uma is frustrated because, given the current pandemic, “the ANSES does not serve anyone. You call the ‘claims department,’ and they do not even pick up. You wait and wait, and nothing” [Uma 00:45:47]. Macarena is also upset at the treatment she received at the ANSES:

They treat you as if you were ignorant ... because you get that program [AUH] ... they treat you like you are nothing ... worthless. They tell you ‘Stay there, if you like it, fine. And if you do not like it, leave.’ They do not give you any explanation. And the one who deigns to speak to you, speaks to you rudely. And you ask him again ... and he looks at you with an attitude as if he is trying to say, ‘if you do not understand anything, why are you coming here?’ [Macarena 00:19:46] Because you have a child and did not study, they treat you as if you were ignorant ... [Macarena 00:20:11]. And if you talk back to them, they slam the door in your face and do not serve you because you disrespected them [Macarena 00:20:20].

The generalized feeling of not knowing and being treated disrespectfully should be understood as administrative violence. Ramirez’s (2016) work on Mexico’s *Progresa* and its impact on women’s wellbeing emphasized how recipients felt they lacked agency in interactions with CCTs bureaucrats. My findings align with Ramirez’s in that there is an unequal relation of power between the ANSES and recipient women that impacted the latter’s “material wellbeing (the resources they can have)” and “subjective wellbeing (how they feel about themselves and about what they can do).”⁶¹ Recipient women do not feel good about themselves when interacting

⁶¹ Viviana Ramírez, “CCTs through a Wellbeing Lens: The Importance of the Relationship between Front-Line Officers and Participants in the Oportunidades/Prospera Programme in Mexico” (2016) 15 *Social Policy and Society* 451.

with the bureaucracy, nor were they optimistic about the possibilities of changing their situation with the social security agency's help.⁶²

The poverty and violence women experienced affected what Appadurai (2004) called their "capacity to aspire."⁶³ Data revealed part of the "inner life"⁶⁴ of poor recipient women, generally disregarded in quantitative studies of CCTs and poverty as irrelevant to understanding poverty as insufficient consumption.⁶⁵ This study thus aligns with qualitative studies that revealed that the destitute show a sense of defeat and despair.⁶⁶ Indigenous recipient mother Anahí's words heartbreakingly describe this sense of hopelessness. Anahí explained she had lost two children whom police officers murdered [Anahí 00:01:27; 00:01:42]. When I later asked Anahí what she would like for her children, she replied: "life" [*la vida*," Anahí 00:17:40]. Now Anahí aspires to keep her other children alive: her aspirations are focused on survival.

These findings indicate that processes of marginalization are self-perpetuating: recipient women understand what to expect from them in their interactions with the State and adapt their behaviour to this restrictive environment which, in turn, exacerbates their marginalization.⁶⁷ This exacerbation of their destitution also happens via what Heiss & Herzog (2021) describe as "self-

⁶² Molyneux & Thomson (2011) researched the impacts of CCTs on women in Bolivia, Ecuador, and Perú. They noted that "mistreatment affects women's self-image (accused of being lazy, having children to get benefits ...)." The authors argued that CCTs were creating new processes of stigmatization whereby recipients – similarly to what happens in Presidencia Roque Sáenz Peña – are mistreated in the banks and "told to wash their feet before they can enter; that they smell bad; that they cannot sign in; or that they are not in the system." Maxine Molyneux & Marilyn Thomson, "CCT Programmes and Women's Empowerment in Peru, Bolivia and Ecuador" (2011) CARE Policy Paper, online <<https://www.calpnetwork.org/wp-content/uploads/2020/01/1529682285.CCT-and-womens-empowerment.pdf>> at 38.

⁶³ Arjun Appadurai, "The Capacity to Aspire: Culture and the Terms of Recognition," in V. Rao & M. Valton, eds, *Culture and Public Action* (Stanford, CA: Stanford University Press, 2004).

⁶⁴ Sherry Ortner, "Subjectivity and Cultural Critique" (2005) 5:1 *Anthropological Theory* 31.

⁶⁵ Sam Jones & Inge Tvedten, "What Does it Mean to be Poor? Investigating The Qualitative-Quantitative Divide in Mozambique" (2019) 117 *World Development* 153 at 160. However, Jones & Tvedten (2019) recognize that behavioural economists and psychologists are gradually more concerned with the negative emotional states associated with poverty. See Johannes Haushofer & Ernst Fehr, "On the Psychology of Poverty" (2014) 344:6186 *Science* 862.

⁶⁶ Appadurai, *supra* note 63.

⁶⁷ Loïc Wacquant, "Symbolic Power and Group Making: on Pierre Bourdieu's Framing of Class" (2013) 13:2 *Journal of Classical Sociology* 274.

invisibilization:” the individual living in society self-invisibilizes because it has internalized specific norms of behaviour.⁶⁸ Thus, poor recipient women do not dare to raise their voices, complain, defy State agents, or speak out in the public space to claim their demands. This self-invisibilization is related to the stigma of “not having a hegemonic subjectivity.”⁶⁹

Even though poor women’s stigmatization cannot be explained in its totality on account of the AUH, it is a severe problem that recipients encounter and is ignored by policy designers and evaluators, and of course, by the law – Decree 1602/09.⁷⁰ It is a problem that should be considered because the AUH has increased poor women’s encounters with the State, yet the State, through its agents, systematically ignores the violence these women suffer, fails to protect them, and enacts violence against recipients.

The processes and interactions of AUH recipient women with the State affect women’s capacity as subjects, while the violence exerted against them manifests itself in “the thread of invalidation or discounting that recurs again and again in experiential accounts.”⁷¹ “They treat us as if we were ignorant;” Macarena’s statement captures how women are treated as worthless by the social security agency to the extent that, paraphrasing Smith, they cannot make claims about themselves that would be honoured by the State.⁷²

Auyero (2012) paraphrases ethnographer Secor (2007) when stating that these ANSES mechanisms show us the “everyday sociospatial constitution of power – not despite but because of their banality.”⁷³ I add that a supposed “banality” of these experiences is also a social

⁶⁸ Sabine Heiss & Benno Herzog, “Invisibilization of Coloniality. The Control of Being, Knowledge and Power” [“Invisibilización de la Colonialidad. El Control de los Seres, Saberes y del Poder”] (2021) 10:1 *International and Multidisciplinary Journal of Social Sciences* 52 at 59.

⁶⁹ Heiss & Herzog, *supra* note 68.

⁷⁰ See section 4.2.2, “Legal Framework.”

⁷¹ Smith, “The Conceptual Practices of Power,” *supra* note 17 at 133.

⁷² *Ibid.*

⁷³ Anna Secor, “Between Longing and Despair: State, Space and Subjectivity in Turkey” (2007) 25 *Environment and Planning D: Society and Space* 33 at 41–42. Cited by Auyero, “Patients,” *supra* note 29 at 7–8.

construction, not an accident; it responds to a bifurcation of consciousness that Smith has talked about in her struggle against hegemony in the field of sociology.⁷⁴ Smith (1977) pointed out that women were not represented well by the forms of knowledge that claimed to represent them and proposed smashing those ways of knowing that cancelled women's knowledges.

In this line of thinking, I want to disrupt the idea of "banality": there is nothing *a priori* "banal" about recipient women's experiences. To understand the extent of the violence recipient women suffer, we must disrupt the idea of insignificance often assigned to women's everyday experiences. Nothing is inherently trivial about recipient women's work or experiences: they are *made* trivial. Quite the contrary, as Federici (2012) wrote, "the reproduction of human beings is the foundation of every economic and political system, and...the immense amount of paid and unpaid domestic work done by women in the home is what keeps the world moving."⁷⁵ Thus, women's reproductive work experiences in capitalism are *trivialized*: they remain critical but simultaneously devalued.

6.7 Recipient Women Waiting

Ornella, a recipient mother I interviewed, shared the photo below (Figure 35) as part of narrative photovoice. Ornella captioned the picture shown below: "I took this photo to show the 'sweet and tender wait.' I use this chair for drinking *mate* in the afternoon with my baby, sitting here. When I had to take the *silleta* to ANSES, the wait was not sweet [laughing emoji]."⁷⁶ Informant women manifested carrying their chairs to wait at ANSES and Civil Registry. Moreover, Ornella's photo illustrates the significance of waiting in women's narratives.

⁷⁴ Campbell & Frances, *supra* note 34 at 14.

⁷⁵ Silvia Federici, *Revolution at Point Zero: Housework, Reproduction, and Feminist Struggle* (Oakland: PM Press, 2012) at 2.

⁷⁶ "Saqué esta foto para mostrar la 'dulce espera.' Uso esta silleta para tomar mate por las tardes con mi bebé, aquí sentada. Cuando la tenía que llevar a ANSES [a la silleta], la espera no es dulce [smiley emoji]." A "*silleta*" es a small folding chair. Translation is mine.



Figure 35: Photo by recipient woman Ornella, who was heavily pregnant when participating in narrative photovoice. Ornella chose to depict the *silleta* she carries when enduring long hours of waiting at diverse institutions to do AUH work.

Recipient women describe that they need to wait at the doors of the social security agency to enroll in the program, inquire about suspensions or withdrawals, get any AUH paperwork done, or ask about anything about the program they do not understand. They also describe having to wait at the Argentine Post or banks to cash the stipend, at the hospital and health centres to get an appointment, or at the Civil Registry to register their children and obtain identity documentation. Descriptions of long hours of queuing were constant among recipient women.

Indeed, an informal rule that prevails among all AUH recipients is: “you must be patient; you have to wait.” This sub-section examines the intersections of a rather invisibilized exertion of violence which is effective because of this constructed “invisibility.”⁷⁷ Indeed, formal laws in Argentina do not regulate the practice of waiting. It is an efficient mechanism of control, disciplining, humiliation, and appropriation of women’s labour and time.

⁷⁷ Rita Laura Segato, “La Argamasa Jerárquica: Violencia Moral, Reproducción del Mundo y Eficacia Simbólica del Derecho” (2003) 332 *Série Antropologia* (Brasília, Distrito Federal, Brazil), online <<http://repositorio.ciem.ucr.ac.cr/jspui/handle/123456789/150>>.



Figure 36: Photograph depicting a queue in front of the ANSES office at Presidencia Roque Sáenz Peña early in the morning during the Winter months. Photo by José Francisco Malina.

6.7.1 How AUH Recipient Women Wait

My research contributes to the literature regarding recipients' waiting and the severity of the buried costs of complying with the conditionalities.⁷⁸ Recipient mothers must wait at the doors of the ANSES, health centres, banks, Argentine post, and Civil Registry to get AUH paperwork done and cash the stipend. Using language echoed by many others, Uma vividly described the extensive delays she endured when she waited at the ANSES to get her AUH paperwork done:

⁷⁸ In the context of CCTs, Balen (2018) conducted ethnographic research in Colombia and studied the *Familias en Acción* program, arguing that queuing serves three purposes: shame, humiliation, and stigmatization. According to the author, "the long queues are perhaps the most striking feature of *Familias en Acción*; the most commented on, the most visible, the most impressive. Some people in the region referred to the Colombian program as 'families under the sun' precisely because of the queuing it involves." Maria Elisa Balen, "Queuing in the Sun. The Salience of Implementation Practices in Recipients' Experience of a Conditional Cash Transfer," in Jean-Pierre Olivier de Sardan & Emmanuelle Piccoli Balen, eds, *Cash Transfers in Context: An Anthropological Perspective* (New York: Berghahn Books, 2018) at 143. In the case of the *Juntos* Program in Peru, Cookson (2018) also explained that rural beneficiary women "walk up and down the Andes Mountains in the sun and the rain and the cold and the fog." Cookson, "Unjust Conditions," *supra* note 42 at 57.

We were both waiting together [my newborn and I], and my mother accompanied me, and well, I still had a health problem; I was sick ... but I did not give up until ANSES could serve us. For this paperwork, the line was outside the office, on the sidewalks, and it was scorching hot! Blazing sunshine! ... They [ANSES] schedule you for an appointment, but they give you a time for your appointment and a ‘little number’ [a small piece of paper with a number written on it] ... and you had to wait in line outside [Uma 00:10:06]. And the process ‘goes in batches’ [people are organized in clusters]. I was outside waiting in line from 6:00 a.m. At about half-past eleven in the morning, my mom and my little girl went to the front because there was a little roof and shade on that side of the building, and I waited in line alone. They would not let her inside the building because many people were waiting! [Uma 00:11:33]. There were mostly ladies because they were all moms. Unfortunately, there is no roof or shelter to protect yourself and stay away from the sunshine when you stand in line. There is no drinking fountain, nothing. You must go inside the office, and if you want to get water, you must ask for permission. If you want to go to the bathroom, you must ask permission, and if you want to drink, there is a water dispenser, but it is inside the office only. And you must ask the police officer who is there, at the door, for permission to do so [Uma 00:47:49].



Figure 37: Photo by gatekeeper, taken in the office of the ANSES of the city of Presidencia Roque Sáenz Peña. It depicts the machine that Uma referred to in her account above, which gives recipients “a ‘little number’ [a small piece of paper with a number written on it] ...” they need to get before waiting in line to be served.

It is important to note that it is unbearably and dangerously hot during the summer months in the province of Chaco, especially in Presidencia Roque Sáenz Peña, the city that has ranked several years in a row as the hottest in Argentina, with temperatures higher than 38°C in the warmer months.⁷⁹ Waiting is not “dead” time⁸⁰ but an “active and relational process.”⁸¹ Recipients share information about the program, socialize, drink *mate* or *tereré*, eat, play with their children, supervise them, check their phones, read, joke around, gossip, and ask for information. Limited attenuating circumstances may shorten the waiting process for a recipient woman, so the “waiters” have developed their own strategies to survive the countless hours of queuing.

When you enter the ANSES office, you must wait; you have to be patient. You would have to be extremely sick to be seen before ... After going there alone once and a thousand times, you start to bring your ‘*mate*’ [traditional Argentine hot drink]; if it is hot, you bring your ‘*tereré*’ [traditional Northern Argentine cold drink] or something to drink, a bottle of water, a cookie, something ... Because you have to be patient ... [Uma 01:03:56].

Women’s waiting extends through time and space. Women pointed out that from the moment they manage to schedule the appointment until the moment they attend the appointment, “it takes months. For example, you schedule an appointment in April, and they give you a date for May or the end of the following month” [Azul 00:14:39]. In turn, Esmeralda explains that even if you have an appointment scheduled for a particular time, let us say, in a month, “they [ANSES] still make you wait for at least – if you are lucky – two or three hours” [Esmeralda 00:03:26].

⁷⁹ Diario Norte, “Con 43° C Resistencia y Sáenz Peña Batieron Récores en un Mismo Día” (19 September 2020) online <<https://www.diarionorte.com/196851-con-43%C2%BAc-resistencia-y-saenz-pena-batieron-recores-en-un-mismo-dia->>.

⁸⁰ Auyero, “Patients,” *supra* note 29 at 9, 73.

⁸¹ *Ibid* at 98.

Thus, it is possible to distinguish two types of waiting: one that involves queueing in line and another that involves waiting months for an appointment to do AUH-related paperwork.⁸² Both processes are regulated by the informal norm of being patient and enduring, to which recipient women are expected to abide. However, each carries specific risks and impacts women's lives differently. For example, queueing exposes women to the risk of assault and causes interrupted sleep. The process of waiting months for an appointment, for its part, involves excessive delays that have adverse effects on women, adding to their stress and worry. Both processes impact women's precarious economic situation, time poverty, and work. Here, the maxim "justice delayed is justice denied" applies.⁸³ Delays in waiting months for an appointment to ask for the re-activation of AUH payments that had been previously suspended have dire consequences for women who depend on the stipend for survival. For a woman seeking justice from the State, the time taken by the ANSES to resolve the problem is critical for her experiences of justice – or injustice thereof – rendering the process unjust in its totality when it takes too long to solve a problem.

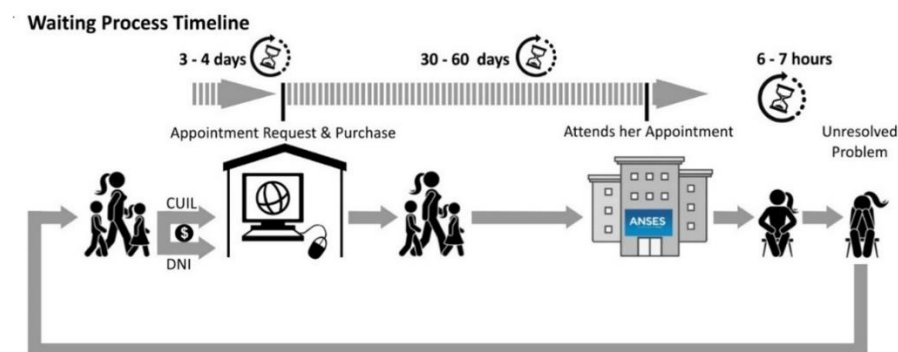


Figure 38: This figure depicts the process recipient mothers undergo to be served at the ANSES. The idea is the author's, and Jissela N. Polasek graphically designed it.

⁸² The latter resembles what in the access to justice framework is known as "delays." Cappelletti & Garth in their well-known work explain that one of the barriers to access justice is a party's lack of resources to withstand prolonged delays. See Mauro Cappelletti & Bryant G. Garth, *El Acceso a la Justicia: La Tendencia en el Movimiento Mundial para Hacer Efectivos los Derechos* (México: Fondo de Cultura Económica, 1978 [1996]).

⁸³ Tania Sourdin & Naomi Burstyn, "Justice Delayed is Justice Denied" (2014) 4 Victoria U. L. & Just. J. 46 at 46.

Women who wait through the bureaucratic apparatus are taught and learn through habitual practice. Here we can identify the informal law in a legal pluralism sense: the rule of “being patient” and the inescapability of waiting. Smith explains that people conform to ruling relations by actively participating, acting, and contributing to their knowledge.⁸⁴ As Campbell & Gregor (2002) explain, “some elements of ruling arise formally and explicitly through legally binding discourses.”⁸⁵ In this case, the rule of “being patient” while waiting is not consecrated in formal laws but arises “as [recipient women] consult their own understandings of prevailing and dominant discourses and act accordingly.”⁸⁶

Heller (1977) suggests that human bodies’ circulation in bureaucratic offices reinforces the historicity of such practices.⁸⁷ These activities are not based on abstract legal regulation but on their lived experiences, allowing people to know in a self-evident way what they can expect based on the similarity – or lack thereof – with past experiences. Women’s circulation through the office happens daily, and in such a way, practices are routinized, and women learn the informal rule of “being patient, enduring waiting, not complaining.”⁸⁸ There are numerous other places where recipient mothers had to queue: at school when asking for certification of children’s attendance, at the hospital and the *salitas*, at the bank, at the ATMs, at the postal office,⁸⁹ municipal office, at the

⁸⁴ Campbell & Frances, *supra* note 34 at 41.

⁸⁵ *Ibid.*

⁸⁶ *Ibid.*

⁸⁷ Ágnes Heller, *Sociología de la Vida Cotidiana* (Barcelona : Península, 2002 [1977]) at 507.

⁸⁸ *Ibid* at 507.

⁸⁹ Aitana explains that the problem of cashing the AUH at the *Argentine Post* are the “lines, there were long lines outside” and that they would only serve recipients until noon even though they are supposed to work until 2 p.m [Aitana 00:18:15]. Macarena adds, “they [*Argentine Post*] cut you off at noon ...and... if you say something to them, they slam the door in your face and do not serve you because you disrespected them” [Macarena 00:20:20]. Josefina explains that “it [*Argentine Post*] is too crowded ... We can get freezing days, and the kids are small; they get sick waiting in the cold, so I asked for the card. I wanted the [debit] card” [Josefina 00:07:17].

Civil Registry,⁹⁰ at the ANSES trucks in *barrios*,⁹¹ among others that I am unable to cover in this work. However, waiting at the hospital deserves scrutiny, to which now I turn.



Figure 39: This photo was taken and shared by informant woman Valeria. It shows the ANSES operation known as “*El Estado en tu Barrio*” [The State in Your Neighbourhood]. *El Estado en tu Barrio*, online <<https://www.argentina.gob.ar/elestadoentubarrio>>. See infra note 91.

⁹⁰ Recipient women also must endure long queues at the Civil Registry and at the hospital in the completion of AUH work. Nara and Luna in Focus Group 5 explained there used to be a Civil Registry Office branch in the hospital, but that branch does not exist anymore [00:48:51]; now, women to go downtown, figure out transportation means, and start waiting at 7 p.m. the day before. “We bring our ‘*colchita*’ [blanket], a chair, a pillow. They are placed on the ground, or on the chairs, if you manage to bring one... We bring our *mate* and are there until the time they [Civil Registry] open, which is at 7 a.m. of the next day” [Luna 00:49:59].

⁹¹ Some recipient women have accessed a national program called “*El Estado en tu Barrio*” [The State in Your Neighbourhood] that has the objective of “bringing the services and benefits of the State to every corner of the country,” so that recipients can access social security within the boundaries of their neighbourhoods, for free, and in “less time.” *El Estado en tu Barrio*, online <<https://www.argentina.gob.ar/elestadoentubarrio>>. Queuing in the *barrios* involved particular gender-based risks for recipient women. Rosario explained that “on one occasion my dad had waited for us all night long until the next morning” [Rosario 00:12:34]. Recipient women’s experience in waiting at dawn and overnight need to be read in the context of high levels of criminality and Argentina’s unrelenting femicide crisis. According to *La Casa del Encuentro*, a feminist Buenos-Aires-based association that leads a Femicide Observatory watchdog project, in Argentina, one woman is murdered every thirty hours as of June 2021. In this context of elevated levels of criminality and gender violence, recipient women develop and adopt strategies, such as resorting to next-of-kin man’s help, to avoid brutality and preserve their safety and their lives. Not much has been written about masculinities and the AUH in the Argentine context, except the work of Ravinovich & Diepeveen who touch on the issue. Lila Rabinovich & Stephanie Diepeveen, “The Design of Conditional Cash Transfers: Experiences from Argentina’s Universal Child Allowance” (2014) *Center for Economic and Social Research*, CESR-Schaeffer Working Paper No. 2014-007. Corboz (2013) conducted ethnographic work in the context of the Uruguayan CCT program *Panes* and found “escalating crime and violence have locked some women into fearful living conditions so that the absence of a resident partner in the household may reproduce insecurity and hinder women from participating in the public sphere.” Julianne Corboz, “Third-Way Neoliberalism and Conditional Cash Transfers: The Paradoxes of Empowerment, Participation and Self-Help among Poor Uruguayan Women” (2013) 24 *The Australian Journal of Anthropology* 64 at 65, 71, 75.

6.7.2 Waiting at the Hospital and Health Centres

Complying with the health conditions of the AUH involved long hours waiting overnight, risking women's safety,⁹² having to overcome the hurdle of transportation, the exhaustion caused by the process, and the uncertainty of whether they will manage to be served at all. The health conditions refer to children's health check-ups and vaccinations that must be certified by a doctor.⁹³



Figure 40: The photograph was taken in one of the *barrios* in the periphery of the city. Most informant women walk and use public transportation, motorbikes, or bikes. After rains, muddy roads are challenging to navigate and complicate life for recipients. José Francisco Malina took the photo.



Figure 41: I included this photograph by José Francisco Malina to illustrate that many poor people cannot access public transportation, bikes, or motorbikes and still rely on precarious horse-drawn carts to reach the urban core.

⁹² “The evidence to date on how cash transfers influence the safety of women is limited, largely anecdotal and mixed.” Claire A. Simon, “Setting the Stage: What We Know (And Don’t Know) About the Effects of Cash-Based Interventions on Gender Outcomes in Humanitarian Settings” (2018) UN Women, in The Cash Learning Partnership, eds, *Collected Papers on Gender and Cash Transfer Programmes in Humanitarian Contexts* at 14.

⁹³ See section 4.2.3.1, “Conditionalities: What Behaviour is Required to Receive the Stipend?”

To get a hospital appointment, women have to figure out transportation, wait through the night, and queue at the hospital early at dawn “so that they [hospital personnel] can fill out the [AUH] forms for you” [Azul 00:44:52]. Uma described the challenges and perils of getting an appointment at the hospital in considerable detail:

In the hospital, you have to be there at dawn to get an appointment; that is the reality. If you do not make it, you lose it ... If you want to make an appointment with a particular doctor, say, with Dr. Mendoza,⁹⁴ the pediatrician, it is impossible to get an appointment. You must go at 3 a.m. or 4 a.m., risking being assaulted. I do not have a car, but if I go on my motorcycle, I risk being mugged or hurt when going to the hospital to make an appointment. You also have to take your baby with you if you do not have someone to care for her [Uma 00:19:06]... Quite a hustle [Uma 00:20:30]. I experienced going to the hospital at 3 a.m. on the motorcycle with my baby and my mom. My baby was one month old [Uma 00:21:08]. I stood in line until the hospital opened. It opens at 5:30 a.m.; they open ‘Statistics,’ where you make the appointment. They will give you an appointment for 7-7:30 a.m. at the latest. Some people go to wait at 10 p.m. Everyone waits: grandparents, children, everyone, because some mothers bring their children to expose them, suffer, and sleep on the floor. It is one thing if it is hot. But in cold weather, those creatures sleeping on the floor...to have an ultrasound and a study done... Because sometimes you cannot afford that. Sure, the government gives you 2,700 pesos, but it is not enough to pay for a test at a private clinic because you will not have how to feed your child [Uma 00:22:21].

⁹⁴ Data has been de-identified to protect the anonymity and confidentiality of informants.



Figure 42: Photograph that shows the most common type of means of transportation among AUH recipient women in Presidencia Roque Sáenz Peña, as depicted by Uma in her account above. Photo by José Francisco Malina.

The nonsensical nature of these abusive procedures does not end there. “They only give each parent two appointments, even if you have more [than two] children, they have your surname, and they are there [waiting] with you...” [Taina 00:45:15]. Taina is a mother to a 15-year-old, a 12-year-old, a 10-year-old, a 6-year-old and “the little one who is one year and two months old, a baby” [Taina 00:22:50]. This means that Taina must attend the hospital and queue three separate times to get appointments for all her children: a burdensome and illogical process that poses obstacles for these poor mothers to access State-funded health services. Strikes and lack of childcare further complicate recipients’ procession to and waiting at the hospital.⁹⁵ Of course,

⁹⁵ There was no State-provided childcare and informant women could not afford private childcare, which costs more than what they were getting for the AUH monthly. In fact, care in Argentina is feminized, privatized (with low waged and precarious work conditions), or expected to be supplied by the family or kinship (unpaid), burdening recipient women who were forced to leave their children alone or rely on intergenerational kinship support from other women – men were mostly absent. Nguyen, Zavoretti, & Tronto (2017) explain that familialism is a trend that emphasizes the role of the family as a caring institution “against the precariousness of the outside world.” Minh T. N. Nguyen, Roberta Zavoretti & Joan Tronto, “Beyond the Global Care Chain: Boundaries, Institutions and Ethics of Care” (2017) 11:3 *Ethics and Social Welfare* 199 at 209. Bedford (2008) argues that neoliberal responsabilization is premised upon the notion that people rely on family relations during economic crisis. Kate Bedford, “Holding It Together in a Crisis:

there are resource constraints the State faces, but then begs the question of imposing conditions. For instance, poorer countries in sub-Saharan Africa tend to use *unconditional* cash transfers because the States cannot monitor or implement programs with conditionalities.⁹⁶



Figure 43: Mothers and their children waiting at the public hospital “*Hospital 4 de Junio Dr. Ramón Carrillo*” of Presidencia Roque Sáenz Peña. Photo by José Francisco Malina.

Some women attend their neighbourhoods’ *salitas* [health centres] instead of the hospital. “You have to wait everywhere, even in the [private] clinic, but in the *salita*, they take good care of you; even though it is a small place and they do not have many resources, there is better attention than in the hospital” [Uma 00:18:29]. Uma described an atmosphere of more kindness at the neighbourhood’s health centre, which could not be said of the city’s hospital.

Family Strengthening and Embedding Neoliberalism” (2008) 39: 6 IDS Bulletin 60. Care is not about individual relations; CCTs come nowhere close to providing the kinds of high-quality, decommodified public services needed for a society that values social reproduction.

⁹⁶ See Benjamin Davis, Marie Gaarder, Sudhanshu Handa & Jenn Yablonski, “Evaluating the Impact of Cash Transfer Programmes in Sub-Saharan Africa: An Introduction to the Special Issue” (2012) 4:1 Journal of Development Effectiveness 1. Marie Gaarder, “Conditional versus Unconditional Cash: A Commentary” (2012) 4:1 Journal of Development Effectiveness 130. Bernd Schubert & Rachel Slater, “Social Cash Transfers in Low-Income African Countries: Conditional or Unconditional?” (2006) 24:5 Development Policy Review 571.



Figure 44: This photograph shows a “salita” [health centre], an AUH recipient woman picking up two boxes of powdered milk, and another woman supervising the provision and collecting her data and signature. Photo by José Francisco Malina.

6.7.3 Captives of the State⁹⁷

Because waiting at the doors of the ANSES, the hospital, *salitas*, banks, the post office, and Civil Registry – among others – is primarily performed by poor women and policed by low-level administrative workers whose behaviour is not often examined by the courts or academics, this widespread abusive practice does not make it to official accounts of the AUH and continues to thrive. Moreover, as a research site, waiting happens in a hybrid territory, located both in the field of everyday life and in the realm of the State. As a regulatory site, waiting has not been of particular interest to mainstream law scholarship or political science.⁹⁸ One is tempted to say that the

⁹⁷ “Captives of the State” alludes to Pablo Auyero’s “Patients of the State” (2012). However, the word “captives” also refers to one of the first research questions/titles I had used in my research proposal as I had just started my Ph.D. path: “Are women empowered or entrapped by CCTs?” At the time, I did not know I would be writing about the violence CCT recipients experience. I thought about “entrapment” as a paradox, an ambush. In this dissertation, however, entrapment is seen as coercion experienced by those who receive violence and cannot see or find a way out of their relationship with the State, other actors, and broader structures.

⁹⁸ The ethnographic work of Javier Auyero (2012) in Argentina is the exception. Auyero, “Patients,” *supra* note 29.

processes of queuing and waiting have become “invisible” to the law, State agents, policy designers, and academics.⁹⁹

However, the fact that recipient women brought up the topic of waiting multiple times during the interviews leaves me hesitant to say that this phenomenon is “invisible.” If it is “invisible,” how come AUH recipient women saw it so clearly? Claiming its invisibility would mean ignoring women’s experiences, the impacts of waiting on their time and wellbeing, and the misery they go through while queuing. These experiences, I argue, are *made* invisible, not invisible *per se*. That is, bureaucrats do not care because the State does not value women’s time.

The status of women as “waiters” is related to their status as “secondary workers” and the hierarchically constituted global processes of capitalist accumulation. At the theoretical level, I understand waiting – and all other recipient women’s unpaid tasks – as situated within a nexus of practices that are integrated in a complex manner with processes of capitalist dispossession.

We live in societies that normalize the capitalist appropriation of women’s labour, and waiting is part of that process. Hence, we also naturalize recipients’ women’s waiting as an extension of their unpaid labour. This contributes to women’s waiting and social reproductive tasks remaining invisible to the law and the people sitting in the air-conditioned central offices where decisions about the AUH are made.¹⁰⁰

The “invisibilization” of queuing is a *form of appearance* of administrative violence exerted towards poor women, which is rooted in women’s subordinate position in our societies. As Auyero (2012) points out, everyone waits at the welfare office, but it is a space dominated mainly by women: “the patient of the State that is being manufactured at the welfare office is

⁹⁹ Balen, *supra* note 78 at 147.

¹⁰⁰ Please see section 7), “Activating: Operators’ and Frontline Workers’ Accounts,” where I analyze interviews with decision-makers.

primarily a female patient.”¹⁰¹ I add that “waiting” cannot and should not be understood in a vacuum. Not all women wait: poor women wait, as women from higher socio-economic classes are less dependent on the welfare system.¹⁰² As I will explain in the following sub-section, Indigenous poor women wait more than non-Indigenous poor women.¹⁰³

6.8 Discrimination against Indigenous Recipient Women

You suffer when you go to ANSES. When you go to schedule an appointment, you arrive first, and they make you wait ... and wait ... just because they see your skin colour or face. Other people keep passing by, and you keep waiting. Of course, I always think that we [Indigenous mothers] have to go through that often, in ANSES, in the hospital, in the *salitas* [Anahí 00:05:21] ... Suppose I have an appointment at 8 a.m., and I leave at 6 a.m. to be able to be on time. I arrive on time ... and I keep waiting. We often have to make another appointment and come back another day [Anahí 00:22:17]. I felt and saw how other [white] women were attended before me. I mean, not just me ... And I saw that we [Indigenous mothers] had to keep waiting because we had to try to get those papers because if we do not do the papers, they ‘cut us’ [get suspended from the AUH], and we will have to wait again. Of course, we, the ‘*humildes*’ [humble, poor], we have to wait so as not to lose that [the AUH] [Anahí 00:22:45]. They leave us behind only because they see our colour and what we are: ‘*humildes*’ [Anahí 00:22:53].¹⁰⁴

¹⁰¹ Auyero, “Patients,” *supra* note 29 at 125.

¹⁰² Olivia explained “no one questions what millionaire moms do nor tells them what to do” [Olivia 00:42:49].

¹⁰³ Please see Section 11.2.9, Annex “11.2.9 Short Biographies of Informant AUH Recipient Women,” for a short bio of Anahí and other informant women.

¹⁰⁴ Anahí explains that herself and her children are often called “*negros planeros*,” an awful term that can literally be translated as “welfare blacks.” It is figuratively used as a racist term reserved for the poor, racialized, Indigenous populations, workers from the provinces, and/or of those politically associated to the workers’ party, which may receive “help” in the form of a program/plan [*asistencia*] from the State. Claudia Briones, *La Alteridad del ‘Cuarto Mundo’: una Deconstrucción Antropológica de la Diferencia* (Buenos Aires: Ediciones del Sol, 1998) at 23, cited by Alejandro Grimson, “Unidad 16: Nuevas Xenofobias, Nuevas Políticas Étnicas en Argentina” (2016), online < http://cidac.filo.uba.ar/sites/cidac.filo.uba.ar/files/revistas/adjuntos/UNIDAD%2016%20-%20Nuevas%20xenofobias%20Argentina_1020951901.pdf > at 3.

Anahí¹⁰⁵ is an Indigenous woman from the Qom Indigenous community. She self-identified as a “Qom mother” and framed the interview as an opportunity to honour the memory of two of her children.¹⁰⁶ On numerous occasions, Anahí has been discriminated against by State institutions – including the ANSES – and society at large [Anahí 00:04:45] for being an AUH recipient and being judged for her “skin colour.”¹⁰⁷ In 1981, Prottas explained that:

There is often a class difference between providers and recipients of public services. These ‘social’ advantages allow the street-level bureaucrat to impose considerable psychological costs on clients in the course of an interaction. Under the ‘color of authority’ the bureaucrat can insist on control of the subjects discussed, can interrupt the clients, ask intrusive questions, and act in a condescending manner...¹⁰⁸

As we see from Anahí’s story, the “colour of authority” is white; bureaucrats tend to be non-Indigenous, to have technical school or a university degree – unlike Anahí who did not attend school – meaning there is a differentiation from the bureaucrat in terms of class, as Prottas (1981)

¹⁰⁵ Anahí was the only AUH recipient mother identified as an Indigenous woman I interviewed for this study.

¹⁰⁶ Anahí’s story was different from the stories of white and non-Indigenous recipient women; her narrative was marked by intense grief. Anahí is a mother to five children, two of whom were brutally murdered by the Chaco police force [Anahí 00:01:08]. Anahí’s sorrow was palpable throughout the interview. One of the reasons she wanted to participate in the interview was to honour the memory of her murdered children and to explain how she decided to dedicate her life to helping others after losing her sons. The Qom communities in Chaco have historically suffered police brutality and harassment. Statistical data is non-existent in this regard because of structural racism, colonialism, and the subsequent invisibilization of Indigenous people’s experiences. However, in a 2016 Report titled “Harassed,” the Center of Legal and Social Studies (CELS) reported the violence that the provincial police often exert on members of Indigenous communities in Chaco, where social movements have a high level of territorial coverage and coordinate entire neighbourhoods through the cooperative organization of tasks, arts, and crafts. CELS, *Hostigados: Violencia y Arbitrariedad Policial en los Barrios Populares, 1st Ed* (Buenos Aires: CELS, 2016), online <<https://www.cels.org.ar/hostigados.pdf>> at 27.

¹⁰⁷ Unlike other women I interviewed, Anahí was illiterate and was learning how to read with the help of a friend. She never set foot in a school as a student, but she often does so as a mother. When I asked her how she managed to do the AUH paperwork, Anahí explained that she relies on the help of her children and friends. If all else fails, she will have to pay someone at a cyber-café to help her with the paperwork. In Argentina, racialized people have higher rates of illiteracy, which leads to unemployment, greater chances of being precariously employed without access to social security and suffering significant economic and social disadvantages. Grupo de Estudios Afrolatinoamericanos, “La Tenaz Persistencia del Mito de la ‘Argentina Blanca’ y ‘sin Racismo’” (24 October 2020), online <<https://www.nodal.am/2020/11/la-tenaz-persistencia-del-mito-de-la-argentina-blanca-y-sin-racismo-por-el-grupo-de-estudios-afrolatinoamericanos/>>.

¹⁰⁸ Jeffrey Manditch Prottas, “The Cost of Free Services: Organizational Impediments to Access to Public Services” (1981) 41:5 Public Administration Review at 428.

suggested, but also a differentiation in terms of race. Telles & Steele (2012) argued that skin colour is central to social stratification in Argentina.¹⁰⁹ Margulis (1999) referred to the “racialization of class relations” in the Argentine context, which translates as the unequal access to resources of those who are racialized.¹¹⁰ It includes the systematic distrust of those who have certain visible features – for instance, darker skin – such as in the case of the Indigenous recipients that wait in line more than white recipient women at the ANSES. Simultaneously, people with darker skin colours are presumed to have less access to resources, and they are treated as ignorant, as many recipient women in this study explained.¹¹¹

Issues of race and Indigeneity have remained underdeveloped in scholarship, which has traditionally focused on class issues, supposedly because of the lack of availability of data disaggregated by race.¹¹² Academic efforts have mostly ignored the experience of AUH Indigenous recipient women – and issues of race more broadly – reinforcing structures that oppress Indigenous women, the same that lead to a *lacuna* regarding data on race and ethnicity in Argentina. In turn, lack of data and deliberate neglect of Indigenous and racial issues lead to a lack of research.¹¹³ In fact, structural racism in Argentina relies on the invisibilization of Indigenous peoples, which is

¹⁰⁹ Indeed, a study by Edward Telles & Liza Steele (2012) on the relationship between educational attainment and skin colour shows that Argentina is a “pigmentocracy.” Edward Telles & Liza Steele, “Pigmentocracia en las Américas: ¿Cómo se Relaciona el Logro Educativo con el Color de Piel?” (2012) 73 *Perspectivas desde el Barómetro de las Américas*: 2012

¹¹⁰ Mario Margulis & Marcelo Urresti, *La Segregación Negada. Cultura y Discriminación Social* (Buenos Aires: Biblos, 1999).

¹¹¹ Studies show unequivocally that skin colour in Argentina has significant consequences on the possibilities to access education and the job market. De Grande & Salvia (2013) explain that, in Argentina, “not having a white skin colour exposes people – regardless of their educational level, gender, and age – to unfavorable conditions in the labour market.” Their research unequivocally showed higher levels of socio-occupational exclusion when people are not white. Moreover, the authors found that the probability of having a precarious informal job (*en negro* job position) without social security protection is 47% higher for non-whites than it is for whites. Racialized people, in addition, are most likely to be underpaid. Pablo De Grande & Agustín Salvia, “Mercado de Trabajo y Condicionamiento por Color de Piel en Grandes Centros Urbanos de la Argentina” (2013) 9 *Revista de Estudios Regionales y Mercado de Trabajo* 59, online <http://www.memoria.fahce.unlp.edu.ar/art_revistas/pr.6296/pr.6296.pdf> at 59, 60.

¹¹² Telles & Steele, *supra* note 109. I would add, epistemological neglect is also the result of colonialism and racism; the gap in the literature is not accidental. In Argentina, there is limited empirical research about discrimination against those who have Indigenous, *mestizo*, or mulatto traits.

¹¹³ Nora Berenstain “White Feminist Gaslighting” (2020) 35:4 *Hypatia* 733.

evident in the fact that there is limited scholarship regarding the impact of the AUH on Qom recipient women.¹¹⁴

In this context, racist and colonial practices start from the choice of words to describe an entire community, such as the Qom. For example, in a publication about the AUH in the context of Northern Indigenous Communities in Argentina – funded by ILO, UNICEF, and FLACSO – the Qom community was referred to as “*toba* (qom).”¹¹⁵ The latter is a pejorative term used as an offense towards the Qom People, meaning “of big forehead.” Using this term in a publication about the AUH and Northern Indigenous communities points toward the invisibilization of structural racism in Argentina.¹¹⁶



Figure 45: The above photograph shows an Indigenous AUH recipient mother setting up a cooking pot on an open wood-burning fire pit. Indigenous recipient mothers are more marginalized than non-Indigenous recipient mothers. For instance, the non-Indigenous AUH recipient mothers I interviewed all had access to more sophisticated gas stoves in their households. Photo by José Francisco Malina.

¹¹⁴ Among the exceptions is the work of Taruselli, who conducted research in a Qom organization. María Victoria Taruselli, “‘Me Das una Mano Para Sacar un Turno’: La Gestión Cotidiana de la Política Social en una Organización Indígena de la Ciudad de Rosario” (2017) XIV Jornadas Rosarinas de Antropología Sociocultural: Antropología(s) en el Contexto Sociopolítico Actual. Debates y Desafíos en Clave Latinoamericana Facultad de Humanidades y Artes UNR, online < <https://rehip.unr.edu.ar/handle/2133/14898> >.

¹¹⁵ Alejandro Isla & Evelyn Vezza, “El Acceso a La Asignación Universal Por Hijo en Los Pueblos Indígenas del Norte Argentino” (2013) Fondo de las Naciones Unidas para la Infancia (UNICEF), FLACSO, online <https://www.ilo.org/legacy/spanish/argentina/100voces/recursos/9_investigacion/3.pdf> at 9.

¹¹⁶ Alejandro López & Florencia Tola, “Qom (Tobas) y Moqoit (Mocovíes). Antiguas y Nuevas Andanzas por el Gran Chaco,” in Osvaldo Cipolloni, Silvia Hirsch & Axel Lazzar, eds, *Pueblos Indígenas en la Argentina: Historias, Culturas, Lenguas y Educación* (Ciudad Autónoma de Buenos Aires: Ministerio de Educación y Deportes, 2016) 16, online <<http://www.bnm.me.gov.ar/giga1/documentos/EL005239.pdf>> at 21.

Anahí's knowledge also tells us about the role of the State – or lack thereof – in the lives of marginalized Indigenous communities: it positions itself as a hostile or indifferent actor, not as a protector. The *humildes* [humble, poor] cannot expect anything from the State because if they do, they will be disappointed [Anahí 00:28:58]. In Anahí's account, the State is absent when she needs help. When it is not absent, its presence is felt by violence. The State brought fatal violence and suffering to Anahí's life: it is not a "friend;" it is not to be relied on nor trusted. She explains, "violence exists. What I learned from what I am going through [grieving the loss of her two children] is that violence is brought by the same State, by the State itself" [Anahí 00:17:15].

We can see how the violence exerted by the State is suffered more intensely by women like Anahí, who is poor, a single mother, racialized, and Indigenous. Her words also made me think about the need to problematize the role of the State and what such a role means to law. As most academic informants in the region suggested, the most "aspirational" way of understanding the AUH in Argentina would be to understand it under the umbrella of the human rights discourse.¹¹⁷ Human rights are seen as a "goal" because they are still not a reality for many. As Félix Díaz – leader of the *Qom Potae Napocna Navogoh* community – said, "human rights have not yet reached indigenous peoples."¹¹⁸ However, and without discounting the positive role of formal laws and rights discourse for some people,¹¹⁹ it is essential to note that dominant interpretations of the legal system – including human rights law – are State-centric. The international human rights obligations that lie behind CCTs and the AUH, for example, are primarily understood as obligations of the State.¹²⁰

¹¹⁷ This is what most key informants suggested: promoting and embracing the human rights discourse.

¹¹⁸ Amnistía Internacional Argentina, "Pueblos Originarios" (2015), online <<https://www.territorioindigena.com.ar/Pueblos-Originarios>>.

¹¹⁹ See section 9), "In Lieu of a Conclusion: From Empowerment to Emancipation."

¹²⁰ See section 8.2, "Mapping Cartographic Laws in the AUH Institution."

Anahí highlights the need to question the assumption of the legitimacy of the nation-State, including as the protector of recipient women.¹²¹ Corntassel (2012) criticizes the rights-based discourse from an Indigenous perspective. The author argues that “Indigenous mobilization strategies that invoke existing human rights norms, which are premised on state *recognition* of Indigenous self-determination, will not lead to ... restor[ing]...Indigenous nations.”¹²² Such strategies merely create an “illusion of inclusion,” because rights are State-centric while Indigenous responsibilities and relationships with nature and homelands “have existed long before the development of the state system.”¹²³ “Rights, on the other hand, are re-gifted rhetoric from artificial states.”¹²⁴ Unquestionably placing the State at the heart of the emancipatory process is thus problematic because the quest for equality becomes a synonym for legal responses of a violent State.¹²⁵

6.9 Civil Registry: Identity, Surveillance and the Rule of Being a “Responsible Mother”

Administrative violence impregnates different corners of the institution of the AUH, and recipient women suffer this abuse at multiple intersections in their encounters with the State. Luna in Focus Group 5 explained her experience of administrative violence with the Civil Registry, another

¹²¹ Indigenous feminist scholar Isabel Altamirano-Jiménez described the legislative measures of the Mexican State to the exclusion of women from participating in politics under Zapotec customary law, and explicated that there exists a peril of constructing the “state as the saviour who rescues women from their own cultures’ with national law presented as ‘neutral and objective.’” Isabel Altamirano-Jiménez, “The State is not a Saviour: Indigenous Law, Gender and the Neoliberal State in Oaxaca,” in Joyce Green, ed, *Making Space for Indigenous Feminism*, 2nd Ed (Halifax: Fernwood Publishing, 2017) 215, 216.

¹²² Jeff Corntassel, “Re-Envisioning Resurgence: Indigenous Pathways to Decolonization and Self-Determination” (2012) 1:1 *Decolonization: Indigeneity, Education & Society* 86 at 92.

¹²³ Corntassel, *supra* note 122 at 92.

¹²⁴ *Ibid.*

¹²⁵ The law is a particularly authoritative discourse because of its particular way of constructing and giving meaning to the world while disqualify opposing discourses under the aura of “neutrality.” Carol Smart, *Feminism and the Power of Law* (London: Routledge, 1989) at 11. This is indeed a perplexing problem, but so far, our Western frameworks have not offered us much in way of alternatives, and these are beyond the scope of my work.

critical organization within the institution of the AUH. The Civil Registry¹²⁶ is the entity responsible for producing documentation and registering citizens related to the right to identity (including the right to have a name, a domicile, and identity documentation) and access to full citizenship. It refers to what is known as “attributions of the personality” of natural persons in Argentine civil law, including name, domicile, capacity, and civil status.¹²⁷



Figure 46: Photo shared by informant mother Lili. It depicts the office of the Civil Registry of the city of Presidencia Roque Sáenz Peña and people queuing on the sidewalks.

¹²⁶ Inhabitants of the city of Presidencia Roque Sáenz Peña referred to this entity as “Civil Registry” (or simply “Registry”). This branch is actually an office of the *The National Registry of Persons* [RENAPER – *Registro Nacional de las Personas*], which is the national federal agency that is responsible for the registration and identification of all individuals who are domiciled in the Argentine territory, as well as the registration of Argentine citizens independently of the place of their domicile. The RENAPER records most significant life events of a person from birth, protecting the right to identity. It is regulated by Law 17,671 and issues documentation in conformity with fingerprint identification. It is a decentralized and autonomous public organization that reports to the Ministry of Interior and Transportation, through the Secretary of the Interior. RENAPER, online <<https://www.argentina.gob.ar/interior/renaper>>

¹²⁷ Chapter 4, Civil Code, online <<http://servicios.infoleg.gob.ar/infolegInternet/anexos/235000-239999/235975/norma.htm>>. However, The notion of “citizenship” must also be problematized. As Belton & Liew (2021) explain, “citizenship is not necessarily a neutral ... status upon which to base rights. It is also not a status available to all ... and has never been a secure foundation upon which to base human rights ... especially for minorities.” Through citizenship, States establish “borders of belonging” not “equally accessible to all” that hold “far too much influence over people’s life chances.” Kristy A. Belton & Jamie Chai Yun Liew, “The Unmaking of Citizens Shifting Borders of Belonging,” in Molly Katrina Land, Kathryn Rae Libal & Jillian Robin Chambers, eds, *Beyond Borders. The Human Rights of Non-Citizens at Home and Abroad* (Cambridge University Press, 2021) 23 at 23-25, 34.

In order to summarize why the Civil Registry and the RENAPER are important for AUH recipient mothers, I rely on the words of a World Bank informant. According to World Bank Economist Pedro, a “positive externality” of the AUH program has been in regard to the “right to identity” [World Bank Economist Pedro 00:33:10]. The AUH relies on “administrative records ... identity is thus fundamental to remain in the AUH” and “a fundamental element of human rights. And the AUH forces people to have that identity, to formalize it and make it visible, contributing to the rest of the human rights, such as economic-social rights.” World Bank Economist Pedro is convinced that the strengthening of the “right to identity” is not the objective of the AUH but a “positive and undesired [unplanned] consequence of its implementation” [World Bank Economist Pedro 00:34:34]. By contrast, women’s narratives in this study did not refer to positive experiences – even though women might more generally benefit from obtaining documentation for themselves and their families. Luna attended the Civil Registry to get a birth certificate for her baby [Luna 00:45:56] and shared her experience:

And that day, because there were many people, there were a lot of “bad mums” ... They [Civil Registry] registered a wrong name for my baby and a wrong birthdate because my baby was born on March 10th, and they registered it as February 10th,¹²⁸ and they even miswrote her name, and I complained. There, being out there, on the spot, he told me to ‘eat cassava’ (*comer mandiocas*, or to “go fuck oneself”) [Luna 00:47:02].¹²⁹

Like other AUH recipient women, Luna did not have access to legal counsel to defend her rights, and thus the error was never rectified. The law has constructed and imposed an identity for Luna’s child that is different from what she intended, failing to reflect her aspirations and decisions. “To change that, I have to go to a lawyer to fix it, and I cannot afford that” [Luna

¹²⁸ All demographic identifiers have been modified to protect informants’ anonymity and confidentiality.

¹²⁹ Data has been de-identified. As I heard Luna’s story and the indignities recipient women suffered, I experienced outrage at the mere thought of having a State-agent decide my child’s name and mistype her actual birthdate.

00:48:40]. Women faced barriers¹³⁰ to access justice; they could not afford to hire counsel to defend their rights nor had time to find one.¹³¹

When I asked Luna to explain further what the Civil Registry bureaucrat's response was, she clarified that the agent in charge angrily told her that "it was not his fault" and that "if the mothers start to make a fuss [*quilombo*] and do not allow him to register the child properly, it is not his problem" [Luna 00:47:13]. In this clear abuse of the bureaucrat in question, the idea of "bad mothers" comes to the surface. Indeed, the conditions of the AUH program allow the State to disseminate a broad policy of motherhood, utilizing the coercive power of the AUH and the naturalization of the required behaviour to "improve" mothers' ways the State finds deficient.

It was common to hear stories about these "good" and "bad" mothers throughout the interviews. For example, Uma defined bad mothers as the ones who "are standing around doing nothing instead of taking care of their children" [Uma 00:41:20]. Macarena explained that a "bad mom" or "*luchona*" is one that "has many children. She leaves the children with their mother; she does not care for them. She sleeps in; she lives for fun" [Macarena 00:54:13]. Luna referred to "bad moms" in two specific ways: one suggests the idea of "irresponsible" motherhood and the paternalistic and maternalistic nature of the AUH;¹³² the other refers to "angry" mothers who

¹³⁰ I use the terms "barriers" as a metaphor, to symbolize the obstacles women need to face to access to kind of lives they want to live. Another metaphor would be "breaking the chains" that hinder access to justice. Even though many scholars still refer to barriers to access to justice, others prefer the term "deficits" rather than "barriers." Such political choice of terms is sensible as it focuses on the structural deficits of the system rather than on the illusion that surpassing certain "barriers" or eliminating certain "obstacles" suffices. See Roderick Macdonald, "Access to Justice in Canada Today: Scope, Scale and Ambitions," in Julia Bass, W.A. Bogart & Frederick H Zemans, eds, *Access to Justice for a New Century: The Way Forward* (Toronto: Law Society of Upper Canada, 2005) 19. However, I occasionally use the term "barriers" and "obstacles" as metaphors, always building from women's grounded experiences.

¹³¹ See section 8.8.4, "Material Constraints and Lack of Access to Formal Legal Spaces."

¹³² I agree with the scholarship that argues the AUH is paternalistic. Dworkin provided a classic definition of paternalism; the State would act paternalistically towards a recipient parent by performing (or omitting) a particular action – introduction of conditionality – if: (a) the introduction of the conditionality interferes with a recipient parent's autonomy, (b) the State performs such action without the consent of recipients; and (c) the State performs the action, that is, imposes the conditionality because it will improve the welfare and promote the interests of recipients. Gerald Dworkin, "Defining Paternalism," in Christian Coons & Michael Weber, eds, *Paternalism: Theory and Practice*

complain. Even though Luna used the adjective “bad” to refer to the state of “being enraged,” both are interrelated to the extent that “responsible” recipient mothers are expected to be compliant, obedient, accommodating, quiet, and apologetic. That is, responsible mothers are also expected to be non-angry mothers (because “*las malas madres se ponen malas*,” “bad mothers get angry”). The message conveyed here is that “good” mothers do not voice their concerns; instead, they comply in silence and privilege non-confrontation. Thus, receiving violence from the State is expected and naturalized, whereas resisting such abuse with violence or responding through non-socially accepted emotions for women (such as anger) is frowned upon.¹³³

I understand the law as ideological, a terrain where values and norms are constantly struggled over, constituted by, and constitutive of gender relations. I am interested in forms of informal laws that often regulate behaviour as much as, or more than, official governmental pronouncements. Informal law refers to existing patterns of normative behaviour, “structures, relationships, traditions and practices of social and institutional life,”¹³⁴ akin to what Smith understood as ideological codes, that is, self-replicating norms of behaviour taken for granted in society.¹³⁵ Indeed, a key informal norm that pervades the institution of the AUH is that of: “you

(Cambridge: Cambridge University Press, 2013) at 29. On the one hand, it could be argued that the imposition of conditionalities does not comply with condition (c) of Dworkin’s test. Such action is not meant to improve the welfare of recipients because it is targeted at their children. On the other hand, the State introduces an action for the welfare of a third party (children). It could be therefore argued that such action may also be in recipients’ best interests. Thus, Dworkin’s definition would sustain the argument that the AUH is not paternalistic, as García Valverde (2015) pointed out. Facundo García Valverde, “Igualitarismo de la Suerte y Asignación Universal por Hijo” (2015) *I:10 Revista Internacional de Pensamiento Político* 217. By contrast, Shiffrin’s (2010) definition of paternalism would support the argument that the AUH is paternalistic. Shiffrin adds another condition: paternalism would occur if the action imposed is oriented towards matters that legitimately fall within the control of recipients. The AUH calls for the State to intervene in options available to recipients under the assumption they would not make the right choice due to their irresponsibility and “bad” habits. Seana Valentine Shiffrin, “Paternalism, Unconscionability Doctrine, and Accommodation” (2000) 29 *Philosophy & Public Affairs* 205 at 218.

¹³³ Smith-Oka (2010), in the context of the experience of Indigenous women with the Mexican CCT, explains that the goal of this program is to “socially engineer” recipient women into normative ideas of motherhood, based on ideas from the Enlightenment whereby subject’s consciousness can be liberated from its primitive immaturity. Vania Smith-Oka, *Shaping the Motherhood of Indigenous Mexico* (Nashville: Vanderbilt University Press, 2012) at 4.

¹³⁴ Colleen Sheppard, “Reducing Group-based Inequalities in a Legally Plural World” (2010) *Crise Working Paper* 75 at 5.

¹³⁵ See section 7.6.2, “The AUH, Ideological Circles, and the Social Organization of Facticity.”

must be a responsible mother” above all else. As with State-laws, as legal pluralists explain, other legal rules are also disciplined through coercion, sometimes even much more forcibly.¹³⁶ Indeed, for recipient women and AUH actors, it is likely far worse being an irresponsible mother that does not care well for her children than being fined or arrested for a non-mothering-related incident. The idea of responsible motherhood is a powerful rule, an informal norm – which operates in practice rather than in theory, or in Smith’s line of thinking, an ideological code¹³⁷ that serves as an element of ruling even though there is no binding State law telling recipient women how to mother.



Figure 47: Photograph depicting an AUH mother taking her child to play at the park, a mothering behaviour considered “desirable.” Photo by José Francisco Malina.

The ethnographic vignette narrated by Luna shows how informants’ roles as recipients/mothers/women are fundamentally gendered and moulded by socio-legal-cultural assumptions about appropriate “feminine” behaviour, such as the “the ever-bountiful, ever-giving,

¹³⁶ Sally Falk Moore, “Law and Social Change: The Semi-Autonomous Social Field as an Appropriate Subject of Study” (1973) 7:4 *Law and Society Review* 719. De Sousa Santos, “Law: A Map of Misreading,” *supra* note 60. Boaventura De Sousa Santos, *Toward a New Legal Common Sense. Law, Globalization, and Emancipation* (London: Butterworths. LexisNexis, 2002). Boaventura De Sousa Santos, “The Future of the World Social Forum: The Work of Translation” (2005) 48: 2 *Development* 15.

¹³⁷ See section at note 3.12.1, “Towards a Non-Essentialist Take on Law,” at notes 402, 403.

self-sacrificing mother.”¹³⁸ These women’s mothering practices are controlled and moulded to fit into desirable forms partly developed by the State and are a target for optimization.¹³⁹ From a Foucauldian framework,¹⁴⁰ effective implementation of the AUH can also be understood as the manifestation of biopower among recipients, power through their daily practices in which they “engage in self-surveillance and self-discipline,” correcting themselves.¹⁴¹

Luna resisted when the bureaucrat of the Civil Registry was mistreating her. She explained how the officer had committed a mistake that was attributable to him. “It was all a ‘quilombo’ [scandal, confrontation] because another mom and that agent had had a fight before, and I was nervous, and he did not want to fix the paper” [Luna 00:48:07]. The “angry” mother that preceded Luna dared to complain and voice her outrage; it had consequences for herself: the Civil Registry bureaucrat did not serve her. Moreover, her behaviour also impacted Luna, as she was next in line. Both mothers were punished for their transgression: the first AUH recipient mother, for voicing her concerns, and Luna, for daring to point out the bureaucrat’s mistake.

Women’s transgression is seen as an example of failure in the transgressor – the “angry mother” – rather than a failure of the system. State bureaucrats assign informants particular identities according to behaviours they are supposed to fulfill. If any of these behaviours are

¹³⁸ Donna Bassin, Margaret Honey & Meryle Mahrer Kaplan, eds, *Representations of Motherhood* (New Haven: Yale University, 1994) at 2.

¹³⁹ Smith-Oka, “Shaping the Motherhood,” *supra* note 133 at 3-5.

¹⁴⁰ Keeping in mind that IE does not cede to the literature, Foucauldian ideas are useful to understand compliance. Foucault and Smith are interested in discourse and in how social structures interact in the everyday of people. Whereas Foucault scrutinized how people are conceptualized as subjects through practices of categorization (1977) and how they define their own subjectivity through practices of the self (1985), Smith focuses on people as active agents who participate in the social world. Unlike Foucault, Smith considers knowledge and power as always bound to the doings of actual people, while Foucault (1972) sees it as working in an intangible and more disperse manner. Foucault was focused on understanding discourse and power mechanisms – including its positive effects –, whereas Smith is more focused on the problematic (negative) moral and social effects of power. Mirja Elia Satka & Caroline Skehill, “Michel Foucault and Dorothy Smith in Case File Research: Strange Bedfellows or Complementary Thinkers?” (2011) 11:2 *Qualitative Social Work: Research and Practice* 191.

¹⁴¹ Jen Pylypa, “Power and Bodily Practice: Applying the Work of Foucault to an Anthropology of the Body” (1998) 13 *Arizona Anthropologist* 13 at 21.

transgressed, “the disciplines established an ‘infra-penalty’ (...) that the laws had left empty.”¹⁴² The objective of penalizing non-observance is corrective: it attempts to achieve conformity to a set of rules.¹⁴³

Such sanctioning can happen without recipient women being officially punished, as happened to Luna, who was publicly scolded and punished by having her child’s name and date of birth mistyped. From a legal pluralist approach, I would not agree with Foucault in that “the laws had left [infra-penalty] empty.” Instead, I understand the social space between legislator and recipient women as never normatively empty. Indeed, as legal pluralists argue, the inapplicability of State law is usually compensated by the increase in local regulation.¹⁴⁴ The “infra-penalty” Foucault (1977) refers to is the penalty exerted on women who fail to comply with an informal rule: being a “responsible mother.” Legal pluralist Engle Merry (1988) examines facilitative law “that functions not by imposing obligations but by providing individuals with facilities for realizing their wishes through conferring legal powers on them.”¹⁴⁵ It could also be said that the AUH – through its legislation – confers legal powers upon women not only to cash the stipend but also to judge others in cases they deviate from the informal law of “responsible mothering.”

In this way, Luna and other mothers are “perpetually supervised.”¹⁴⁶ Surveillance is a very effective form of control; it is relentless, silent, and omnipresent; it happens as informants carry out their everyday routines; it does not necessarily manifest through extravagant exhibitions of

¹⁴² Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Vintage Book, 1977) at 178.

¹⁴³ Foucault summarizes this mechanism: “the rule [is] made to function as a minimal threshold ... It ... hierarchizes in terms of value the abilities, the level, the ‘nature’ of individuals. It introduces, through this ‘value-giving’ measure, the constraint of a conformity that must be achieved.” *Ibid* at 182-183.

¹⁴⁴ Falk Moore, “Law and Social Change,” *supra* note 136. De Sousa Santos, “Law: A Map of Misreading,” *supra* note 60. De Sousa Santos, “Toward a New Legal Common Sense,” *supra* note 136. De Sousa Santos, “The Future of the World Social Forum,” *supra* note 136.

¹⁴⁵ Sally Engle Merry, “Legal Pluralism” (1988) 22 *Law & Society Review* 869 at 885.

¹⁴⁶ Foucault, “Discipline and Punish,” *supra* note 142 at 176-177.

power.¹⁴⁷ Moreover, besides the surveillance, the simple threat of elimination is sufficient to gain mothers' compliance, given their concerns for their children's wellbeing. For instance, if Luna failed to register her baby, she would not have gotten the documentation she needed to be enrolled in the AUH because registration is a prerequisite for obtaining "help" from the State. We see how recipient women are monitored and subject to the rule of responsible motherhood, an informal rule of preponderance within the AUH institution.

6.10 Argentine Post and Banks: Economic Control and Financial Abuse

In addition to the ANSES, hospital, and Civil Registry, recipient women also experienced violence at the *Argentine Post* and Banks. Most recipients receive the AUH monthly as a deposit in their bank accounts. However, in localities with few banking entities, recipients will cash the stipend over the counter in the local *Correo Argentino* [Argentine Post] branch.¹⁴⁸



Figure 48: On the left, photo by informant mother Reina. It shows people queuing at the doors of the *Nuevo Banco del Chaco*.

¹⁴⁷ Anna Wetterberg, "My Body, My Choice ... My Responsibility: The Pregnant Woman as Caretaker of the Fetal Person" (2004) 48 *Berkeley Journal of Sociology* 26 at 29.

¹⁴⁸ Correo Argentino, Pago por Cuenta de Terceros, online <<https://www.correoargentino.com.ar/servicios/financieros/pago-por-cuenta-de-terceros>>. Recipient women also report cashing the stipend through a company called "Postal," a private post corporation. Postal, online <<https://postal.com.ar/>>. "What happens is that they [ANSES] have several types of payment methods. But the post office is a different system than banking. In the bank, you keep the AUH money, and you can be reimbursed, but in the post office, the money is sent back and does not return. In other words, if you are suspended from the AUH, you cannot go back to collect those two or three months if you were being paid at the post office" [Ernestina 00:14:14].

Figure 49: On the right, another photo by recipient mother Emilia; it shows a line at the doors of the local branch of the *Banco de la Nación Argentina* in the city of Presidencia Roque Sáenz Peña, another institution frequented by AUH recipient women.

Women described not being able to choose where to cash the AUH. Aitana explains that “ANSES chose for me where I would get paid” [Aitana 00:14:44], so she had no choice but to cash the stipend at the *Post Office*. That decision, or lack of decision-making power, cost Aitana losing the AUH stipend during the pandemic because she could not collect the AUH and “the Post Office does not withhold the accumulated amount because it is not a ‘savings account’” [Aitana 00:13:25].¹⁴⁹



Figure 50: On the left, photo of the *Argentine Post* local branch shared by recipient mother Reina. The post office is located centretown, and Valeria still cashes the AUH at this location.

Figure 51: AUH recipient mother Valeria shared this photo on the right, which depicts the front door of the *Argentine Post Office* local branch. The central poster provides instructions on how and where to queue for AUH recipients.

As Aitana explains, it is not that easy to switch.¹⁵⁰ The caveat is procedural because “you have to make an appointment at ANSES to switch from post office to the banking system” [Aitana

¹⁴⁹ It is always better to be paid utilizing the banking system, “because they have a savings account and there [at the bank] they keep what you could not collect during the months you were suspended. It accumulates” [Aitana 00:15:18].

¹⁵⁰ Some commentators have argued that delivering cash transfers via mobile phone might help alleviate burdens women face to cash the stipend. Michelle Berg & Louisa Seferis, “Protection Outcomes in Cash Based Interventions: A Literature Review” (2015) UNHCR and the Danish Refugee Council.

00:15:35]. By the time Aitana managed to get to the ANSES and switch to a bank, she had lost half of her yearly entitled stipend for reasons that escaped her control in a particularly uncertain and challenging time, the pandemic.

In Focus Group 1, Macarena starts explaining that she did not have a chance to decide where she wanted to be paid for the AUH: “they did not give me a choice either. I was told to just go to the post office” [Macarena 00:15:50].

... at the post office, they were always short of money. They made you sign your receipt for a particular amount of money and gave you another amount because they said they had no change; there was always an excuse. And afterward, you cannot complain to anyone because you signed the receipt, and in the ANSES system, it is registered that they paid you the right amount. It is not much but ... [Macarena 00:16:55].

Macarena and Aitana suffered economic abuse from the personnel at the *Argentine Post* office when trying to collect the AUH stipend, which manifested through bureaucrats’ stealing and coercive control, practices that exploit and pressure recipient women concerning their benefits, property, and rights. Even if the difference is not substantial in monetary terms, what they unlawfully take from recipient mothers adds up, considering many women are paid at the post office. More importantly, every little bit of money helps recipient women, as the stipend is significant for their survival.¹⁵¹ When I asked if anyone else in Focus Group 1 had gone to the post office and had to sign a receipt for a certain amount and ended up getting paid for a lesser amount, Aitana responded affirmatively.

¹⁵¹ See section 6.4, “Not Enough but Significant Money.”

Yes, yes, it happened to me... I only cashed the AUH over the counter, and they made me sign a receipt. And it is true, as she says, that it is like it shows you are being paid a certain amount and the post officer gives you another amount of cash [Aitana 00:17:10].

As I tried to delve more into the issue of women's AUH money being stolen, I realized that other informants were not surprised about those events. According to Auyero (2012), the consequence of arbitrariness is "a seemingly contradictory process of *bureaucratic disentanglement and snaring*" (emphasis is Auyero's).¹⁵² It includes the rejection or cutbacks of benefits, such as the "eating up" of the benefits.¹⁵³ This process of elimination or reduction of benefits is coupled with the need for recipients to keep coming back to the ANSES, the Post Office, *Postal*, or the Bank as many times as necessary to ensure they receive the stipend, a *modus operandi* plagued with abuse. In fact, State agents "eating up" recipient women's stipend is an example of administrative violence and economic/financial abuse. This type of economic abuse is complex: it is a coercion tactic, exploits poor people, and allows the actor to exert financial abuse to make money at the expense of vulnerable and marginalized individuals.



Figure 52: The photo depicts "Postal," a private corporation located in Presidencia Roque Sáenz Peña downtown, where some recipient women sometimes cashed the AUH stipend. Postal, online <<https://postal.com.ar/>>.

¹⁵² Auyero, "Patients," *supra* note 29 at 108.

¹⁵³ *Ibid.*

6.10.1 Erasing Financial Abuse and Economic Violence

Economic abuse was not identified by informants as gender-based violence at all; it is a widespread and often concealed form of VAW. Like other forms of violence, it is used as a coercion tactic. It involves behaviours that control women's ability to gain and use economic resources and curtail their decision-making power, which remains underexplored in the literature.¹⁵⁴

I have found that women suffered economic and financial abuse – from State agents or in their households – in their experience as recipients of the AUH, an experience that I noticed was minimized and – on some occasions – even romanticized by academic and social policy experts' circles, as I will explain below. Throughout the qualitative research process, I had the chance to conduct participant observation by joining webinars, workshops, and reading circles organized around topics such as maternities and social policy, families, gender, and human rights in Argentina. During these observed practices, I noticed how ideas about women's resistance and "empowerment" often concealed incidents of economic abuse and financial violence. In one online seminar¹⁵⁵ that focused on social policies and intra-household dynamics in Argentina, informants shared diverse understandings of recipient women's agency. They narrated anecdotes of AUH recipient women who, for example, had to hide the stipend and lie to their partners about using the AUH money. One participant explained that once, when she paid a visit to her cousin – who was an AUH recipient –, she welcomed her into her home by swiftly passing over to her a bag that contained cosmetics and murmuring to her ear, "pretend this is something you purchased for me." Her cousin wanted to conceal the cosmetics she had purchased with AUH money, making it look

¹⁵⁴ Economic abuse remains a "globally pervasive but understudied phenomenon." Punita Chowbey, "Women's Narratives of Economic Abuse and Financial Strategies in Britain and South Asia" (2017) 7:3 *Psychology of Violence* 459 at 468.

¹⁵⁵ The webinars took place online starting in Spring 2021.

like a present so that her cousin's male partner would not question the purchase. This anecdote was highlighted as a positive example of women's agency. This approach understood recipient women's strategies of "camouflage" as symbolizing women's strength and strategic thinking in avoiding patriarchal domination.

I am instead inclined toward understanding this anecdote as an example of economic abuse, whereby women are controlled by men in their expenditures and need to be subjected to the financial decision-making power of the patriarch within the household. Of course, this does not mean that women do not resist, adapt, mitigate, and cope. However, the problem with romanticizing, fetishizing, or framing women's supposed "resistance skills" as something mischievous is that it conceals *why* women have to hide those resources in the first place and obscures *what* the act of hiding means in that context: violence as coercion.¹⁵⁶

Marco, one expert I interviewed, an Argentine academic in the area of anthropology and sociology, argued that during his years of study of social policy in Argentina, he had observed women within the household "hiding" the stipend from the household patriarch, for example, in the back of clocks, or inside a can under the kitchen sinks [Marco 00:48:57].¹⁵⁷ Scholar Marco

¹⁵⁶ An interesting non-academic contribution in this regard is activist Julie Lalonde's book. She argues that our society fetishizes resilience to hide the fact no measures are being taken to tackle the problem of VAW. Julie S. Lalonde, *Resilience is Futile: The Life and Death and Life of Julie S. Lalonde* (Toronto: Between the Lines, 2020).

¹⁵⁷ Unfortunately, I do not have enough space in this work to develop intimate partner violence [IPV] which refers to physical, sexual, emotional, financial, psychological, or spiritual abuse by adult males of adult female partners in intimate relationships. It denotes a close personal relationship between abuser and survivor, and the "relationship of deep trust presumed to exist ... between intimate partners." Anne McGillivray & Brenda Comaskey, *Black Eyes All of the Time: Intimate Violence, Aboriginal Women and the Justice System* (Toronto: University of Toronto Press, 1999) at xiv. I would like to note that I do not believe that IPV is a "private" type of violence. Gender violence has its origin in unequal power relations that socialize women as subordinate to men, and laws and a State that do not protect women from the violent consequences of that inequality. The inaction of the State in the face of this *status quo* is far from being neutral, and the lack of justice for women who suffer violence is a matter of public policy, as the Inter-American Commission on Human Rights explained in the case "Maria da Penha v. Brazil." *Maria da Penha v. Brazil*, Case 12.051, Report No. 54/01, OEA/Ser.L/V/II.111 Doc. 20 rev. at 704 (2000). See Melisa Handl, "Mujeres Abusadas que Matan: una Mirada de Género a la Legítima Defensa y al 'Síndrome de la Mujer Golpeada' en el Derecho Canadiense desde el Caso 'R v. Lavallee'" (2020) *Revista Jurídica Austral* (RJA), online <<https://ojs.austral.edu.ar/index.php/juridicaaustral/article/view/407>>.

mentioned the idea of framing women's need to conceal as an act of "*picardía*," which can be translated as naughtiness and craftiness, a resourceful behaviour that simultaneously involves mischief. Even though this idea of highlighting women's agency and strategies of resistance is critical, it should not come at the cost of hiding economic violence.¹⁵⁸ A paradigm that frames what happens to women in terms of the *picardía* is incorrect because it romanticizes the abuse they experience, naturalizes the economic and financial violence they suffer, and draws attention away from the perpetrators and the broader structures that allow such violence to exist in the first place.

This framing also denotes a problematic lack of understanding of the complex phenomenon of VAW. It shows that physical abuse is still primarily regarded as the predominant form of VAW, obscuring other forms of violence, such as coercive control and psychological, emotional, and economic abuse.¹⁵⁹ Recipients who experience violence resort to mitigation strategies to reduce potential physical and emotional violence by a male partner. Research shows how women diffuse potential violence, such as transferring part of the stipend to their partners or spending the money

¹⁵⁸ I interviewed Lilen, a recipient AUH mother who had recently "separated because of gender violence" [Lilen 00:48:37]. See section 3.10.3, "Finding Common Ground with Poor Informant Women."

¹⁵⁹ CCTs and intimate partner violence [IPV] remains largely not understood in the literature. CCTs might contribute to decreasing IPV by improving a woman's position and reducing stress within the household (Bastagli et al., 2016). However, IPV is complex and influenced by myriad norms, such as perceptions of gender roles and divorce (Heise, 2011). In development, CCTs have been associated with a decrease in physical violence against women by their male partner. However, other studies have reported increases in coercive control and emotional/psychological abuse (Bastagli et al., 2016). If the amount of the stipend is considerable to be a significant source of income, it may increase the chances of controlling behaviour from the male partner (Angelucci, 2008; Bastagli et al., 2016; Eswaran & Malhotra, 2011). Faced with women's increased bargaining power, the male partner may avoid physical violence and direct it through emotional abuse (Bobonis et al., 2013). Francesca Bastagli, Jessica Hagen-Zanker, Luke Harman, Valentina Barca, Georgina Sturge, Tanja Schmidt & Luca Pellerano, "Cash Transfers: What Does the Evidence Say? A Rigorous Review of Programme Impact and of the Role of Design and Implementation Features" (London: Overseas Development Institute [ODI], 2016). Lori L. Heise, "What Works to Prevent Partner Violence: An Evidence Overview" (2011) Working Paper, online < <https://www.oecd.org/derec/49872444.pdf>>. Manuela Angelucci, Orazio Attanasio & Vincenzo Di Maro, "The Impact of 'Oportunidades' on Consumption, Savings and Transfers" (2012) 33:3 Fiscal Studies 305. Mukesh Eswaran & Nisha Malhotra, "Domestic Violence and Women's Autonomy in Developing Countries: Theory and Evidence" (2011) 44:4 Canadian Journal of Economics/Revue Canadienne d'Économie 1222. Gustavo J. Bobonis, Melissa González-Brenes & Roberto Castro, "Public Transfers and Domestic Violence: The Roles of Private Information and Spousal Control" (2013) 5:1 American Economic Journal: Economic Policy (2013) 179.

quickly.¹⁶⁰ These coping strategies and the fact that violence tends to be underreported¹⁶¹ pose challenges to measuring the extent to which the AUH positively or negatively impacts intimate partner violence.¹⁶²

Of course, resistance and suffering violence are not mutually exclusionary: women are victims of violence while simultaneously resisting as agentic actors in most cases. As with every dichotomy that pervades Western ways of thinking, the structure/agency antinomy is exclusionary, as it creates the illusion that there are only two possibilities, ignoring others and preventing a more nuanced and just understanding of “resistance.” Granted, we must avoid framing women only as helpless victims and recognize their acts of resistance as a form of agency.¹⁶³ This is particularly important for vulnerable populations to avoid dehumanizing the victims or invoking the arrogant saviour complex. Simultaneously, women’s agency should not be celebrated at the expense of not holding the abusers and the power structures that support the abuse accountable.

Indeed, I prefer a nuanced understanding of women’s resistance as provided by IE because it allows us to see how relations of ruling organize and shape women’s lives – and social life more generally – while also recognizing the agency of recipient women. Smith (2005) understands

¹⁶⁰ Wasilkowska, *supra* note 28. Brady, *supra* note 28.

¹⁶¹ *Ibid.*

¹⁶² The AUH does not have an explicit goal to reduce gender-based violence. IPV is hardly ever considered in a systematic way in CCTs design, implementation, and evaluation. Berg & Seferis, *supra* note 150. An exception was the program “*Ellas Hacen Argentina*,” which created cooperatives for women in poverty or experiencing situations of violence. Pilar Arcidiácono & Ángeles Bermúdez, “‘Ellas Hacen’: Programas Sociales y Exigencias a las Mujeres en Argentina” (2018) 26:2 Rev. Estud. Fem. Currently, the *Programa Acompañar* exists to strengthen the economic independence of women and LGBTI+ people in situations of gender violence. Ministry of Women, Genders, and Diversity, *Acompañar* Program, online <https://www.argentina.gob.ar/generos/plan_nacional_de_accion_contra_las_violencias_por_motivos_de_genero/pragrama-acompanar>. Although this program is commendable, at the time that I conducted interviews with gender experts (2021), the *Acompañar* Program had not yet been implemented in the city of Presidencia Roque Sáenz Peña, Chaco, and the operators did not know when it would take effect.

¹⁶³ Lalonde, “Resilience is Futile,” *supra* note 156.

structure and agency as entangled such that the present and past – “a past that is not concluded”¹⁶⁴ – come together into the future. Stanley (2018) explains that instead of the typical conception of structure versus agency, Smith emphasizes relational processes and interactions.¹⁶⁵ Smith (2005) explicates that “structure is dissolved into the continuities of a historical process in which every moment of utterance is embedded and hence constrained by the past and at the same time projects into the future its idiosyncrasies.”¹⁶⁶

This work draws from IE and starts from the standpoint of the “small [s]hero” – not a “small victim” – and then works up to map out the ruling relations that coordinate the small shero’s work and activities. Thus, IE recognizes both the work of the small shero and the larger forces that oppress her. AUH recipients are experiencing violence, something real that is unjust and appalling, and that happens due to complex social organizing processes where there are multiple faces to the institutional prism. However, accepting the reality of women’s agency does not mean rejecting that the social security agency-sanctioned organizational processes are, paraphrasing Smith,¹⁶⁷ “*specifically inattentive* to the actual matrices of the experiences of...” recipient women.¹⁶⁸

6.11 Difficulties Certifying Conditionalities: Loss of the AUH Due to Lack of Certification or Administrative Negligence

Remaining in the AUH program is not only determined by women’s behaviours (complying with the conditionalities) but by the decisions of the social security apparatus that recipient mothers

¹⁶⁴ Dorothy E. Smith, *Institutional Ethnography: A Sociology for People* (Lanham, Maryland: Altamira Press, 2005) at 66; cited by Liz Stanley, *Dorothy E. Smith, Feminist Sociology & Institutional Ethnography: A Short Introduction* (Independently Published, 2018) at 41.

¹⁶⁵ Stanley, *supra* note 164 at 42.

¹⁶⁶ Smith, “Institutional Ethnography: A Sociology for People,” *supra* note 164 at 65. Cited by Stanley, *supra* note 164 at 42.

¹⁶⁷ In Smith’s analysis of statistics and women’s mental health. Smith, “The Conceptual Practices of Power,” *supra* note 17 at 129.

¹⁶⁸ “Specifically inattentive to the actual matrices of the experiences of those who are diagnosed.” *Ibid.*

perceived as “mysterious.” Arbitrariness is a built-in characteristic of the AUH program because the subsidy payment can be delayed or suspended for reasons that remain unknown to recipients.

Not all recipient women were able to certify the conditionalities, even though they were, in fact, complying with them.¹⁶⁹ Failing to certify conditionalities leads to being suspended from the program, which has material and symbolic consequences for recipient women, who will not be able to count on that money and will be judged as “irresponsible” mothers.¹⁷⁰ For instance, Brenda complied with the conditionalities’ certification yet was abruptly suspended from the program without any explanation:

I got an appointment at the cyber-café and presented the papers, and they [ANSES] told me that I would be paid in two months ... I did not get paid ... The last month my allowance was deposited was the first month after my baby was born: five months ago. They cut me off just like that, out of the blue, they did not call me, I did not get a letter, anything ... Well, then I went back to make an appointment [with ANSES], and they gave me an appointment only for the 19th ... When I was served ... he [ANSES agent] told me that the money would be deposited in two months at the latest, and I would still be getting paid at the post office. So I went to the post office anyway ... I went to ask ANSES, but they did not want to give me an answer until I had my appointment [Brenda 00:22:22].

It is a vicious circle for recipient women: they comply with the conditionalities, struggle to get an appointment and even pay for it, wait numerous hours for their appointment at the doors of ANSES, they are told they will receive their stipend within two months, but at the end, that never

¹⁶⁹ Not surprisingly, all recipient women I interviewed complied with both the AUH health and education conditionalities and emphasized the importance of giving their children “a better life.” Informant women stressed the utmost importance of education. “The most important thing for the child is education. They are the future. We are here to give them the best,” added Nara [Nara 00:35:03]. This is consistent, for example, with Cookson’s findings in the context of Peru. Cookson, “Unjust Conditions,” *supra* note 42.

¹⁷⁰ A “responsible mother” is understood as one that makes sure she gets the AUH for her children if entitled to.

happens, as depicted in the figure below. In order to complain, mothers have to go through the same process all over again, losing months of income that is essential for them.

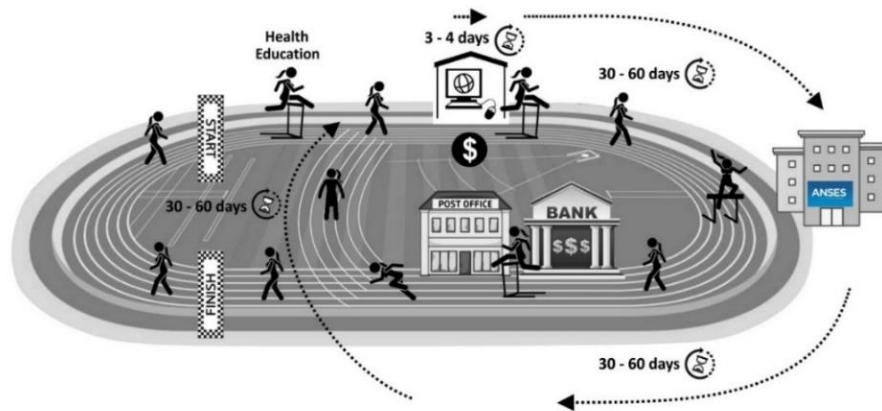


Figure 53: The graph above shows the hurdles recipient mothers need to overcome to cash the stipend. Idea is mine and designed by Jissela N. Polasek.

Sometimes women were paid; sometimes not. Postponements, suspensions, delays, and arbitrary payments negatively impacted the lives of recipient women. When studying welfare distribution in the United States, Piven & Cloward (1971) explained that delays and random changes tire people out, dissuading them from exercising their social security rights.¹⁷¹ This way, the AUH entraps women in situations where they experience violence. Arbitrariness sets the conditions for women to experience this violence, tiring them out and confusing them.¹⁷²

¹⁷¹ Frances Piven & Richard A. Cloward, *Regulating the Poor: The Functions of Public Welfare* (New York, Pantheon Books, 1971).

¹⁷² The principles of administrative law will be explored in section 8.5, “Administrative Law & the AUH.”

6.12 Fear and Anxiety: “It Stresses me out ... Awful, it is Awful”

Complications during the certification of AUH conditionalities generated stress and anxiety in recipient women. The emotion of “fear” was mentioned numerous times during the interviews. In Focus Group 4, Celeste explained that certification got more “risky” with the pandemic. Schools are closed, “and you have to go to the ANSES to figure out what is happening. Then the teachers told us not to bring the forms and there is no deadline to submit it” [Celeste 01:03:21].¹⁷³

Because of the pandemic, one of the commendable measures adopted by the government was that recipients would not lose the monthly payment of the AUH had they fail to certify compliance with the conditionalities.¹⁷⁴ Because of social distancing rules, the government asked recipients to upload their information online, using their Mi ANSES account, either through their phones – using an app – or a computer.¹⁷⁵ However, the virtuality of the process and its intangibility make recipient women like Anahí feel anxious.¹⁷⁶

I am afraid that the AUH will be cut off because everything is virtual. They only make us sign the affidavit online, which scares us because we do not present papers, and now it is like everything is virtual or things like that. And it is scary not to see the signature, not to sign on the paper [Anahí 00:25:55].

The certification of conditionalities – supposedly relaxed in the context of the pandemic – continues causing poor women stress. Aitana and Macarena were suspended from the AUH

¹⁷³ By contrast, bureaucrats described the process as “easier” and simplified because of the pandemics. See 7.5.6, “Minimizing the Hurdles Conditionalities Involve.”

¹⁷⁴ However, if recipients do not prove they have fulfilled the health and education component by the end of the year, they lose the retained 20% of the AUH.

¹⁷⁵ See Annex 11.7, “Step-by-Step Online Presentation of *Libreta* as of 2021.”

¹⁷⁶ Some studies revealed that women that received cash electronically through mobile transfers were more likely to collect the stipend independently. Nevertheless, this type of delivery excludes vulnerable women who have lower numeracy and literacy rates, such as Anahí. More research is required. Jenny C. Aker, Rachid Boumnijel, Amanda McClelland & Niall Tierney, “Payment Mechanisms and Antipoverty Programs: Evidence from a Mobile Money Cash Transfer Experiment in Niger” (2016) 65 *Economic Development and Cultural Change* 1.

program for several months, and they did not get paid because they had difficulties collecting their money due to the Covid-19 pandemic [Macarena 00:20:20; Aitana 00:15:35]. Rather than recognizing Macarena's and Aitana's inability to collect their stipend as a sign that they may be experiencing vulnerability or isolation and required support, the State suspended them from the program.¹⁷⁷ Thus, the AUH fails to reach those left furthest behind, limiting rather than creating opportunities for transformative change.

Complying with the conditionalities to receive the AUH every month is a source of excessive worry for Isabel. "I get 'crazy'... It stresses me out ... Awful, it is awful," she adds [Isabel 00:07:35]. Isabel's story also underscores the cost of complying with conditionalities for some AUH recipient mothers: it negatively affects their mental health [Isabel 00:07:35]. Isabel cannot make sense of the situation's absurdity and searches for the *why* by individualizing the problem and believing it is within herself, or as Isabel put it, that she must be going "crazy" [Isabel 00:07:35]. Behavioural changes related to fear and anxiety are either fighting (aggression) or fleeing (escaping).¹⁷⁸ Because of socio-cultural and legal constraints, aggression is not a viable option for recipients as it can backfire and cause further problems. Moreover, as previously explained, "anger" is a frowned-upon emotion for women because it escapes the boundaries of the mandates of femininity.¹⁷⁹ Because of socio-economic constraints, escaping from their situation

¹⁷⁷ By contrast, in the *Bolsa Família* Program in Brazil, for example, non-compliance with the conditionalities is viewed as a symptom of vulnerability and the policy is designed to investigate the causes that explain non-observance and provide support mechanisms for households that are in a situation of non-compliance. Cecilia Rossel, Denise Courtoisie & Magdalena Marsiglia, "Programas de Transferencias, Condicionales y Derechos de la Infancia. Apuntes a Partir del Caso del Uruguay" (Santiago de Chile: CEPAL/ONU, 2014) at 12. See Francesca Bastagli, "Conditionality in Public Policy Targeted to the Poor: Promoting Resilience?" (2009) 8 Social Policy and Society 127. Melisa Handl, "¿Con Contrato? Transferencias con Condicionalidad, 'Malas' Madres y el Derecho Humano a No Ser Pobre" (2017) 4:6 Revista Ubi Societas Ibi Ius (University of Chihuahua, Mexico) online <<http://www.fu.uach.mx/facultad/2018/03/01/Revista%20Ubi%20Societas%20Ibi%20Ius%20VI.pdf>> at 167.

¹⁷⁸ Richard McCarty, "Chapter 4 - The Fight-or-Flight Response: A Cornerstone of Stress Research," George Fink, ed, *Stress: Concepts, Cognition, Emotion, and Behavior* (Academic Press, 2016) 33.

¹⁷⁹ See section 6.9, "Civil Registry: Identity, Surveillance and the Rule of Being a "Responsible Mother"

of poverty and their relationship with the ANSES is not an option either. In turn, this inability to escape oppressing ruling relations exacerbates the feelings of helplessness many recipients are experiencing.

The cost in terms of mental health the AUH – and CCTs more generally – have had on recipient women who must comply with the conditionalities has been mostly ignored by policymakers and underdeveloped in the literature.¹⁸⁰ CCTs have been celebrated for improving children's health indicators, "associated with critically important child health, growth and development outcomes, including height-for-age, hemoglobin concentration, stunting, overweight, several measures of cognitive development, and language development."¹⁸¹ Women are also said to benefit from more reproductive health care access to information because of CCTs.¹⁸² Others pointed out that CCTs increased women's self-esteem and influence in their local communities and that women gained better access to health and nutritional information.¹⁸³ However, my findings do not suggest that CCTs increase women's self-esteem;¹⁸⁴ in fact, the abuse, stress, and burdens created by the AUH program erode women's sense of confidence, security, and self-assurance.

¹⁸⁰ Molyneux explains that "the overwhelming majority of [CCTs' health impacts] evaluations focus on children, and they are not designed to evaluate gender impacts on all household members." Maxine Molyneux, "Conditional Cash Transfers: A 'Pathway to Women's Empowerment'?" 5 Pathways Briefs (Brighton, UK: Pathways to Women's Empowerment, 2009) at 26. For exceptions, see Molyneux & Thomson, *supra* note 62. Cookson, "Unjust Conditions," *supra* note 42. Nora Nagels, "Conditional Cash Transfer and Gender, Class, and Ethnic Domination. The Case of Bolivia," in Jean-Pierre Olivier de Sardan & Emmanuelle Piccoli Balen, eds, *Cash Transfers in Context: An Anthropological Perspective* (New York: Berghahn Books, 2018) at 225.

¹⁸¹ Lia C. Fernald, Paul J. Gertler & Lynette M. Neufeld, "Role of Cash in Conditional Cash Transfer Programmes for Child Health, Growth and Development: Analysis of Mexico's Oportunidades" (2009) PMC, online < <https://pubmed.ncbi.nlm.nih.gov/18328930/> > at 13. "The evaluation literature in fact generally ignores impacts on women, implying either that they do not exist or are favorable." Beryl Lieff Benderly, "A Bargain or a Burden? How Conditional Cash Transfer (CCT) Program Design Affects the Women Who Participate in Them" (2011) World Bank at 2 citing Bradshaw and Quiros Viquez, RBF Health Impact Evaluation, online < <https://www.rbfhealth.org/sites/rbf/files/cct%20and%20women.pdf> >.

¹⁸² Benderly, *supra* note 181 at 1.

¹⁸³ *Ibid* at 1-2, citing Augustin Escobar Latapi & Mercedes Gonzalez de la Rocha, "Girls, Mothers, and Poverty Reduction in Mexico: Evaluating Progres-Oportunidades," in Razavi, ed, *The Gendered Impacts of Liberalization: Towards Embedded Liberalism?* (New York: Routledge/UNRISD, 2008) 435.

¹⁸⁴ By contrast, it has been reported in the literature that CCTs can improve psychosocial sense of wellbeing because they can give recipients a sense of control, subsequently improving their self-image and esteem. Catherine

Nevertheless, the health impacts of CCTs programs regarding the mental burdens they create for recipients remain uncharted territory.¹⁸⁵ The abuse experienced by women has far-reaching effects that need to be better acknowledged in policy design, evaluation, and literature.

6.13 Perpetuating Oppressive Gender Mandates Intergenerationally

Recipient mother Anahí explained that the AUH money helps, but it is not enough, in consonance with what other recipients had narrated. Anahí [00:08:39] explains that she gets 3,000 *pesos* and needs to pay for books' photocopies, for children's sneakers, or for the "clothing that the school tells you to buy" [Anahí 00:09:03]. The most significant impact of the AUH for Anahí was having money for when her children's teachers call her to tell her, "'you have to buy this' or 'the kids need this'" [Anahí 00:14:49]. Anahí explains that in return for getting the AUH stipend, her son needs to attend school [Anahí 00:05:27], but that, fortunately, her conscience is "clear" because her older sons had always attended school even during the times when she was *not* getting the AUH [Anahí 00:05:39]. It was vital for her to clarify that she would prioritize education for her sons even if she would not receive the AUH. Anahí feels proud of this accomplishment – sending her children to school – because she never had the chance to attend school herself [Anahí 00:06:10].

The education component was highlighted as important by Anahí throughout the interview. However, not everyone within the household had the same access to education. Gender relations – specifically, the division of labour within the household – was an aspect of Indigenous recipient

Arnold, Tim Conway & Matthew Greenslade, "DFID Cash Transfers Literature Review" (2011) Department for International Development (DFID), London, online < <https://www.calpnetwork.org/publication/dfid-cash-transfers-literature-review/>>.

¹⁸⁵ There are other constitutive causes of the CCT-conditionality-related anxiety recipients suffer. For example, long hours waiting under harsh weather conditions, the mental and physical load of social reproduction tasks, stigmatization and humiliation, insecurity, and high levels of criminality in their neighbourhoods, mothering in poverty and loneliness, discrimination against Indigenous recipients, the struggles of making ends meet every month, and the obstetric abuse mothers suffer at hospitals while complying with the health conditionality, among others.

mother Anahí's narrative that captured my attention. Anahí is ecstatic that her sons can have a formal education. However, even though her sons could attend school, her daughter "had to quit school because" Anahí *no daba abasto* ["could not manage;" Anahí 00:10:40]. Her daughter is a teenager, and she cannot finish secondary school because she has to help Anahí with social reproductive tasks within the home [Anahí 00:10:58].

Sacrificing her daughter's formal education was a decision partly made because Anahí was overworked and needed help within the household. Her experience also allows us to put light on the perversity of the AUH Program. The AUH, paraphrasing Molyneux & Thompson (2011), "re-traditionalizes women;"¹⁸⁶ Anahí and her daughter are incorporated in a way that depends on the gender divide for the "success" of the AUH program. The social relations of reproduction thus remain unproblematized, with the work performed by Anahí and her teen daughter naturalized. This cycle is perverse and of an inter-generational nature: the State "helps" Anahí's children by adding to Anahí's domestic burdens; Anahí is so burdened that the child the State was supposedly "helping" in the first place needs to drop out of school to help her mother help her brothers. The child who drops-out out of school is a girl. Thus, we see how the AUH is "boy-centred."¹⁸⁷ Hence, even if one could argue that women like Anahí may be marginally "empowered" by managing the stipend and purchasing school supplies, the AUH, in effect, reinforces the social structures throughout which unequal gender relations are intergenerationally reproduced and women, subordinated.¹⁸⁸ Anahí's children understand and learn their "place" within the household and society by reproducing these gendered roles.

¹⁸⁶ Maxine Molyneux & Marilyn Thomson, "Cash Transfers, Gender Equity and Women's Empowerment in Peru, Ecuador and Bolivia" (2011) 19:2 Gender and Development 195.

¹⁸⁷ Molyneux & Thomson, *supra* note 186.

¹⁸⁸ These results are not new in the sense that Adato (among others) found already in 2002 – in the context of the Mexican CCT program *Progresa* – that mother's burdens increased as children's help with domestic tasks decreased



Figure 54: This photograph depicts dirt roads in one of the many marginalized *barrios* in Presidencia Roque Sáenz Peña. Two girls care for a young child. Photo by José Francisco Malina.

Moreover, a multiple-axis analysis allows us to see how Anahí's experience differs from other recipients' narratives. None of the daughters of the non-Indigenous AUH recipient mothers I interviewed had to drop out of school. This was not a coincidence but the result of structures of oppression that sustain discrimination against Indigenous women like Anahí. These oppressive ruling relations increment the intensity of Indigenous mothers' experiences of oppression, systematically diminish the opportunities available to them, and restrict their and their families' possibilities of overcoming intergenerational poverty. I noticed how the perversity of the AUH increased proportionally to AUH recipients' compounding marginalized identities – a woman, a single mother, illiterate, Indigenous, poor, among others – which intersected, creating a particular

to complete school workload. Generally, girls contributed more to domestic tasks than sons and had to drop out of school earlier. Agustín Escobar Latapí & Mercedes González de la Rocha, "Evaluación Cualitativa del Programa Oportunidades" (2014) Centro de Investigación y Estudios Superiores en Antropología Social, México. Sarah Bradshaw and Ana Quirós Viquez, "The Social Protection Network in Nicaragua: A Gendered Analysis" (2003), Unpublished Draft.

experience of oppression. The more vulnerable a woman is, the more likely she is to suffer the “unintended” consequences of the program, and the more she needs that money.¹⁸⁹

6.14 The Rule of Avoiding Retaliation at all Costs

I found that recipient women complied with the confusing and random process of the ANSES reluctantly and resentfully but tactically: after all, they had no alternative because they saw no purpose in publicly complaining as it would backfire and make the ANSES worker even less responsive to their needs.

Complying is understood as the smart thing to do; such strategy means that recipient women think that confronting bureaucrats, opposing them, and being assertive or aggressive with them as a response to their mistreatment will backfire and leave them in a worse position than they were before. For instance, if women were to confront a bureaucrat, they knew the next time they came back to the ANSES, they would be treated even worse or denied being served, especially in a small city where people know each other personally.¹⁹⁰ If the conflict were to escalate, women’s situation would become even more precarious, especially considering they cannot afford legal representation and sometimes need to rely on the help of other women who have more material and symbolic capital to accompany them to the ANSES to be taken seriously – such as activists and volunteers.¹⁹¹

There exists no conspiracy between State actors, but it certainly makes organizational sense for bureaucrats to quickly dismiss the demands of recipient mothers without further ado because

¹⁸⁹ Tara Cookson (2018), in her IE of the *Juntos* program in Peru, argued that the program’s reliance on women’s unpaid labour had two critical implications. Firstly, one could not possibly argue that CCTs are “efficient” or “cheap” when considering women’s unpaid labour that sustains it. Secondly, it highlights the nonsense of CCTs, “the absurdity of a social program that reinforces gendered drivers of poverty or put more sharply, the absurdity of promoting children’s well-being at the expense of their mothers.” This study’s findings align with these implications. Cookson, “Unjust Conditions,” *supra* note 42 at 123.

¹⁹⁰ See section 7.4.5.2, “Anatomy of a Factual Account: Fabulist Mothers.”

¹⁹¹ See section 8.8.1, “Dismissing and Under-Estimating VAW.”

they will not oppose resistance to them, and bureaucratic workers will likely not be criticized by their superiors if they do so. Chambliss (1999) explains that public agents can avert conflicts within their organizations when they serve the socially marginalized – while evading confrontations with the more powerful – because it is unlikely that they will encounter criticism from their superiors or suffer a hit to their reputation.¹⁹² Moreover, both State operators and welfare recipients have internalized a sense of dealing with subservient, unthreatening, non-resisting second-class citizens.

Thus, the informal rule of avoiding retaliation at all costs prevails over broad formal regulations. This informal rule that would be described as an element of ruling by Smith goes as follows, as succinctly summarized by Taina during a focus group discussion when asked about complaining to the ANSES: “You must just wait, because if you make yourself be ‘hated,’ it is useless. If you go there to complain, it is ‘*de balde*’ (useless, wasteful)” [Taina 00:21:27].

The above was a crucial informal law that prevailed in women’s narratives: avoid making the State “hate you” and use behavioural strategies to avoid bureaucrats’ retaliation. The exception to the rule of “not complaining” was having a personal contact that may help women secure their status within the agency and avoid retaliatory action. Florencia explains: “You cannot make complaints, except if you have an acquaintance who wants to help you” [Florencia 01:05:17].

This rule of deflecting a possible retaliation from State bureaucrats contradicted formal rules that protect women’s rights as *administradas* in their relationship with the State, which I explain in detail in the next section of this dissertation, *Extending*. These formal laws entitled women to claim their rights to a good and efficient Administration, to be heard, and to petition the State.¹⁹³ De Sousa Santos (1987) explained an idea I would like to use here as a metaphor to understand the rules that women handle, whereby the inequality between a centre and a periphery

¹⁹² William L. Chambliss, *Power, Politics & Crime* (Westview Press, 1999) at 78.

¹⁹³ See section 8.5.1, “The Administradas and their Rights.”

characterizes a legal order.¹⁹⁴ In this case, the organization of the centre refers to formal legal regulations that enshrine women's rights in their relationship with the Administration and rights to access justice – administrative and constitutional law. The periphery is where recipient women are situated and can be understood as the “twilight zone” where myriad legal orders interplay¹⁹⁵ and little or no attention is paid to the violence recipient women receive.

Indeed, it is well-known among recipient women that if they suffer an act of administrative or obstetric violence at the hands of a State agent, nothing positive will be obtained from reporting the violation and facing the bureaucratic apparatus again. It is like facing one's abuser to denounce the violence such abuser exerts over one's life: such a strategy will likely result in the abuser denying the abuse, minimizing it, exploding in rage, or seeking retaliation. Claiming one's rights is not encouraging if one is to fight violence by suffering even more violence from the State.

Confronting the ANSES bureaucrats' racist actions, for example, would have likely caused Anahí – an Indigenous recipient mother – to have to come back, be subjected to long waiting hours, and endure mistreatment, again. After all, paraphrasing Prottas (1981), “the street-level bureaucrat can vary enormously the pleasantness of attempting to obtain a service;” AUH recipients “are not without resources of their own in the encounter,” but a bureaucrat “clearly has the upper hand because the applicant is under enormous pressure to conform to the agency's expectations in order to receive the desired service.”¹⁹⁶ Therefore, patience, restraint, and humility are necessary qualities that recipient women must adopt to avoid and mitigate bureaucratic retaliation.

The hierarchical relationship between recipient women and bureaucrats impacted women's agency. It discouraged them from approaching the social security office to discuss a problem

¹⁹⁴ De Sousa Santos, “Law: A Map of Misreading,” *supra* note 60.

¹⁹⁵ *Ibid.*

¹⁹⁶ Prottas, *supra* note 108 at 428.

regarding their enrollment in the AUH, voicing their concerns when they disagreed, or seeking administrative and judicial legal remedies. Auyero (2012) explains that this could be read as a lesson of political subordination and submission to “the system,” which would imply recognizing the political establishment, in Foucault’s or Bourdieu’s perspective.¹⁹⁷

I also read it as a problematic disjuncture between the generous laws that protect women against violence in Argentina and what happens in recipient women’s lives in a context where the State fails to prevent violence and enforce the laws meant to protect women from violence. We can also see how the ruling apparatus drives a knowledge gap between the experiential – the law of avoiding retaliation – and the ideological – the formal laws that consecrate women’s rights.

The “Rule of Law”– the restriction of the arbitrary exercise of power by subjecting it to established laws – does not apply in this instance in practice.¹⁹⁸ The Rule of Law “means that government officials and citizens are bound by and generally abide by the law.”¹⁹⁹ It applies horizontally and vertically, as Tamanaha (2011) explains. In the first sense, it “governs social intercourse,” coordinating people’s behaviour and maintaining social order.²⁰⁰ In the latter sense, it establishes restraints and coordinates the behaviour of government agents.²⁰¹ Obeying the Rule of Law requires general adhesion to State law but does not mean that State law suffices.

[T]o say that state law helps establish rules for social intercourse and maintain social order emphatically does not mean that it is the main source of social order or that the entire realm of social behaviour is or should be governed by state law. That is neither possible nor

¹⁹⁷ Auyero, “Patients,” *supra* note 29 at 9.

¹⁹⁸ ... “the Rule of Law is one of the ideals of our political morality and it refers to the ascendancy of law as such and of the institutions of the legal system in a system of governance.” Stanford Encyclopedia of Philosophy (22 June 2016), online <<https://plato.stanford.edu/entries/rule-of-law/>>. Tamanaha explains that “theorists sharply disagree over the meaning and implications of the rule of law as well as over the meaning and implications of legal pluralism.” Brian Tamanaha, “The Rule of Law and Legal Pluralism in Development” (2011) Legal Studies Research Paper Series at 2.

¹⁹⁹ Tamanaha, “The Rule of Law,” *supra* note 198.

²⁰⁰ *Ibid* at 6.

²⁰¹ *Ibid* at 5.

desirable. Multiple normative orders exist within every society, including customs, morality, religious norms, social etiquette, workplace norms, business norms, and more.²⁰²

As it will be explained in section 8.5.2 (“Legal Techniques to Protect the Rights of the Administradas”), according to administrative law principles, recipients should have available to them some avenue to recourse against the actions of bureaucrats without being subject to retaliation, but recipient women do not have meaningful access to that right. State laws have a limited reach; women are wary of the State legal system. They see the law as distant and mysterious, the State apparatus as incompetent, inefficient, and corrupt, and access to the judiciary as prohibitively expensive and a tool of the elite, controlled by powerful groups. These factors make it so that AUH recipient women do not identify with State law and do not see it as serving their needs.

Of course, this recognition does not mean women do not resist; indeed, women employ survival strategies and make calculations about approaching the ANSES tactically, in adaptive ways, opting for intelligent accommodations given the particular circumstances they face. In this context, as Liew (2020) put it, agency is best viewed not as “‘free choice,’ but may be a complex, knowing negotiation.”²⁰³ Recipient women endure and adapt in ways outside of what the formal legal framework anticipates because State-enacted laws are not enforced. Legal pluralism allows us to identify how recipient women resort to alternate constellations of laws in society, norms and rules that have evolved out of their circumstances and that work in ways that meet the needs of recipient women. Legal pluralism will remain entrenched in the context of Argentina, given the

²⁰² Moreover, Tamanaha adopts the notion that the Rule of Law government agents and individuals are bound to abide by “does not specify any particular type of ‘law.’” Tamanaha, *supra* note 198 at 6-7.

²⁰³ Jamie Chai Yun Liew, “The Invisible Women: Migrant and Immigrant Sex Workers and Law Reform in Canada” (2020) 14:21 *Studies in Social Justice* 90 at 93; citing Carisa R. Showden and Samantha Majic, *Negotiating Sex Work: Unintended Consequences of Policy and Activism* (Minneapolis, MN: University of Minnesota Press, 2014).

disjuncture between the normative arrangements in which women are immersed, and the normative ordering of the Argentine State legal system.

6.15 Obstetric Violence against AUH Recipient Women²⁰⁴

Let me start by describing the story shared by Valentina, a nineteen-year-old AUH mother who is a medical student.²⁰⁵ Valentina described her experience at the hospital: “on the gynecological side, it was terrible;... there was ugly mistreatment,” she added [Valentina 00:22:24].

I had two or three experiences [of mistreatment]; one, when my son was born, I was about to give birth; three obstetricians came in, who literally groped me while telling me ‘it looks like it died.’ I was terrified, and on the other hand, I thought, ‘if he is an obstetrician, why is he groping me?’ The obstetricians can only do a simple check-up and nothing more... I complained, but ... everybody avoids responsibility [Valentina 00:23:22].

Valentina and her baby were treated as objects that the obstetricians hypothesized about and suffered obstetric violence,²⁰⁶ as many other recipient women did when complying with AUH work.²⁰⁷ The State facilitates obstetric violence against recipient women in several manners. First, by imposing health conditionalities through the AUH, the State increases recipient women’s encounters with the health apparatus. Of course, not all obstetric violence occurs because of the AUH; however, the program does create “new moments of exclusion”²⁰⁸ for poor women, “new

²⁰⁴ The findings from the section on obstetric violence are in the process of being published as a book chapter. See “Conditional Cash Transfers & Obstetric Violence: An Institutional Ethnography of Argentina’s *Asignación Universal Por Hijo* [AUH] Program,” in Pierre Gilles Bélanger, Arturo Argente Villareal & Jaime Alberto Sandoval Mesa, eds, in *Justicia y Legitimidad en América Espacios Judiciales para Grupos Vulnerables de Especial Protección (forthcoming)*.

²⁰⁵ Her son was premature and was born with a gestational disease [Valentina 00:11:53]. She receives the *AUH por Discapacidad* [Disability AUH], “about 14,000 pesos that my son receives” [Valentina 00:42:26].

²⁰⁶ To the extent that recipient women interact with health agents that are members of the public health bureaucracy of Argentina, the violence they suffer is also administrative. However, using the term “obstetric violence” allows me to shed light on the specific type of violence recipient women suffer.

²⁰⁷ See Chadwick’s (2021) definition of obstetric violence in section 5.3, “A Take on Violence: Administrative and Obstetric” at note 21.

²⁰⁸ Tara Patricia Cookson, “Working for Inclusion? Conditional Cash Transfers, Rural Women, and the Reproduction of Inequality” (2016) 48 *Antipode* 1187.

moments of violence” in which recipient women experience abuse from the State through its health actors. As I will explain below, these health actors disregard women’s experiences over their own bodies, mistreat them, deny them access to health procedures, disregard their concerns, fail to obtain prior informed consent from women, and infantilize poor mothers. Moreover, the State facilitates obstetric violence against recipient women by failing to prevent and punish such violence, that is, by inaction. As I will show in detail further below, the State has an international legal obligation to prevent and punish such violence and protect women against it. However, there is no accountability nor implementation and enforcement of these laws, gender stereotyping abounds among State agents, and women cannot access justice. Violence works in a continuum,²⁰⁹ and it gets reiterated at an institutional level when women seek protection and justice. This reiteration of violence means that if women seek to hold perpetrators accountable, they will be re-traumatized, blamed, or ignored. The inaction of the State is far from being neutral, and the lack of justice for women who suffer violence constitutes a public policy, as the Inter-American Commission on Human Rights explained in the case “*Maria da Penha v. Brazil*.”²¹⁰

The AUH per se does not explicitly require prenatal and post-partum care for women, but it does so implicitly. This is because, to enroll in the AUH program, women need the proof of birth provided by the hospital to register their child’s identity at the Civil Registry and obtain the birth certificate necessary to enroll and cash the AUH.²¹¹ Moreover, poor women who are pregnant are entitled to receive the *Pregnancy Allowance*.²¹² The *Pregnancy Allowance*, regulated by Decree

²⁰⁹ See section 5.4.1, “Violence as a Multidimensional and a “Continuum”

²¹⁰ *Maria da Penha v. Brazil*, *supra* note 157. See Handl, *supra* note 157.

²¹¹ This procedure will be explained in detail in section 7.4.3.1, “Birth Certificate: Registration of Identity.”

²¹² The *Pregnancy Allowance* was implemented by the government of the former president and current vice president Cristina Fernández de Kirchner by Decree 446/2011 which modified Law 24,714 (*Family Allowances Regime*) to incorporate the *Asignación por Embarazo para Protección Social* into the social security regimen. Decree 446/2011, online < <http://servicios.infoleg.gob.ar/infolegInternet/anexos/180000-184999/181250/norma.htm>>.

446/2011, which modifies Law 24,714, is in an intertextual relation with the AUH.²¹³ This means that the AUH and the *Pregnancy Allowance* work in a symbiotic manner: in order to get the first, women first enroll in the latter. Poor women depend on both programs for their survival and see them as working in a continuum, as both programs are understood to be “for the children” in recipient women’s view. Thus, the *Pregnancy Allowance* is understood to be for the benefit of their unborn child and then transitions into the AUH once their baby is born.

It is, therefore, usual for women to start cashing the *Pregnancy Allowance*²¹⁴ and then transition to the AUH after their child’s birth, though a birth registration will be necessary in any case to get the birth certificate.²¹⁵ Additionally, as of January 24th, 2021, AUH recipients have the right to receive the *Family Allowance for Birth and Adoption*, which consists of a one-time disbursement in the case of birth or adoption of children.²¹⁶ In order to get that payment, women

²¹³ The *Pregnancy Allowance* is paid from the 12th week of pregnancy until the birth or interruption of pregnancy and is subject to enrollment in the SUMAR Program (except for domestic service workers, seasonal workers, and social *monotributistas*) and compliance with the medical controls established by SUMAR, which was implemented the Ministry of Health in 2011. It is the successor to the *Plan Nacer* launched in 2005. Its objective is to reduce maternal and infant mortality rates by providing coverage for women who lack private health insurance. As confirmed by obstetrician Constanza, the SUMAR includes five pregnancy controls [“a minimum of five prenatal check-ups [Constanza 00:15:30].

²¹⁴ The requisites to receive the *Pregnancy Allowance* are: to prove that both the pregnant person and partner are unemployed; work in the informal economy; are registered as social *monotributista*, or in the special employment contract regime for domestic workers; and that they do not have private health insurance (though this requirement does not apply when the pregnant woman and her partner are registered as *social monotributistas* or are registered as domestic workers, or are workers who have access to private health insurance for three months after the termination of their employment relationship). ANSES, Asignación por Embarazo para Protección Social, online < <https://www.argentina.gob.ar/justicia/derechofacil/leysimple/asignacion-por-embarazo-para-proteccion-social>>.

²¹⁵ The programs sometimes interact. For example, it could be the case of a pregnant woman who has no children. She would be entitled to cash the *Pregnancy Allowance* in that case. It could be the case of a mother who is not pregnant, who would only be entitled to the AUH. It could also be the case of a pregnant woman who is also a mother, and thus, can cash both programs. The *Pregnancy Allowance* is a different program and thus, beyond the scope of this work.

²¹⁶ The *Family Allowance for Birth and Adoption* program was extended to cover AUH recipients within the framework of the “Plan 1000 Días” [1000 Days Plan], a “strategic national policy that aims to provide comprehensive health care and attention during pregnancy and early childhood. It recognizes the gestation, birth, upbringing, and care of children as a public responsibility ...” Ministry of Health, “Plan 1000 Días,” online < <https://www.argentina.gob.ar/salud/1000dias>>.

need proof of birth from the hospital, which is necessary to get a birth certificate and identity documentation.²¹⁷



Figure 55: A mother with her children attending the Department of Pediatrics of the public hospital “4 de Junio” in Presidencia Roque Sáenz Peña. Photo by José Francisco Malina.

Poor women primarily rely on the public health care system to complete check-ups and medical interventions as the AUH requires, as they cannot afford private health care. Of course, not all the obstetric violence suffered by poor women can be traced back and explained away on account of the AUH program exclusively. Nevertheless, it is worth considering how the State, through the institutionalization of the AUH, creates new – more frequent – instances for women to experience obstetric violence. Indeed, the State imposes unilateral obligations on AUH recipients forgetting its obligation to provide quality, free-of-cost public services and prevent and

²¹⁷ Its purpose is to “accompany families in one of the most important aspects of their lives, such as the birth and/or adoption of a daughter or son. ANSES, *Family Allowance for Birth and Adoption*, online <<https://www.anses.gob.ar/asignacion-familiar-por-nacimiento-y-adopcion#:~:text=A%20qui%C3%A9nes%20les%20corresponde,cobren%20la%20Prestaci%C3%B3n%20por%20Desempleo.>>>.

punish VAW. Thus, the Argentine State facilitates and constructs obstetric violence against AUH recipients, and it is problematic that this abuse is not seen as important by CCT policy designers and evaluators.²¹⁸

I was not prepared to hear such stories of cruelty against women in completing tasks required by the AUH, such as pregnancy, birth, and postpartum check-ups. This type of violence remains largely ignored in CCTs policy design, implementation, evaluation, and the literature. Nagels (2018)²¹⁹ and Cookson (2018)²²⁰ described obstetric violence against women in their work on CCTs programs in Bolivia and Peru, respectively. However, AUH recipient women's experiences with obstetric violence remain unexplored in Argentina.²²¹ This work contributes to naming the obstetric violence recipient women suffer when complying with the AUH program and bringing it into focus. Various institutional ethnographies also studied the health services organization from the experiences of "patients" or "users."²²² In this line, my research contributes

²¹⁸ Moreover, only a few studies in the development context show CCTs as linked to significant improvements in women's decision-making, such as family planning and healthcare, yielding mixed results. Bastagli et al., *supra* note 159.

²¹⁹ Nagels argues that CCTs do not do much to solve inequities in services delivery, particularly racial inequities in the context of colonialism, service apartheid, and gendered forms of oppression which include obstetric violence. Nagels, *supra* note 180.

²²⁰ Cookson's IE of the Peruvian *Juntos* Program revealed extra-official activities required for recipients such as having hospital or "institutional births." Cookson, "Unjust Conditions," *supra* note 42.

²²¹ An exception is the work of Strachnoy & Ambort (2017), who described violence against AUH recipient women as exerted by gynecologists and obstetricians. The authors focused on the *Pregnancy Allowance* program and found that health bureaucrats understood the program as "a horror" and "an opportunity." Matilde Laura Ambort & Mora Strachnoy, "Burocracias Escolar y Sanitaria: ¿Facilitadores u Obstaculizadores del Acceso a la Asignación Universal por Hijo y la Asignación Por Embarazo para la Protección Social?" (2018) 5 *Horizontes Sociológicos*, Revista de la Asociación Argentina de Sociología 139 at 152-153.

²²² MacKinnon (2006) conducted an IE of provision of obstetric care. Karen Mackinnon, "Living With the 'Threat' of Preterm Labor: Women's Work of 'Keeping the Baby In'" (2006) 35:6 *Journal of Obstetric, Gynecologic, & Neonatal Nursing* 700. Yañez (2018) used IE to explicate women's experiences with obstetric care in Argentina. Sabrina Yañez, "'We Aren't All the Same': The Singularity of Reproductive Experiences amidst Institutional Objectification in Argentina's Public Maternal Health Services" (2018) 15 *Journal of Feminist Scholarship* 61. See also Eric Mykhalovskiy & Liza McCoy, "Troubling Ruling Discourses of Health: Using Institutional Ethnography in Community-based Research" (2002) 12:1 *Critical Public Health* 17. Janet Rankin, "'Patient Satisfaction': Knowledge for Ruling Hospital Reform - An Institutional Ethnography" (2003) 10:1 *Nursing Inquiry* 57. Christina Sinding, "Using Institutional Ethnography to Understand the Production of Health Care Disparities" (2010) 20:12 *Qualitative Health Research* 1656.

to this literature by broadening our understanding of AUH recipient women's embodied reproductive experiences as shaped by interactions with healthcare bureaucrats, the State, and broader institutional priorities that characterize CCTs.

Another experience of mistreatment happened during Valentina's caesarian section (c-section). Valentina was "actually scared" because she had a c-section "and everyone present was still training." She disagreed with having medical students in training during the delivery [Valentina 00:25:22], in violation of Civil and Commercial Code Article 59, which explicitly requires informed consent, stating that "informed consent for medical acts is the declaration of the will expressed by the patient, issued after receiving clear, precise and adequate information."²²³ Valentina further added:

They put me under anesthesia three times ... which made me terribly ill; I could not stop shaking ... There, you can literally die, and ... nobody assumes responsibility; everyone 'washes their hands off' [avoids accountability] [Valentina 00:25:22].

Other women also echoed and reported negative experiences with anesthesia, intravenous applications of fluids, and painful blood extraction procedures they had to endure. Valentina's story also highlights a feeling shared by recipient women: there is no accountability, and no one will be held responsible for the violence women suffer, even if someone dies as a result of it. Health agents give no explanations to women, there is a lack of communication about what was happening to them, and no investigations are open to elucidate what happened.²²⁴ Brenda spent most of the interview detailing her horrific experiences in the hospital.

²²³ Translation is mine. Civil Code, Article 59, online <<http://servicios.infoleg.gob.ar/infolegInternet/anexos/235000-239999/235975/norma.htm>>.

²²⁴ Women narrate the importance of "knowing someone" within the institution. In a context of a general disregard for women's needs and lack of accountability, having a contact within the hospital works as an anchor that allows women to ask for what is rightfully theirs and have someone to channel their concerns.

The hospital care was lousy for me. A month before my due date ... I told them, ‘I am bleeding, I am pregnant’ [Brenda 00:37:46] ... And they told me, ‘no, it is nothing. And if it hurts, well, it has to hurt.’” But I knew it was not the pain you feel when pregnant! ... this was another type of pain ... [Brenda 00:38:46] ... After going to the hospital three times and getting facial paralysis, I was admitted ... to the hospital, and the gynecologist said, ‘we have to do an emergency c- section’ ... At the time of the anesthesia, they pinched me five times, they could not put it on me ... that was the sharpest and ugliest pain in the world, and I said ‘I cannot take it anymore.’²²⁵

Valentina’s and Brenda’s experiences are not just physiological “natural” phenomena but also economic, political, social, racialized, and gendered struggles.²²⁶ The violence experienced by women like Brenda, Valentina, and Anahí is rooted in colonial racist cis-heteronormative capitalist structures of inequality, historically embedded and multi-dimensional.²²⁷ At fifteen, Anahí – an Indigenous AUH recipient mother – gave birth to her first child. She never had access to birth control, and even though she gave birth five times at the local hospital, they never gave her contraceptive pills [Anahí 00:23:51].²²⁸ Anahí tells me she was discriminated against at the hospital because she was “single and very young” [Anahí 00:02:39], and the health personnel tried

²²⁵ Josefina depicts negligence and mistreatment. “When they took me to the delivery room to give me the IV to dilate faster, they played with my arm instead... I was extremely nervous because the guy who was giving me the IV jabbed me like five times, in one of my arms three times and in the other one, two times; he left all my arms purple as if I was beaten- up [‘*me garrotearon*’] [Josefina 00:36:30]. He was a nurse, but I do not know if he had not studied to look for the vein or what? [Josefina 00:37:59] ...the other girls also complained about that nurse who had mistreated them that day because they also left them with bruised arms” [Josefina 00:38:32].

²²⁶ See Khiara Bridges, *Reproducing Race: An Ethnography of Pregnancy as a Site of Racialization* (Berkeley University of California Press, 2011); Dána-Ain Davis, “Obstetric Racism: The Racial Politics of Pregnancy, Labor, and Birthing” (2018) 38:7 *Medical Anthropology* 560. Dána-Ain Davis, “Reproductive Injustice: Racism, Pregnancy, and Premature Birth” (New York: New York University Press, 2019); Julia Chinyere Oparah & Alicia D. Bonaparte, *Birthing Justice: Black Women, Pregnancy, and Childbirth* (New York: Routledge, 2016).

²²⁷ Colonization has violently suppressed Indigenous birthing practices. See Nagels, *supra* note 180. Cookson, “Unjust Conditions,” *supra* note 42. More generally, see Ester Espinoza-Reyes & Marlene Solís, “Decolonizing the Womb: Agency against Obstetric Violence in Tijuana, Mexico” (2020) 21:7 *Journal of International Women’s Studies* 189.

²²⁸ Anahí explained that she had her first child when she was too young (at fifteen years old) and her last one (the fifth one) too old, at thirty years old.

to separate her from her baby. She suffered because of the threat of separation. An older lady she knew “took pity” on them and cared for Anahí and her newborn so they would stay together [Anahí 00:02:55].

Federici (2004) contended that throughout a historical process that extended over centuries, the reproductive sphere of women has been violently appropriated by different mechanisms, such as the monitoring and policing of fertility and reproduction and the capitalist appropriation and colonization of pregnancy and women’s bodies, and the criminalization of abortion and contraceptive methods.²²⁹



Figure 56: This photo was shared by informant Lola. It depicts the “Unborn Child” monument, erected by the municipality of the city of Presidencia Roque Sáenz Peña right in front of the public hospital “Hospital 4 de Junio Dr. Ramon Carrillo” in 2020 when the decriminalization of abortion was being debated in national Congress. Abortion was legalized in 2020 in Argentina. However, heteronormative and family-focus sociocultural norms still exist, attempting to go against women’s reproductive rights. A woman seeking an abortion attending the public hospital can spot this monument across the street.

²²⁹ Silvia Federici, *Caliban and the Witch: Women, the Body, and Primitive Accumulation* (London: Automeia, 2004).

I noticed this appropriation that Federici (2004) referred to in three aspects of recipient women's narratives of obstetric abuse: their embodied knowledges were disregarded, they were refused services and technologies, and they had constrained access to contraception. Anahí's negative experience under the AUH program described above is one more instance of violence in this cycle of violence imposed by the State. We see how the AUH places an undue burden on women in the form of conditionalities, such as requiring hospital births and using State-run health care services plagued with violence against women's reproductive freedom.

6.15.1 Disregarding Women's Embodied Knowledge

I suspected I was pregnant; I was vomiting a lot ... I went to the hospital and told the doctor, 'I want to have a blood test done.' He told me, 'no, you have a stomach problem.' 'No,' I said, 'authorize the blood tests. I might be pregnant. I did not use contraception.' Without knowing, without doing any tests, the doctor told me they were about to perform surgery on my stomach. The doctor told me, 'I am the doctor. You are the patient, and I am telling you: you are not pregnant' ... 'But if I am the one doing it, you were not with me, I mean, you are not the pillow,'²³⁰ I said ... And the ugliest thing is that I had an X-ray done while pregnant ... [Brenda 00:47:53] And on top of that, I was medicated with an antibiotic ... That morning, [my partner] gave me the wrong pill; if [my partner] had given me the right pill, I would have aborted my baby [Brenda 00:48:41] ... When the doctor had already sent me to surgery ... a nurse came in, and she was a friend of my mother-in-law's family. The nurse looked at me and said, 'I will send you for a test' ... I was supposed to be ready for surgery within the hour ... And [then] the nurse said, 'congratulations, [you are] pregnant!' [Brenda 00:49:45]. I swear I started crying. I went out to look for the doctor, and I could not find him ... I did not know what I was going to do to him at that moment! ... if I had gone to surgery, I would have lost my baby and never found out [Brenda 00:50:46].

²³⁰ By the doctor "not being the pillow," Brenda sarcastically means that the physician was not part of Brenda's intimate sexual experience as it happened. That is, the doctor was not in bed with Brenda when she got pregnant – ergo, the use of metaphor of "the pillow." Brenda thus reclaims her knowledge of her own body, sexual experiences, and intimacy.

Brenda's story depicts how obstetric violence against women manifests as indifference and contempt for women's voices, knowledges, and experiences with their bodies. The disregard for women's experiences is not constrained only by the authoritativeness of biomedical knowledge in the patient-medic relationship but also promoted by broader socio-economic and cultural structures that legitimize certain types of knowledge and undermine recipient women's.²³¹

I insisted to the doctor that I might be pregnant ... 'No,' he said, 'I am the doctor.' And well ... the doctor is him, but I knew [Brenda 00:52:24]. And it would have been easy to know because all I had to do was a blood test ... And he did not [authorize it] [Brenda 00:53:21].

Brenda's and other recipient women's stories of obstetric violence experiences must be situated within the context of a conditionality imposed by the AUH program requiring them to seek and be treated by these medical professionals who sign the necessary forms for AUH and *Pregnancy Allowance* paperwork. The medical knowledge and even the perceptions and opinions of health professionals – gatekeepers in the verification of the health conditionality – took preponderance over women's right to decide over their bodies and health, in a relationship of a marked power-differential.²³²

²³¹ Robbie E. Davis-Floyd & Carolyn Fishel Sargent, *Childbirth and Authoritative Knowledge. Cross-Cultural Perspectives* (Berkeley: University of California Press, 1997).

²³² Castro (2014) developed the concept of the medical field and authoritative medical habitus based on Bourdieu to explicate health bureaucracy practices with pregnant patients in Mexico. Roberto Castro, "Génesis y Práctica del Habitus Médico Autoritario en México" (2014) 76:2 *Revista Mexicana de Sociología* 167. Strachnoy & Ambort (2017) distinguished two types of medical habitus in the field of health bureaucracies in Argentina: the obstetric habitus was empathetic towards women; the medical habitus included medics with a biologist-based view of health care who had the most distant relations to patients. Ambort & Strachnoy, *supra* note 221 at 153.

Recipient women explained how health bureaucrats treated them as ignorant individuals, infantilizing their capacities. Research confirms a culture of gender stereotyping in health bureaucracies that disregards women's knowledge and experiences in Argentina.²³³ Data aligned with research that showed that health bureaucrats stereotype mothers and regard it pointless to consider women's wishes and needs and inform them about their options.²³⁴ It is also important to note that the AUH is directed at poor and underserved populations, which means that Indigenous women will be specific targets of this disregard because of inequality along racial lines. The AUH is based on the implicit assertion that State health institutions know more about women's bodies than women themselves. In fact, poor women's voices are discredited within the law, ignored by the institutionalization of the AUH, and their experiences continue to be undermined as valid sources of knowledge. Paraphrasing Smith (1977), recipient women are not represented well by the forms of biomedical knowledge that claimed to be representing them, and the AUH has done nothing to break those ways of knowing that cancelled women's knowledges.

6.15.2 Withholding Technologies from Women: Lack of Access to Health Services and Contraception

The AUH places an undue burden on poor women by the imposition of verification of conditionalities, for which they must register their children's birth. The proof of birth provided by the hospital is a crucial text that women need to register their child at the Civil Registry, and such

²³³ For example, Cook & Cusack (2010) showed that pregnant women are stereotyped as inept decision-makers. Simone Cusack & Rebecca J. Cook, "Stereotyping Women in the Health Sector: Lessons from CEDAW" (2010) 16:1 *Journal of Civil Rights and Social Justice* 47. Giberti (1989) explained how medics gender-stereotyped and pathologized women's responses and reactions. Eva Giberti, "Mujer, Enfermedad y Violencia en Medicina," in Eva Giberti & Ana María Fernández, eds, *La Mujer y la Violencia Invisible* (Buenos Aires: Ed. Sudamericana, 1989) at 71. Checa (1996) studied prenatal care at a public hospital in Buenos Aires and showed how stereotyped images of women as reproductive vessels underpin obstetric violence, impeding women's agency to decide over their own bodies and replacing it with medical knowledge. Susana Checa, "Uso y Gestión de los Servicios de Salud Pública en la Atención del Embarazo y Regulación de la Fecundidad" (1996) 15:1 *Rev. Hosp. Matern. Infant.* Ramon Sarda 12.

²³⁴ Rebecca J. Cook, Simone Cusack & Bernard M. Dickens, "Unethical Female Stereotyping in Reproductive Health" (2010) 109: 3 *International Journal of Gynaecology and Obstetrics* 255.

registration is, in turn, necessary for enrollment in the AUH program.²³⁵ Thus, recipient women's prenatal and postpartum care, labour, and birth are events regulated by the State and intrinsically interwoven with AUH requirements. In Focus Group 2, Brenda explained her post-partum experience at the hospital immediately after delivering her baby:

[It was] really bad ... I was all dirty, full of blood; nobody helped me ... I called my mom. I said, 'mommy, can you send me soap?' I went to bathe alone ... imagine that you are all dirty and nobody helps you, and there are many people available to help ... [00:43:36]. The ones who are not nice are the nurses who come to measure your blood pressure or give you medicine; they mistreat you and do not care [Brenda 00:45:52].

As the legislation recognizes, obstetric violence is associated with medicalization, coercive and unnecessary use of medical technologies, and pathologizing natural processes and responses.²³⁶ In this sense, Diniz & Chacham (2004) argued that prenatal, labour, and post-partum care in Latin America is technocratic and intrusive.²³⁷ However, violence also works through withholding technology and access to State-provided check-up services.²³⁸ In Brenda's story, healthcare personnel and nurses withheld help and access to essential hygiene products.

Other AUH recipient women also described how they experienced health actors withholding and under-using technologies and services they needed or simply that resources did not exist. Ambulances never arrived;²³⁹ women did not have access to contraceptives because of

²³⁵ See section 7.4.3.1, "Birth Certificate: Registration of Identity."

²³⁶ This legislative framework will be described in detail in section 8.6.4, "Obstetric Violence: Legal Framework."

²³⁷ Simone G. Diniz & Alessandra S. Chacham, "'The Cut Above' and 'the Cut Below': The Abuse of Caesareans and Episiotomy in São Paulo, Brazil" (2004) 12:23 *Reproductive Health Matters* 100.

²³⁸ Rachele Chadwick, "Obstetric Violence in South Africa" (2016) 106:5 *South African Medical Journal* 423. Rachele Chadwick, *Bodies that Birth: Vitalizing Birth Politics* (London: Routledge, 2018).

²³⁹ Josefina, Rosario, and Malvina shared their experiences with unresponsive medical services: when the ambulance did not arrive, they decided it was safer to call a taxi. Malvina explained she started to deliver her daughter in the back of a taxi [Malvina 00:41:45]. She had called the ambulance, but it never arrived. She adds, "well, then the taxi arrived

the difficulties of getting appointments; they were unlawfully denied access to tubal ligation; intravenous application of fluids and treatments were refused; and they even had to pay for resources that the hospital lacked. For example, Merceditas in Focus Group 4 had all her prenatal tests done “at the clinic because [her] husband’s aunt works at the clinic” [Merceditas 00:38:40]. Merceditas was unlawfully denied access to public health services when attending the hospital because she had previously attended a private clinic for her prenatal health tests. The nurse also refused to put her on an IV. The nurse “asked why I did not go to the [private] clinic if I had all the ultrasounds and tests done there. But it was my husband’s aunt who had paid for the clinic [Merceditas 00:39:53]. The hospital was awful; they treated me badly” [Merceditas 00:40:17].

I also noted a marked difference between the treatment women receive before, during, and immediately after labour, and the care their babies receive. Women are left in the limbo of the corridors before and after delivery while waiting to be attended to and for a bed to be available in the labour or post-partum room in “*Sala 6*” [Room 6]. While women are mistreated or neglected, their babies are cared for in the Neonatology section of the hospital. Once Merceditas had delivered her baby, they were transferred to Neonatology. She recalls their treatment dramatically improved because “the ‘Neo’ girls are sweethearts” [Merceditas 00:40:39]. Women’s narratives illustrate a culture of stereotyping and disregard for women’s wellbeing; bureaucrats see them as vessels for children, regarding life in the form of a child as more valuable than a woman’s life.²⁴⁰

(...) I was in pain in the taxi, and the baby was already with her head outside, and the driver said to me, ‘hold on, lady because if you do not, I am going to die of a heart attack.’ So, I got out of the taxi, and she was born” [Malvina 00:41:56]. After the baby was out, paramedics helped her.

²⁴⁰ See section 8.6.4, “Obstetric Violence: Legal Framework.”

6.15.3 Difficult Access to Contraception and Tubal Ligation

Recipient women had difficulties exercising their reproductive rights²⁴¹ to choose over their own bodies and plan for their families. A mother to six children, Lilen spent her late teens and twenties having and raising children. She had recently escaped her violent ex-partner. “I never took care of myself [never used contraceptives] ...it was not that I wanted to get pregnant either,” adds Lilen [Lilen 00:26:01]. After six pregnancies, Lilen finally managed to access tubal ligation.

When you have a child in the hospital, they tell you to start taking the [contraceptive] pills three months after having your baby; they give you the pills. Then, they tell you to come back to the hospital [once you run out of] ... to continue taking the pill, but sometimes you cannot get the appointments, and well ... [Lilen 00:26:50]. It is not like you can walk in and get the pills. You have to have the health exams done and all that. Sometimes it was complicated for me because of the baby ... [Lilen 00:27:15].

According to Lilen, the problem was the follow-up with a gynecologist and to “make an appointment, because at the hospital you have to get up at dawn to get an appointment” [Lilen 00:28:50]. “It is not that they serve you instantly,” adds Lilen; “they make you ... wait” [Lilen 00:29:48]. In the face of the difficulty of experiences like Lilen’s, the healthcare system only offers patchy and discriminatory services organized around priorities other than recipient women’s.

Lack of institutional care, restricted access to contraceptives, and the withholding and underutilization of gynecological treatment are gendered, classist, and racialized phenomena, with poor mothers as reproductive subjects often receiving substandard care.²⁴² Lilen, like other AUH

²⁴¹ When I refer to “reproductive rights” in this section, I use the word “reproductive” to refer to the rights that address matters of sexual and reproductive health and autonomy, right to plan a family, use birth control, receive sex education, end a pregnancy, and have access to reproductive health services, among others. “Reproductive” is thus used in a different way than when referring to “social reproduction,” to which I refer in section 3.5, “Theoretical Framework: Social Reproduction Feminism,” even though there are overlaps between the concepts.

²⁴² Davis, “Obstetric Racism,” *supra* note 226.

recipient women, recounts her reproductive health as dependent on their social and economic conditions. The need to care for their children and lack of access to childcare or means of transportation, poverty and precarious employment, lack of time, exhaustion, health problems, intrahousehold violence, and other factors, affect recipient women's ability to access contraception and reproductive health services.

Informant women also discussed not having access to tubal ligation,²⁴³ a procedure refused to them at the city's only public hospital.

They are supposed to give you the option to get your tubes tied ... but they would not let me. But if it were up to me, I would have had them tied... But they refused because they said I would regret it because I was too young. *But I knew I would not regret it!* [Merceditas 00:44:10] ...for me...one [child] was enough for me [Merceditas 00:44:53].

Merceditas added that “they complain when you will have a child, but do not even have enough resources to give you an IV, you have to buy everything yourself” and “they do not let you have your tubes tied” [Merceditas 00:45:16]. As of 2006, Law 26,130 on *Surgical Contraception* guarantees the right of access to tubal ligation.²⁴⁴ The requirements to access it are to receive clear and complete information, be of legal age,²⁴⁵ and sign a written informed consent document.²⁴⁶ However, the obstetrician and nurses I interviewed confirmed the tendency to control women's

²⁴³ “Tubal ligation is primarily completed through laparotomy, laparoscopy, or hysteroscopy. The most appropriate method may depend on whether sterilization is performed in conjunction with a birth.” Dianne Lalonde, “Regret, Shame, and Denials of Women's Voluntary Sterilization” (2018) 32 Wiley Bioethics 281 at 282.

²⁴⁴ Law 26,130 on *Surgical Contraception*. See section 8.6.4.2, “Domestic Legislation.”

²⁴⁵ Since the reform of the Civil Code – Law 26,994 –, the age of majority to exercise the right to health and care of one's own body is set at sixteen (Article 26 last paragraph, and Resolution 65/2015 of the National Ministry of Health). Before the 2015 reform, the age majority was set at eighteen years old.

²⁴⁶ Article 2, Law 26,130. A surgical sterilization procedure does not require the consent of the partner or spouse, that the person seeking it had children, a judicial authorization, or a psychological or psychiatric evaluation.

autonomy and decision-making over their bodies by requiring them to undergo psycho-social and psychiatric evaluations to “authorize” them to get a tubal ligation.²⁴⁷

These women continue to be controlled and valued as maternal vessels. Butler (1990) explains this phenomenon “as an effect or consequence of a system of sexuality in which the female body is required to assume maternity as the essence of its self and the law of its desire.”²⁴⁸ Women seeking tubal ligation are seen as challenging the status quo as they declare they do not want to have more children.²⁴⁹ One way or another, poor women’s decisions are scrutinized. Recipient women who want and have children are judged for doing so “just to cash the stipend” (insulted as “*luchonas*”), whereas those who do not want to have children face an unfair burden of justification.²⁵⁰

Either way, poor women are judged, controlled, and their autonomy is restricted. Lalonde (2018) argues that because women are socially and culturally expected to become mothers, there is a pervasive belief in the medical field that a woman will and *should* regret her decision to have

²⁴⁷ This will be explored in detail in section 7.7, “The Gap Between Formal Laws and Bureaucrats’ Practices & Institutional Objectification of Recipient Women.”

²⁴⁸ Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1990) at 92.

²⁴⁹ Laurie Chancey & Susan A. Dumais, “Voluntary Childlessness in Marriage and Family Textbooks, 1950-2000” (2009) 34 *Journal of Family History* 206; Gemma E. Carey, Melissa Graham, Julia Shelley & Ann Taket, “Discourse, Power and Exclusion: The Experiences of Childless Women,” in Ann Taket, Beth R. Crisp, Annemarie Nevill, Greer Lamaro, Melissa Graham & Sarah Barter-Godfrey, eds, *Theorising Social Exclusion* (London: Routledge, 2009) 127. “States have historically regulated sterilization through a two-fold strategy: forced sterilization on unwanted populations, and denial of sterilization for those deemed socially necessary.” Lalonde, *supra* note 243 at 282. In Canada, Indigenous women were forcibly sterilized under diverse government policies, including Alberta’s Sexual Sterilization Act (1928 to 1972) and British Columbia (1933 to 1973). Many sterilizations happened in Indian hospitals: Indigenous women were forced to sign while they were medically vulnerable or in labour. Jennifer Leason, “Forced and Coerced Sterilization of Indigenous Women” (2021) 677 *Canadian Family Physician* 525. Indigenous women in Canada have come forward with accounts of sterilizations without consent as recently as 2018. In an interview, Prof. Stote explained that “a series of consistent actions but also inactions ... allowed forced sterilization to continue. I would say that’s the case up until today. When you know something is happening and you don’t intervene effectively to stop it, that’s an inaction that leads to a particular consequence.” Avery Zingel, “Indigenous Women Come Forward with Accounts of Forced Sterilization, Says Lawyer,” *CBC News* (18 April 2019), online < <https://www.cbc.ca/news/canada/north/forced-sterilization-lawsuit-could-expand-1.5102981>>. See Karen Stote, *An Act of Genocide: Colonialism and the Sterilization of Aboriginal Women* (Black Point, NS: Fernwood Publishing, 2015).

voluntary sterilization, given the permanency of the procedure.²⁵¹ However, women who seek surgical contraception have the right to regret their decisions, just as humans regret many of their decisions without the interfering misogynist paternalism and maternalism of the State and the medical field. However, State health bureaucrats are assumed to know more about women's bodies and choices than women themselves.

6.15.4 Without Access to Decommodified High-Quality Public Services, the AUH is Self-Defeating

Superficial projects such as the AUH tend to be undercut by the poor conditions in which they intervene. Informant women describe being trapped in a vicious cycle: the AUH requires women to use health services to cash the stipend; when women access those services with considerable difficulty, they receive violence and experience traumatic encounters with health State actors. Consequently, women decide to use the AUH stipend to pay for private health services for themselves and their children to avoid the negligence and poor quality of the public health system.²⁵² Women end up spending the meagre stipend on services that should be provided by the State, to get a stipend provided by the State while trying to avoid the violence exerted by the State on them and their families. Brenda had a terrible experience with her pregnancy check-ups in the hospital.²⁵³ As a consequence of it, she is too scared to go back to the public hospital and expose her child to the mistreatment she suffered.

²⁵¹ Lalonde, *supra* note 243 at 282.

²⁵² A qualitative study conducted with vulnerable women who received maternal healthcare argues that the treatment received by vulnerable women is discriminatory because they are unable to afford private health care and thus obligated to undergo labour and delivery in public hospitals where they suffer abuse and disrespect. Instituto de Género, Derecho y Desarrollo. "Con Todo al Aire. Observatorio de Salud, Género, y Derechos Humanos" (Rosario: INSGENAR-CLADEM, 2008), online <<https://insgenar.files.wordpress.com/2012/04/con-todo-al-aire-2.pdf>> 64-65.

²⁵³ See section 6.15.1, "Disregarding Women's Embodied Knowledge."

I had my pregnancy check-ups and my baby's vaccinations...done in the countryside [Brenda 00:53:38]. I go to a *salita* after what happened...I did not have a good experience with the hospital; I took my baby to get vaccinated at a *salita* in the countryside. I was frightened; I do not want to have any contact with that hospital ... [Brenda 00:54:22].

The *salita* [health centre] Brenda attends with her baby is in Quitilipi, a town in a rural area of Chaco [Brenda 00:54:27]. Travelling from Sáenz Peña to the health centre in Quitilipi to avoid the hospital takes Brenda an hour and a half, almost two hours [Brenda 00:54:36]. "I felt much more comfortable there [*salita*] than going to the hospital "[Brenda 00:54:48]. Brenda lives close to the hospital, within walking distance [Brenda 00:55:00]. However, she is tormented by the obstetric violence she experienced and promised herself she would never set foot in the hospital [Brenda 00:55:11]. Brenda wants better things for her baby. Therefore, she spends the AUH money to afford transportation to travel to the *salita* and consequently avoid the hospital's violence.

Feminist health experts Campbell & Gregor (2004) stated that "it is only when something goes unaccountably wrong that we stop and notice the organized complexity of our lives that we otherwise navigate so easily."²⁵⁴ Luna had an experience of health care – or lack thereof – going unaccountably wrong, an experience that could have cost her daughter's life.

My baby girl got 'influenza A' two years ago, and they almost killed her in the hospital. They told me she was not sick. Until I said, 'no, I will collect the AUH, and I will take her somewhere else.' With the [AUH] allowance, I paid for her check-ups every month at the [private] clinic ... I took her to the clinic ... and she was tested. It cost me 1,800 *pesos* for the Influenza A test. It came back positive. Thanks to that, my daughter is alive. From then on, I said we would never go to the hospital ever again [Luna 00:53:53].

²⁵⁴ Campbell & Frances, *supra* note 34 at 31.

Luna spends the AUH stipend to cover clinic visits, tests, and “medications too because, after all the medications my baby went through [because of the hospital’s negligent diagnosis], she is now allergic to most antibiotics...and even allergic to soil” [Luna 00:55:09]. Of course, the AUH stipend allowed Luna to partially pay for the health services that allowed her to save her child’s life. Those who approach CCTs from a liberal perspective would argue that the AUH allowed Luna to increase her “choices” and that, for that reason, the program works. However, such an account of the program is simplistic, unethical, and deceptive. First, the effects of marketization and privatization of essential social services such as health far outweigh any negligible positive effects that a meagre amount of cash may bring. Luna used the AUH partly to help cover health services that cost more money than she could spend. Thus, Luna will not be able to use the AUH money for anything else, such as food, transportation, or school supplies. How will such a trade-off allow Luna and her family to overcome intergenerational poverty? Second, we should not rely on the State’s vices – failure to protect the right to health and social security – to build an argument in favour of attaching conditionalities. A State actor – the hospital – worsened Luna’s child’s health by misdiagnosing her. Its actions and omissions also caused Luna to fear the public health system and caused her a great deal of stress and suffering. As the Civil Law maxim goes, *nemo auditur propriam turpitudinem allegans*, meaning that nobody should profit from their own wrongdoing. It is unethical to claim that the AUH – a stipend transferred by the State – increased Luna’s “choices” when it was the State itself who caused Luna and her child to be in that precarious situation and when Luna decided based on fear and under pressure. Luna would not have been in such a situation if the State had complied with its obligations of providing effective, accessible, good-quality social services in the first place.

Brenda and Luna's experiences illustrate how perverse and self-defeating programs like the AUH are: when the obligation to comply is one-sided, where poor mothers must meet the requirements, but the State fails to ensure access to health and education is of high quality, effective, cost-free, and the objectives of the AUH program blowback. The AUH facilitates obstetric and administrative violence against recipient women. Of course, not all abuse can be traced back to the AUH program. However, the AUH has dramatically increased women's encounters with the State. Moreover, it is worth considering how the violence encountered by recipients remains underdeveloped in the literature. Citing Cookson (2016), "while these women experienced exclusion and marginalization before the CCT program arrived in [Chaco], the conditional aspect of the CCT creates *new* moments of exclusion."²⁵⁵ These newly created, more frequent opportunities for close encounters with the State translate as newly created – more frequent – situations of violence exerted by representatives of the State. Such violence must be named and brought into focus, allowing us to re-think, re-localize, and critically reassess the real and actual costs of the AUH.

²⁵⁵ Cookson, *supra* note 208.

7) Activating: Operators' and Frontline Workers' Accounts

7.1 Introduction

In the previous section, I explicated the social organization of the AUH program from recipient women's standpoint, focusing on the problematic of administrative and obstetric violence. In *Activating*,¹ I begin with the experience of operators and examine the institutional apparatus that recipient women – small [s]heroes – confront.² I map out ruling relations that extend beyond the everyday and the local.³ This mapping serves “as a guide through [the] complex ruling apparatus” of the AUH and helps understand the problematic addressed in this work: administrative and obstetric violence against AUH recipient mothers.⁴

I fundamentally rely on key informant interviews with two ANSES technocrats, World Bank project managers, and with health administrators – an obstetrician, a psychologist, and two nurses. I also refer to the interviews I conducted with diverse AUH academics and professionals, school teachers and principals, counsellors, practicing lawyers, legal experts, sociologists, social workers, activists, and anthropologists.

In this chapter, I point towards a disjuncture between women's and bureaucrats' experiences, and between the latter and the formal laws. I explicate what happens at the AUH frontline. I show how bureaucrats understand the system as inter-institutional, whereas recipient women experience it as fragmented. I identify and describe relevant texts mentioned by social

¹ “Activating” refers to the activation of texts as part of the ongoing sequence of institutional action.

² Liz Stanley, *Dorothy E. Smith, Feminist Sociology & Institutional Ethnography: A Short Introduction* (Independently Published, 2018) at 51.

³ Dorothy E. Smith, *The Everyday World as Problematic: A Feminist Sociology* (Toronto: University of Toronto Press, 1987). Dorothy E. Smith, *Institutional Ethnography: A Sociology for People* (Lanham, Maryland: Altamira Press, 2005). See Nicola Waters, “Towards an Institutional Counter-Cartography of Nurses' Wound Work” (2015) 42:2 *Journal of Sociology and Social Welfare* 127 at 156.

⁴ Marjorie L. DeVault & Liza McCoy, “Institutional Ethnography: Using Interviews to Investigate Ruling Relations,” in J. F. Gubrium & J. A. Holstein, eds, *Handbook of Interview Research* (London: Sage, 2002) 751 at 754.

security bureaucrats: the birth certificate, the CUIL, and the *libreta*. I introduce the concept of accountability circuits to make sense of bureaucrats' agency. I refer to the accounts of World Bank technocrats, who understood the AUH as difficult to implement. I explicate informants' resistance to framing the AUH as a *conditional* cash transfer program. These narratives minimized the hurdles recipients had to overcome to fulfil the conditions, rationalized the violence women suffer, attributed blame to "irresponsible" mothers, reified the "employment" centric characteristics of Argentina's social security system, and claimed that poverty is "genderless."

I then identify AUH translocal ruling relations that extend to the work of the World Bank and beyond. I identify the 2009 World Bank CCTs Report as a boss text introducing three ideological codes I scrutinize: incomplete altruism, mothers more responsible than fathers, and a quantitative data focus. The aforementioned ideological codes influence AUH titularity; thus, I refer to a critical text in the AUH institution, the ANSES *Formulario Madres*, and how this text assigns women as primary caretakers. Finally, I explain the disjuncture between bureaucrats' practices, including health workers, and the laws that exist to protect recipients' rights. Recipient women are not treated as bearers of rights but as objects of institutional intervention.

The findings show a disconnection between women's experiences of violence and bureaucratic actors' experiences and knowledge of the AUH; and a misalignment between bureaucrats' knowledge of the black-letter law. Understanding such disjunctures reveals how ruling relations organize the problematic of violence against AUH recipients to occur as it does, enabling and facilitating violence against recipient women through fragmentation, invisibilization, rationalization, minimization, standardization, and objectification of women's experiences. In sum, the AUH facilitates violence against women and systematically obscures that violence.

7.2 Lines of Fault



Figure 57: The figure above shows a disjuncture between recipient women's experiences and broader ruling relations. Explaining women's experiences does not restrain the research to the portrayal of that experience because "the problematic of the everyday world arises precisely at the juncture of a particular experience, with generalizing and abstract forms of social relations organizing a division of labour of society at large."⁵ Idea is mine and graphically designed by Jissela N. Polasek.

The data from this study shows a gap between the descriptions that differently located knowers made of their experiences of the AUH. As Campbell & Gregor (2004) put it, when two distinct interpretations of reality – that of knowing from the ruling standpoint and that of knowing from experience – meet – or fail to meet thereof – in the local setting, a disjunction occurs.⁶ Two gaps were particularly problematic: (1) the disjuncture between women's experiences with the AUH and bureaucrats' experiences and accounts of the AUH; and (2) a disconnect between bureaucrats' expertise of current State-enacted formal regulations that mandate institutional processes related to the AUH. Social security workers often did not know legal regulations;

⁵ Smith, "The Everyday World as Problematic," *supra* note 3 at 157.

⁶ Marie Louise Campbell & Gregor Frances, *Mapping Social Relations: A Primer in Doing Institutional Ethnography* (Altamira Press, 2004).

sometimes, their knowledge of formal governing texts was obsolete. These disjunctures are what Smith would call “conceptual line[s] of fault.”

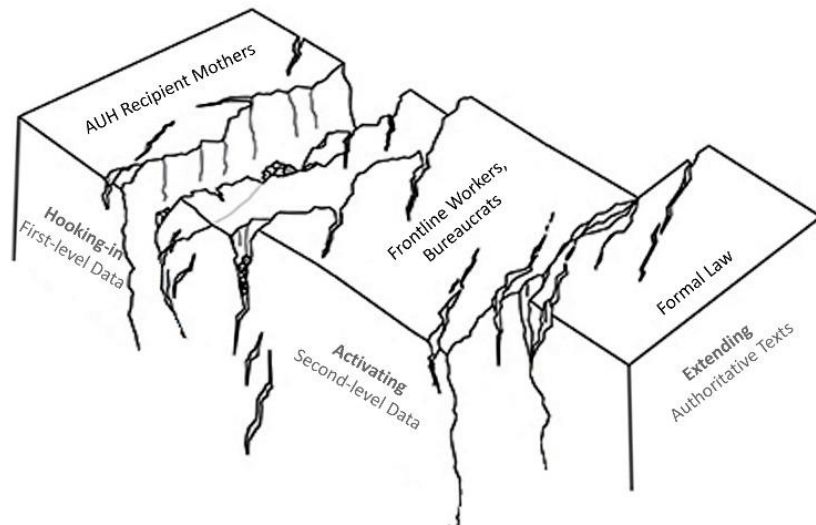


Figure 58: The illustration above depicts the disjunctures I have found in this research project. Idea is mine and graphically designed by Jissela N. Polasek.

It is unsettling to discover these gaps. They are rendered invisible not to disrupt the social organization of the AUH work that ensures conditionalities are met and guarantee political support from voters. Simultaneously, the actualities of recipient mothers remain unrepresented by the objectifying categories of the bureaucratic apparatus.

7.3 ANSES as The Frontline

Frontline work is a term often used to refer to employees that deal directly with clients and customers and to describe government-provided services directly to the public.⁷ Lipsky (2010) notoriously developed the concept of “street-level bureaucracy” characterized by two elements.

⁷ Cambridge Dictionary, online <<https://dictionary.cambridge.org/dictionary/english/frontline-service>>.

First, they exercise discretion in their direct work with citizens. Second, these bureaucracies' work cannot be carried out according to the highest standards because these agents lack the necessary resources to address each case correctly.⁸ Indeed, social psychologist Tomas – who works with recipient families and for the Ministry of Social Development of the Province of Chaco – explained that the most challenging part of his job is “*la bajada al territorio*,” or “the descent to the territory,” because “you and your body are your own work instrument” [Tomas 01:14:48], meaning that State workers do not have enough tools to make a difference in people's lives. “We do not arrive at a community to sow hope,” adds Tomas.

With a few exceptions, analyses of the experience of operators involved in the AUH implementation and delivery remain underdeveloped.⁹ Liew (2021) examined the frequently neglected repercussions stemming from interactions within administrative offices with stateless individuals.¹⁰ The author explained how frontline workers responsible for application processing

⁸ Michael Lipsky, *Street Level Bureaucracy: Dilemmas of the Individual in Public Services* (New York: Russell Sage Foundation, 2010) at XI. Bourdieu (2013) described them as grassroots bureaucracies, explaining how agents must respond to the inquiries and quests of marginalized people without having the means to solve social deficiencies of such magnitude. Pierre Bourdieu, *La Miseria del Mundo* (Buenos Aires: Fondo de Cultura Económica, 2013).

⁹ One of those exceptions is the work of Ambort & Straschnoy (2018), who analyze the attitudes of school and health agents when certifying AUH conditionalities. The authors argue that bureaucracies can facilitate or hinder access to social benefits based on bureaucrats' ideas of recipients, degree of empathy, and their views on social policies. Matilde Laura Ambort & Mora Straschnoy, “Burocracias Escolar y Sanitaria: ¿Facilitadores u Obstaculizadores del Acceso a la Asignación Universal por Hijo y la Asignación Por Embarazo para la Protección Social?” (2018) 5 Horizontes Sociológicos, Revista de la Asociación Argentina de Sociología 139 at 139. As well, Perelmiter (2016) studied “plebeian bureaucracies” of the Argentine Ministry of Social Development, and Garcés (2015) analyzed practices of control of conditionalities. Luisina Perelmiter, *Burocracia Plebeya* (Buenos Aires: Universidad de San Martín, 2016). See also Luisina Perelmiter, “La Burocracia Asistencial en Funcionamiento. Relaciones y Prácticas en la Vida Íntima del Ministerio de Desarrollo Social de la Nación Argentina,” Doctoral Thesis (Ciudad Autónoma de Buenos Aires: UBA, 2011). Garcés showed how State agents understood conditionalities as a “right to assistance.” Laura Eugenia Garcés, “Las Condicionales de las Políticas Sociales desde una Perspectiva Relacional de Análisis: Sentidos y Tensiones de la Asignación Universal por Hijo en la Provincia de San Juan,” Doctoral Thesis (Ciudad Autónoma de Buenos Aires: UBA, 2015). Gluz & Rodríguez Moyano (2013) argue that AUH tensions are already present in the design of the policy itself and impact the lives of families, children, and school operators. Nora Gluz & Inés Rodríguez Moyano, “Lo que la Escuela no Mira, la AUH ‘Non Presta’” (2012) Conference Presentation, VII Sociology Conference, Universidad Nacional de La Plata, Argentina. Although the previous works are significant contributions, they do not focus on the role of bureaucracies in the operationalization of the AUH conditionalities.

¹⁰ Jamie Chai Yun Liew, “Statelessness and the Administrative State. The Legal Prowess of the First-Line Bureaucrat in Malaysia,” in Tendayi Bloom & Lindsey N. Kingston, eds, *Statelessness, Governance, and the Problem of Citizenship* (Manchester University Press, 2021).

possess the power to significantly impact the lives of individuals, as their decisions hold the potential to bring profound consequences to people's lives. Thus, the actions of low-level government agents warrant greater attention and scrutiny within scholarly discourse.



Figure 59: A woman leaving the premises of the ANSES office in the city of Presidencia Roque Sáenz Peña. Photo by José Francisco Malina.

Understanding experiences in the AUH frontline is crucial.¹¹ Wanderley (2009) – in her work on the way that people in Bolivia encounter the bureaucracy – argues that face-to-face interactions are the site where citizens' rights are formed.¹² Smith (1963) developed the concept

¹¹ As Schijman & Laé argue in their work on women's roundtrips at the State window in an ethnographic case study, the customer service window is one of the places for the "exercise of social policies." Emilia Schijman & Jean François Laé, "Las Rondas de las Mujeres por las Ventanillas del Estado: Etnografía de un Trabajo Invisible" (2011) 16 *XV Trabajo y Sociedad* at 68.

¹² "Face-to-face interactions are an essential instance in constructing the notions and experiences of citizen rights... When the interaction occurs in public offices, the quality of treatment that a citizen receives from public officials ... the small gestures, the approaching rituals, the vocabulary used, and the attention and response to doubts, questions, and difficulties define the degree of respect, consideration, and dignity conferred on citizens." Translation is mine. Fernanda Wanderley, "Prácticas Estatales y el Ejercicio de la Ciudadanía: Encuentros de la Población con la Burocracia en Bolivia" (2009) 34 *Íconos, Revista de Ciencias Sociales* 67 at 68.

of frontline organizations in her thesis on a State mental hospital in California.¹³ Frontline work is also part of the bureaucratic apparatus and operates in organizations where a centralized hierarchy cannot efficiently control sub-units; front-line organizations are characterized by their (1) initiative, (2) relative independence, and (3) being indirectly supervised.¹⁴

In this work, each ANSES' UDAI (*Unidad de Atención Integral*, Unit of Integral Attention) can be described as a frontline organization.¹⁵ The ANSES workers and health bureaucrats I interviewed had experience at the frontline, whereas the World Bank bureaucrats did not, as they work at a policy and decision-making level and did not have direct contact with the public. Having previously detailed the experience of those who “become objects of institutionally provided services” in institutional courses of actions – recipient women – it is now time to learn from the bureaucrats' experiences of the problematic of violence against women and explicate their roles in AUH institutional circuits (mandated courses of action).

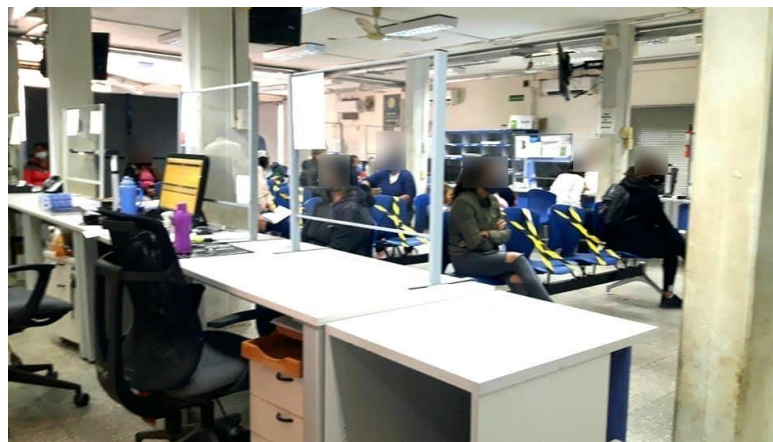


Figure 60: The photo above shows the frontline [*“la ventanilla”*] at the local ANSES UDAI. It also shows the waiting room at the local branch. This photo was shared by a gatekeeper. I blurred faces to ensure people's anonymity.

¹³ She explained that the mental hospital ward unit could be better described as “a pocket of information,” with the three characteristics of a “front-line organization: 1. The locus of organizational initiative is front-line units. 2. The task of each unit is performed independently of other like units. 3. There are obstacles to the direct supervision of the activities of such units.” Dorothy E. Smith, “Power and the Front-Line: Social Controls in a State Mental Hospital,” Doctoral Thesis (Berkeley: University of California, 1963); cited in Griffith & Smith, “Under New Public Management,” *supra* note 10 at 7.

¹⁴ Gilbert Smith, *Social Work and the Sociology of Organization* (London: Routledge and Kegan Paul, 1970) at 37; cited in Griffith & Smith, “Under New Public Management,” *supra* note 10 at 7.

¹⁵ See section 4.2.3.7, “The ANSES.”

7.4 The Experience of the ANSES Integral Initial Operator

As you read the following section, you will notice marked differences between the narratives of recipient women and bureaucratic informants. However, Smith reminds us that differences between narratives are not an issue of truthfulness; they are about representation.¹⁶ Such differences in the narratives point towards a problematic disjuncture and are analytically helpful in recognizing the core ideological schema of the AUH.¹⁷ In social relations, certain accounts become authorized “as a version which can be treated by others as what happened.”¹⁸ Thus, we will see whose account gets to count and whose is silenced – recipient women’s.

Ignacio works as Legal Counsel for the ANSES [Ignacio 00:02:24]. He explains, “the main task that I have in my job is ... to litigate” [Ignacio 00:02:24]. Ignacio refers to ANSES as “the agency” [*el organismo*] throughout the interview and points out that the agency is flexible, responsive, and “with a progressive tint” [Ignacio 00:32:55]. Previously, he had worked more than ten years in the agency’s first echelon as an “integral initial operator” [*operador inicial integral*], that is, a frontline worker or “the employee within the agency who has this first contact with the people,” “that is to say, the person who is confronted for the first time with a person who needs assistance from the State” [Ignacio 00:09:54].

Ignacio describes ANSES integral initial operators as responsible for “delivering” the AUH in their everyday work.¹⁹ They also interface with software and help accumulate electronic data

¹⁶ Dorothy E. Smith, “‘K is Mentally Ill’ the Anatomy of a Factual Account” (1978) 12:1 Sociology 23.

¹⁷ Dorothy E. Smith, *The Conceptual Practices of Power: A Feminist Sociology of Knowledge* (Boston, MA: Northeastern University Press, 1990). Dorothy E. Smith, *Texts, Facts, and Femininity: Exploring the Relations of Ruling* (London: Routledge, 1990). Dorothy E. Smith, *Writing the Social: Critique, Theory, and Investigations* (Toronto: University of Toronto Press, 1999).

¹⁸ Smith, “Texts, Facts, and Femininity,” *supra* note 17 at 24-25.

¹⁹ Legal Counsel Ignacio talked about his former position as an integral initial operator working for ANSES with intense nostalgia and pride, emphasizing how meaningful and important that job position was, even though it is considered of a lower hierarchy than the position he currently has within the agency.

by recording information about AUH recipients daily. Ignacio is thrilled to be working for the agency, as he puts it:

I feel part of the ANSES (...). I wear the organization's T-shirt [I am a fan of the agency],²⁰ and I feel at ease where I work. When I was the initial operator, it was a task that I liked and perhaps where I could most appreciate the impact of this service on people... The operator is usually the first one to greet people coming in off the street, and well, people bring their problems. It is a job that requires a good temperament [Ignacio 00:07:35].

A “good temperament” is essential because, in this context of limited autonomy, the bureaucrat needs “patience,” as Ignacio points out, to navigate the tensions that arise between the misery people are living – and bringing “into the office” – and the limits for bureaucrats’ actions set in place by the current regulation.²¹ The meeting between the operator and a recipient symbolizes the encounter between the individual AUH recipient and the State.²² D’Amico (2016) conceptualizes the “encounter with the State” as the moment when the bureaucracy recognizes a person who attends a State institution to solve a problem.²³ This recognition was important for Ignacio in his role as an integral initial operator: it made his work meaningful.

High-ranking ANSES bureaucrat Mauro is a high-level technocrat within the social security agency chain of command, with specialized expertise. Like Ignacio, he also has a background in law and postgraduate education. Throughout the interview, technocrat Mauro

²⁰ “Wearing the t-shirt of something” means to be proud and to be a part of the team of an organization.

²¹ See section 8.5, “Administrative Law & the AUH.”

²² Belvedere et al. (2012) argue that face-to-face encounters between the citizen and the bureaucrat operate as a device of effective domination because they shape citizens’ common knowledge of what can and should be expected. Carlos Belvedere, Alejandra Martínez, Gonzalo Seid, Carlos Sabrina, Adriel Silderz, Agustina Gradin, Agustina & María Soledad Pérez Schrebler, *Para Ustedes del Otro Lado: la Producción Continúa del Orden y las Marginaciones Sociales en las Rutinas Cotidianas de ‘Hacer la Cola’ para Acceder a Servicios Públicos en la Ciudad de Buenos Aires* (Buenos Aires: Instituto de Investigaciones Gino Germani, Facultad de Ciencias Sociales, UBA, 2012).

²³ María Victoria D’Amico, “Tramitación de la AUH en la ANSES de la Ciudad de La Plata. Las Prácticas de Vinculación de los Sectores Populares con el Estado desde la Experiencia Situada” (2016) IX Jornadas de Sociología de la UNLP, Ensenada, Argentina, online <http://www.memoria.fahce.unlp.edu.ar/trab_eventos/ev.8923/ev.8923.pdf page 2>.

underscores “the political imprint that the social security system has” and describes his job as of “political, administrative, and human responsibility” because ANSES is the “anchor of the [current] government” [Mauro 00:01:54]. Mauro stresses the role of communication, explaining that his work is about “managing people’s expectations” [00:09:38].²⁴

Data showed technocrats and frontline workers have a high regard for the AUH program. Mauro summarized this perspective by explaining that “the system works, it runs, it works. It is a very well-oiled system” [Mauro 00:46:35]. However, one of the consequences of forms of governance based on the rationalities of the AUH is that violence against recipient women exerted and facilitated during the implementation of the AUH program is systematically invisibilized. When AUH work is reorganized based on this incomplete understanding, it restricts the possibilities of addressing violence against recipient women.

7.4.1 Inter-Textual Relations and The SIPA as a “Crossed” System

Whereas ANSES workers emphasize the efficient, inter-connected, and inter-institutional nature of the ANSES database, women experience the system as fragmented and challenging. ANSES technocrats stay emplaced in a particular locale and experience the AUH from that vantage point. By contrast, recipient women have to move around multiple institutions to do AUH work.

I noted that while women would explain that the starting point to access the AUH was submitting relevant paperwork in ANSES, Ignacio noted the cross-collaboration between different federal agencies. “We have a system, an extensive database that is well cross-referenced with other government agencies. We can track a person from birth to death” [Ignacio 00:55:49].

²⁴ When I asked Mauro what a “good communicator” entailed, he explained as follows: “Once I woke up, I had more than 1,800 WhatsApp messages from people who had somehow gotten my cellphone number and asked me when they would be paid. I also had messages from mayors, councillors. And one word too many, one word too few, can make all the difference in terms of social mood. So we had to be very careful and devise a plan” [Mauro 00:09:18].

The ‘Argentine Integrated Pension System’...its acronym is SIPA... is a ‘crossed system’... There is not much to do. Generally, people who have to go to the office for this type of [AUH] procedure have a problem that can be solved there. Otherwise, everything is solved over the phone. The truth is that the agency is trying to make the system less bureaucratic [Ignacio 01:03:39].

The “crossed system” Ignacio referred to is the “SIPA” (*Sistema Integrado Previsional Argentino*) or “Integrated Argentine Pension System,” regulated by Law 26,425.²⁵ I described the SIPA above, explaining that it is a pay-as-you-go State pension system that allows the State to expand its non-contributory coverage and to fund programs such as the AUH.²⁶ It is interesting to note that ANSES technocrats also used the acronym “SIPA” to refer to the extensive database and the software ANSES agents use to input data and keep track of movement on files. The SIPA was thus understood by ANSES workers as the integral whole or the matrix, the program that systematizes, funds, and regulates the work of the ANSES, and the database/software that ANSES workers use to conduct institutional processes, keep track of records, and perform all AUH-related bookkeeping.

²⁵ Law 26,425, article 1, online <<http://servicios.infoleg.gob.ar/infolegInternet/anexos/145000-149999/148141/texact.htm>>. The SIPA is defined in the Statute as “a unique pension scheme ... financed through a solidarity-based pay-as-you-go system, guaranteeing beneficiaries of the former capitalization scheme identical coverage and treatment as provided by the public pension scheme, in compliance with the mandate provided by article 14 *bis* of the National Constitution.” ANSES high-ranking officer Mauro explains: “it is a pay-as-you-go system, where the active worker pays the passive worker, but also the State finances social security through tax collection. We have two major revenue sources in ANSES: the Sustainability Guarantee Fund (FGS), which is the most important fund in Argentina, and the IVA / VAT (*impuesto valor agregado* or GST, 21%) retained by ANSES. ...The FGS is a fund created in 2008, when the workers’ funds were recovered from private capitalization. It is the insurance that exists so that if one day the workers who contribute stop contributing, we can maintain, let’s say, the pensioners with their contribution. It is called ‘solidarity sharing,’ the one who is working pays for the one who is not working, the one who is healthy pays the one who is sick...” [Mauro 00:19:02].

²⁶ See section 4.2.1, “Historical Framework.”

What happens in the work of social security bureaucrats is discursively and ideologically organized and regulated by SIPA texts.²⁷ Textual hierarchies are vital in understanding how ANSES institutional action is coordinated. Legal texts provide a frame for social security bureaucrats to adapt their work to specific elements of actualities to fit the content of legal terms and therefore allow the statute – Decree 1602/09 – to be actionable.²⁸ Subordinate texts, such as the SIPA, ANSES resolutions and forms, apps, and software, must be understood as an authorized instance of the categories of the boss text. However, there are many text constellations whereby a particular text within a group can work like a boss text, even though it may be ultimately subordinated to another text.²⁹ For example, the SIPA software is considered a boss text in the context of admission to the AUH Program, even though it is legally subordinated to the Decree.³⁰

In Ignacio's and Mauro's accounts, the SIPA as a "boss text" governs their work of inscribing recipient women's reality into a documentary form and sustains the management of the AUH because it brings UDAs and workers into compliance with centralized ANSES mandates. The "objects" in this database are not only recipients but also bureaucrats because the software also extends accountability and surveillance over ANSES agents' work. It does by keeping a record or "ticket" of the problems presented by a recipient and effectively resolved by the operator and the concerns that were not effectively resolved by the worker but elevated to the operator's supervisor. It also contains a repository of computerized records of AUH recipient women's data. The SIPA software allows for "first-level data," individually identifiable information that enables

²⁷ Smith, "Institutional Ethnography: A Sociology for People," *supra* note 3.

²⁸ *Ibid* at 194-198.

²⁹ Numerous additional texts are operating in various constellations, galaxies, universes. For instance, the National Constitution regulates all other laws, including the AUH Decree itself.

³⁰ AUH Decree of Necessity and Urgency 1602/09, online <<https://www.ilo.org/dyn/travail/docs/1804/DECRETO%201602.pdf>>. This decree is of equal legal rank as Law 24,714 (*Regimen of Family Allowances*), and both are subordinated to the National Constitution.

the tracking of individual recipient mothers, and “aggregate-level data,” or macro-level data that collects statistics. Both levels allow for AUH governance.

The SIPA is not “magically” activated. It is important to note that the queries Ignacio and Mauro create from the data, and input into the system, are not neutral; they require human and political decisions and unavoidably prioritize some values over others. Bureaucrats are the beings who activate this computerized record-keeping technology, entering data and rectifying errors. In a way, SIPA software depends on decisions made translocally and written into the software by numerous humans.

7.4.2 Institutional Fragmentation

The SIPA involves the integration of several databases across various translocal sites and coordinating with other organizations such as the ANDIS³¹ (*Agencia Nacional de Discapacidad* or National Disability Agency), the RENAPER³² (*Registro Nacional de las Personas* or National Persons’ Registry), the AFIP³³ (*Administración Federal de Ingresos Públicos* or Federal Administration of Public Revenue), and the Ministry of Social Development.³⁴

³¹ *Agencia Nacional de Discapacidad* [National Disability Agency], Presidency of the Nation, online <<https://www.argentina.gob.ar/andis>>.

³² *Registro Nacional de las Personas* [National Persons’ Registry], Ministry of Interior, online <<https://www.argentina.gob.ar/interior/renaper>>.

³³ *Administración Federal de Ingresos Públicos* [Federal Administration of Public Revenue], online <<https://www.afip.gob.ar/sitio/externos/default.asp>>.

³⁴ *Ministerio de Desarrollo Social* [Ministry of Social Development], online <<https://www.argentina.gob.ar/desarrollosocial>>.

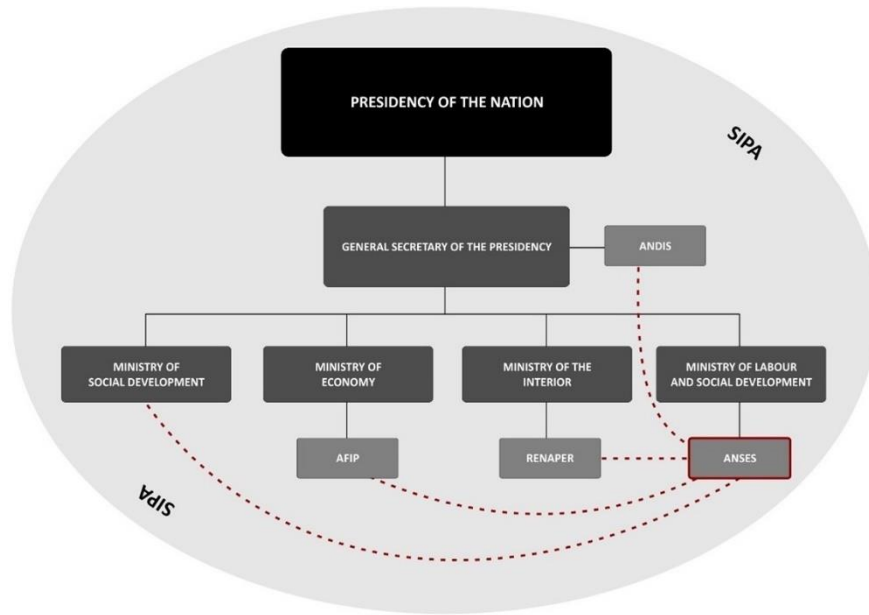


Figure 61: The figure above illustrates the flow of the translocal and inter-textual relations of ANSES with other relevant organizations. The idea is mine and graphically designed by Jissela N. Polasek.

What bureaucrats Ignacio and Mauro highlighted as “crossed,” recipient women experienced as “institutionally fragmented.”³⁵ Bureaucrats and recipient women’s experiences differed: whereas the first described being proud of the interconnection of the system, women described as a messy and, at times, contradictory conglomeration of institutional requisites. Pence (2009) introduced the term “institutional fragmentation” to refer to conflicts in the conditions imposed by institutional agencies that people encounter when coordinating their work.³⁶ “Unlike an assembly line that conveys sequences of items at identical stages through standardized processing at each stage and bearing the products of a given stage on into the next, people-work institutions have to deal with an individual who is the same person throughout whatever procedures he or she is subject to.”³⁷

³⁵ Ellen Pence, “Safety for Battered Women in a Textually Mediated Legal System” (2001) 7 *Studies in Cultures, Organizations and Societies* 199.

³⁶ *Ibid.*

³⁷ Griffith & Smith, “Under New Public Management,” *supra* note 10 at 347-348.

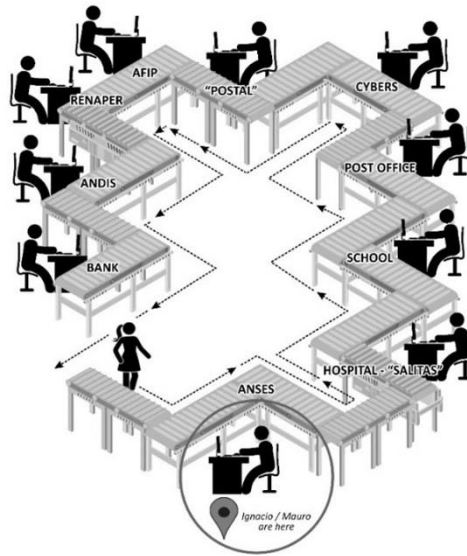


Figure 62: The graphic above shows a recipient mother's pilgrimage through different institutional locales. ANSES workers and other bureaucrats and frontline workers stay put in the same locale. Idea is mine and graphically designed by Jissela N. Polasek.

Indeed, recipient mothers encounter institutions shifting between several locations, whereas bureaucrats stay put for extended periods of time at a particular corner of the AUH institution. Thus, bureaucrats and recipients experience inter-institutionality in a different manner. For recipient women, it is not a positive feature of the system: it means they have more probabilities of encountering myriad problems and have to mobilize to a variety of entities. For example, informant AUH recipient Leonor explained how she suddenly stopped receiving the AUH stipend, and she figured out it was because her children's absent and violent father started to work "*en blanco*" and was receiving the *Asignaciones Familiares* and not using that stipend for their children. The confirmation of her ex-partner's formal employment was generated by the AFIP [Federal Agency of Public Revenue] and shared with ANSES via SIPA, generating a conflict for Leonor's enrollment in the AUH program. She was withdrawn from the AUH program without

notice [Leonor 00:00:38].³⁸ Leonor's narrative illustrates the obstacles that women face and tells us something about what bureaucrats see – or are impeded from seeing –: women go through distinct stages through different institutions, all related to the AUH.

Mauro and Ignacio, however, do not. They stay put in their locality as ANSES agents. These bureaucrats observe, deal with, and serve women who have encountered different frictions and suffered violence from numerous agencies and departments, such as the hospital, the school, the bank, the post office, the RENAPER, among others.³⁹ That is why ANSES bureaucrat Ignacio explained that “people sometimes bring their problems too” and that being in the frontline requires a “good temperament” [Ignacio 00:07:35]. By the time they reach ANSES, women have collected a “bundle of problems” that they carry with them. However, technocrats Ignacio and Mauro cannot see this “bundle of problems” in their entirety as their experience is different and restricted by the locale they occupy at the ANSES, even though they are empathetic and show compassion for the people who struggle.⁴⁰ In short, the authorized version of bureaucrats that celebrates the inter-institutionality of the SIPA system is in dissonance with women's accounts of violence and contributes to the invisibilization of women's experiences.

7.4.3 Institutional Circuits: A Different Version of AUH Recipients Hooking into The System

ANSES workers detailed the institutional circuits of enrollment in the AUH program from their standpoint. Institutional circuits are distinguishable courses of institutional action whereby humans

³⁸ This dealignment was echoed by other recipient women and a family law lawyer: women fear losing the AUH without notice if their children's father starts formally working.

³⁹ See section 6), “Hooking-in: The Experience of AUH Recipient Women.”

⁴⁰ Ambort (2017) also refers to the problematic institutional fragmentation of the AUH, focusing on empirical analysis of the education conditionality. The author argued that the AUH “has been operationalized in a disjointed way. The institutions involved in its execution have not achieved intersectoral or inter-jurisdictional coordination that would allow them to operate jointly in a centralized manner.” Problematically, there is no cooperative action between the national level and the provincial ministries regarding the execution of conditionalities. Translation is mine. Matilda L. Ambort, “Desarticulaciones Institucionales de la Condicionalidad Educativa de la AUH ¿Cómo Viene? y ¿Hacia Dónde Va?” (2017) 6 Igualdad, Autonomía Personal y Derechos Sociales 117 at 154-155.

– in this case, social security bureaucrats – actively work producing a textual representation that fits into a boss text – Decree 1602/09 –, allowing for social security governance.⁴¹

In the figure below, we can see the institutional circuit that coordinates the everyday actualities of recipient women with the standardized categories of the AUH institution that bureaucrats such as Ignacio and Mauro must use in their daily operations, as they are directly responsible for accomplishing the required performance involved in enrolling an AUH recipient.

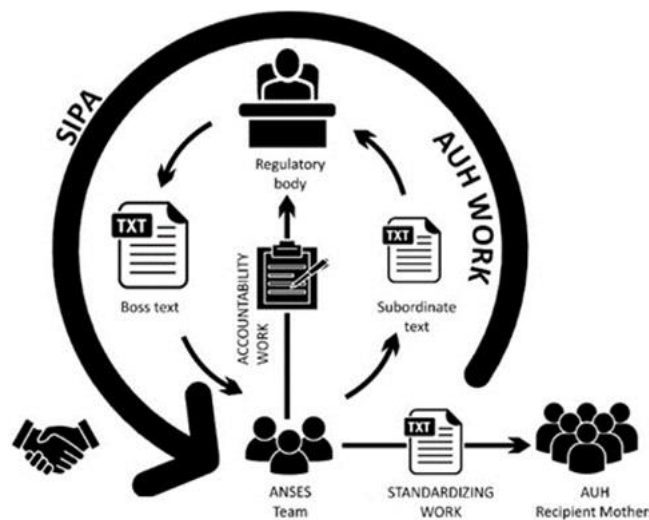


Figure 63: The figure illustrates an institutional circuit: regulation, standardization, and accountability.⁴² It was graphically conveyed by Jissela N. Polasek.

Institutional circuits are commonplace in social security frontline work and appear on the computer screen in front of the ANSES bureaucrat under the SIPA software.⁴³ Although there are

⁴¹ Griffith & Smith, “Under New Public Management,” *supra* note 10. “Institutional” circuits draw from the concept of “ideological circles” that Smith (1974) developed while critiquing mainstream sociology. Dorothy E. Smith, “Theorising as Ideology,” in R. Turner, ed, *Ethnomethodology* (Harmondsworth: Penguin, 1974). Smith investigated the social organization of knowledge and recognized ideological circles as distinct “methods of creating accounts of the world that treat it (...) selectively in terms of a predetermined conceptual framework.” Smith, “The Conceptual Practices of Power,” *supra* note 17 at 93.

⁴² Graph adapted from the presentation on Accountability Circuits by Grainne Kearney for the SHIE network (10 November 2021), online Youtube <https://www.youtube.com/watch?v=cKEuTbqWjos&list=PLgE8U_7bvN5NKf77O_inBHqMLmqDwKO6P&index=3&t=433s> at 7:13.

⁴³ Institutional circuits can also appear on smartphones, hand-held tablets, or other hardware that has been programmed to show text.

numerous courses of institutional actions related to the AUH, in what follows, I focus on the institutional circuits involved in accessing the AUH program from the perspective of ANSES bureaucrats, who emphasized the importance of the birth certificate, the creation of the CUIL, and the role of the *libreta* in the process of becoming and continuing to be an AUH recipient.

7.4.3.1 Birth Certificate: Registration of Identity

The birth certificate appears as a critical text in the institutional circle of AUH enrollment.

So, what does a person who wants to access the AUH do? ... many agencies work collaboratively. Suppose a mother has her child, she takes her child to a hospital. There are two possibilities: either the hospital has a RENAPER branch or not. If the same public health centre has a RENAPER office, a birth certificate is issued over there... If the health center does not have it [a RENAPER branch], a few days after the baby is born, mothers go to register the child in the RENAPER, and they issue the child's birth certificate. That birth certificate is the proof that ANSES needs to incorporate the child, to 'sanction a CUIL,' and to start paying the AUH [ANSES Legal Counsel Ignacio 01:00:35].⁴⁴

⁴⁴ Informant women explained that the RENAPER branch at the hospital does not exist anymore and expressed their frustration about it. See section 6.9, "Civil Registry: Identity, Surveillance and the Rule of Being a "Responsible Mother"

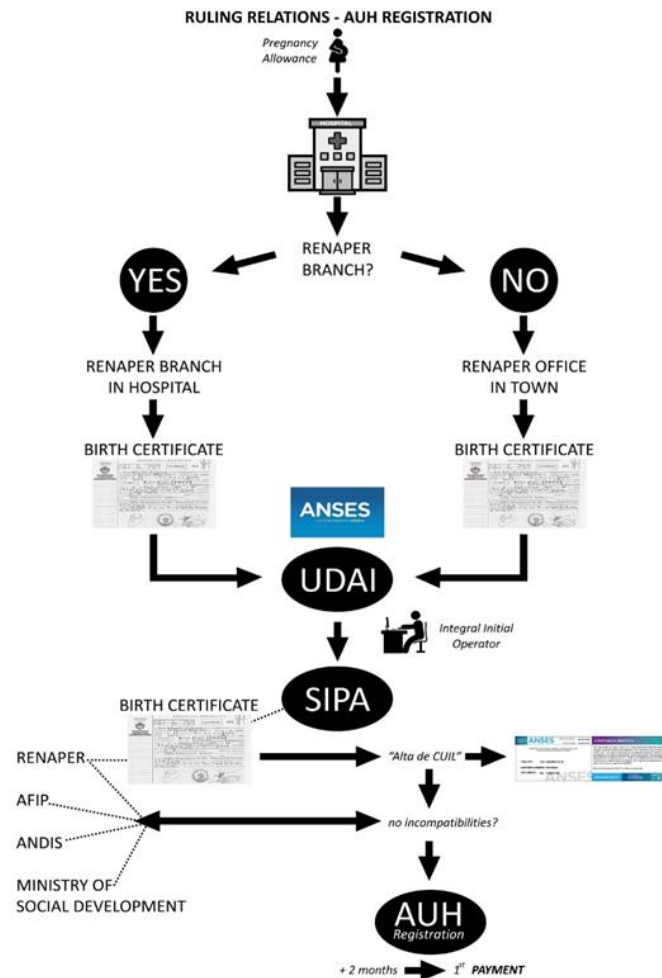


Figure 64: The figure above depicts processes present in AUH enrollment from the perspective of an ANSES bureaucrat. Idea is mine and graphically designed by Jissela N. Polasek.

Ignacio does not mention the process of obtaining an appointment, paying for it at the cyber-café s, waiting, and enduring abuse that recipient women go through.⁴⁵ Instead, he continues explaining that “all a person has to do is go to the UDAI. The birth certificate is then uploaded, a CUIL is created, and after two months, she [the mother] is already paid.”

⁴⁵ See section 6), “Hooking-in: The Experience of AUH Recipient Women.”

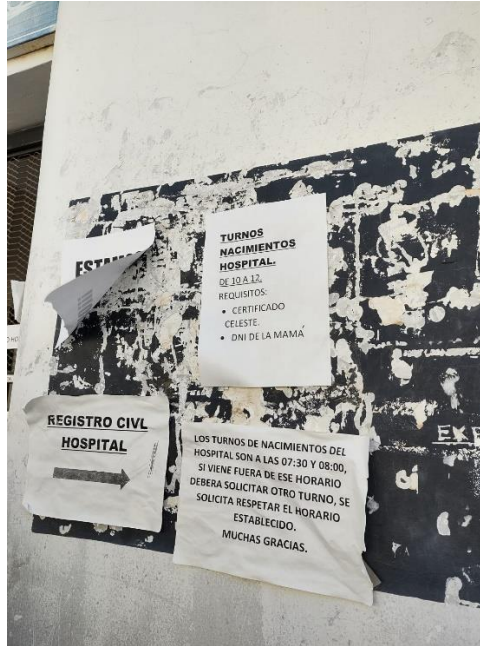


Figure 65: The photo above shows posters on the wall of the Civil Registry. They refer to appointments for hospital births' paperwork and the opening hours for such appointments. Recipient mother Carmen shared the photo to illustrate her experience with the AUH.

7.4.3.2 “Alta de CUIL”: Institutional Baptism

The act of creating a CUIL, or what Ignacio calls “*alta de CUIL*,” is crucial in the institutional circuit of AUH enrollment. It refers to a process of sanctioning, a rite of passage. It symbolizes the admission of a recipient into the AUH system and requires a birth certificate to be sanctioned.

The CUIL [Unique Code of Labour Identification] is ... identification used within our agency...Over the years, there was a State imposition for people to get a CUIL to be able to join the social security system; if any contingency, if you lose your job, the State will be there automatically without any kind of bureaucratic procedure [Ignacio 00:57:10].⁴⁶

Ignacio describes what in IE is known as a text-action-text sequence: a sequence of action organized as an institutional circuit that goes beyond the circuit, connecting with extra-local

⁴⁶ See Annex 11.3, “Proof of CUIL.”

relations. The graph below shows an AUH enrollment process of work-text-work sequence described by informants. We can see how the AUH connects to extra-local relations from the beginning of the process – starting with the *Pregnancy Allowance Program*, in this case – and with other constellations of institutional circuits.

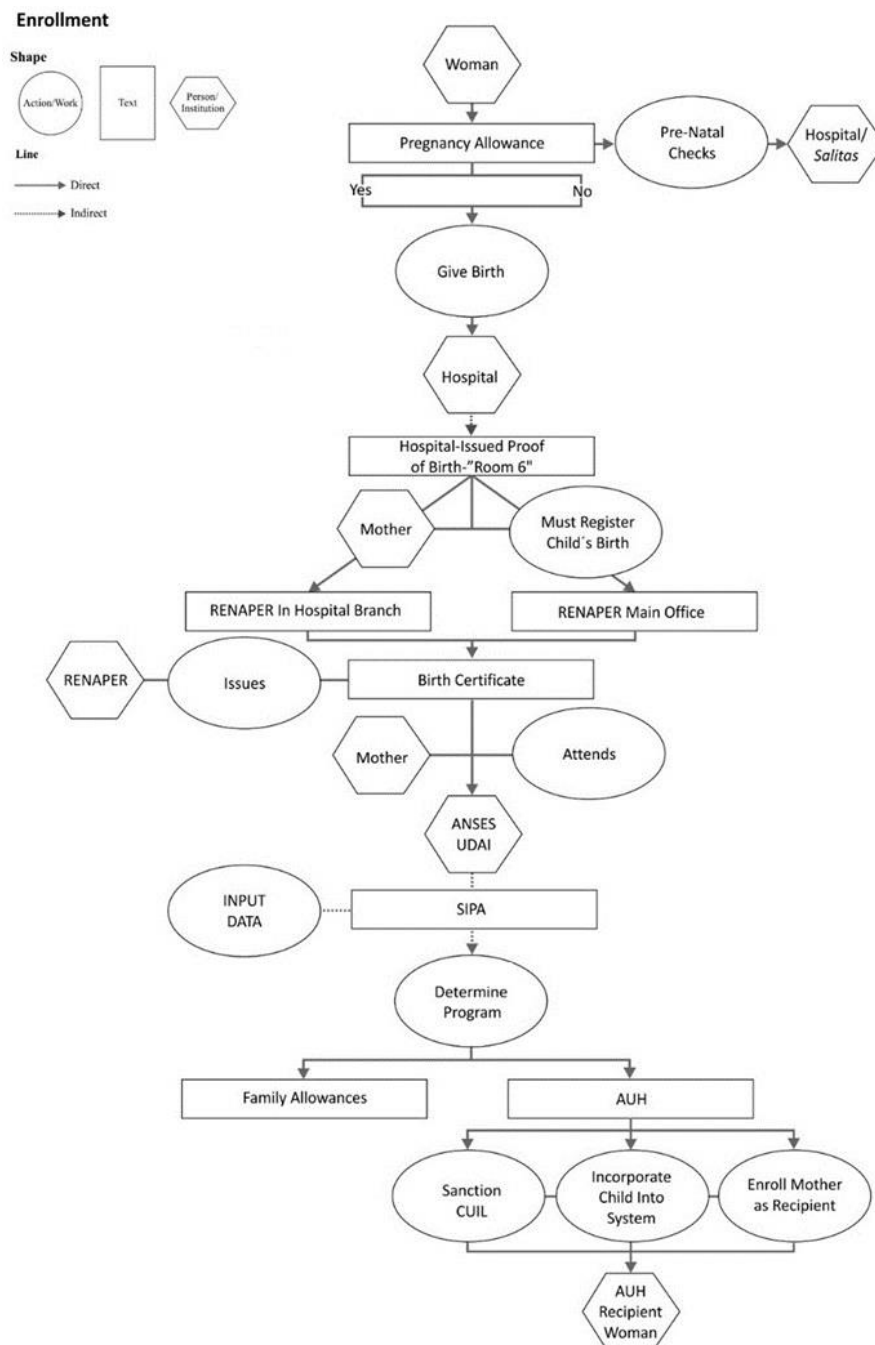


Figure 66: Text-work-text action graphic depicting AUH enrollment process. Idea is mine and graphically designed by Jissela N. Polasek.

Enrollment works for myriad purposes, within the parameters established by Decree 1602/09. It establishes a recipient's data, such as children's number and ages, employment and citizenship status, gender, and parental responsibility. For the ANSES, the selection and use of indicators at the instance of enrollment make it technically feasible to monitor specified program activities and measure recipient women's compliance. In this way, ANSES institutional actions for "AUH work" are advanced.

7.4.3.3 The *Libreta*

In the topic of conditioning access, a key document often mentioned during the interviews is the "*libreta*" [notebook]. The "*Libreta Nacional de Seguridad Social, Salud y Educación*" [National Notebook of Social Security, Health, and Education] was used for many years to record compliance of recipients with the conditions imposed by the AUH program.⁴⁷

We call it the *libreta* because when the AUH started in ANSES, there was a notebook that tracked the compliance with the AUH, which was signed by the doctor and the principal of the school. Then it became a basic form; then it became a pandemic affidavit; now it is done online... Eventually, what we want to see implemented, as our [X high-ranking supervisor] always says, is this information coming from the State's intelligence and not from a parent obliged to go ask the school principal and the hospital director for a signature, to then take it to ANSES [Technocrat Mauro 00:26:43].

Even though the *libreta* is technically obsolete in its former material form and has been substituted for the use of online submission of forms, the term *libreta* is still widely used by all

⁴⁷ *Libreta Nacional de Seguridad Social, Salud y Educación*, ANSES. See Annexes 11.4 to 11.7 for detailed description of the *libreta* in all its forms.

informants to refer to the text (virtual or print) that coordinates procedures related to the certification of conditionalities. Informants refer to certifying conditionalities as “*tener la libreta al día*” [having the *libreta* up to date].

The *libreta* is illustrative of Smith’s understanding of texts as a technology for disciplining and coordination. It was initially a machine-readable, highly secured, and tamper-proof text that served as an identity document.⁴⁸ As ANSES technocrat Mauro explains, the *libreta* was replaced by “a basic form; then by a pandemic affidavit; now it is done online” [Mauro 00:26:43]. The “basic form” or “*formulario base*,” as ANSES agent Mauro explains, was also known as *Formulario 1.47*, depicted in Annex 11.5.⁴⁹ In 2020, in response to the Covid-19 pandemic, ANSES replaced Form 1.47 with a sworn declaration necessary to collect the yearly retention of the 20% of the AUH withheld by ANSES.⁵⁰ In 2021, the *libreta* was generated and uploaded virtually from each AUH recipient’s MiANSES account on the ANSES webpage.⁵¹ Please see Annexes 11.4, 11.5, 11.6, and 11.7 to see the different versions of the *libreta* throughout the years.

The *libreta* is the foremost procedure established by the AUH decree for recording mothers’ compliance with the conditionalities imposed by the AUH program, whereby mothers ascribe and re-ascribe to the mechanism imposed by the State. It proves that mothers have done what has been required by the relations of ruling to cash the stipend, namely, travelling and queuing for countless hours to collect the stipend and signatures from schoolteachers, enduring abuse, mistreatment and violence, putting themselves at risk to ensure children are vaccinated, clean,

⁴⁸ See Annex 11.4, “Old Version of *Libreta*.”

⁴⁹ See Annex 11.5, “*Formulario 1.47*.”

⁵⁰ See Annex 11.6, “Sworn Declaration at ANSES.”

⁵¹ See Annex 11.7, “Step-by-step Online Submission of *Libreta* as of 2021.” A video created and shared online by the ANSES describes how to complete and upload a *libreta* successfully. ANSES Noticias (June 5, 2020) Youtube, online <<https://www.youtube.com/watch?v=immvObLbtrU>>.

cared for and fed, paying for “free public” services, among myriad others. However, none of these practices are included in the *libreta* texts.

7.4.4 But Wait...How is Titularity Determined?

Titularity over the AUH is related to a crucial form identified by bureaucrats known as “*Formulario Madres*” [Form Mothers], written and issued by the ANSES.⁵² The *Mothers Form* is used to claim titularity over the AUH in cases where the children’s main caregiver is not receiving the AUH for a variety of reasons. It normalizes certain behaviours to propagate ideal representations of welfare recipients, which benefit institutions such as the ANSES and World Bank themselves by responsabilizing women for poverty, instrumentalizing their work, and minimizing the violence they suffer.

Texts like the *Formulario Madres* enter local realities and guide people’s actions. Smith explains that people stop being “as they are in actuality...” and begin to think about themselves and others through institutional categories abstracted from their realities.⁵³ The concept of “mother” instituted in the *Formulario Madres* is one of those institutional categories, as it includes not only mothers but all those who are poor and care for children. It denotes a specialized function, has a pre-given meaning, and guides the actions of those who perform social reproduction tasks within the household. Data showed that fathers, grandmothers, aunts, and all those who are main caregivers to the children, in a situation of poverty, could be “mothers” in the sense institutionalized by the *Formulario Madres*. I now turn to explaining the ruling relations behind female titularity of the AUH.

⁵² It is more practical to introduce this text after the reader has been familiarized with crucial IE concepts such as intertextuality, textual hierarchy, institutional and accountability circuits, facticity, and ideological codes.

⁵³ Other authors explored institutional abstractions such as “child with a terminal illness” (Bell, 2001) or a “person with AIDS” (Herringer, 1998). Nancy M. Bell, “A Child’s ‘Terminal Illness:’ An Analysis of Text Mediated Knowing,” MA Thesis (University of Victoria, 2001). Barbara M. Herringer, “Unruly Death: The Social Organization of AIDS Suicide,” Doctoral Dissertation (University of Victoria, 1998).

How does “the system” determine who will be trusted with cashing the AUH stipend? ANSES technocrat Ignacio describes four possible scenarios he referred to as “hypotheses” that ANSES workers can encounter when serving a potential recipient.

7.4.4.1 Scenario 1: A “Code Two”

I upload the birth certificate ... It can contain both parents’ surnames or only one. It could be the case that the child was only with the mother ... That situation is uploaded as a ‘code two’ ... what the ANSES system does is uploading/inputting relationships [*carga relaciones*]. [T]he important thing is how this CUIL is related to another CUIL ... if ... I input a person’s DNI or CUIL ... their name will pop up, but below their name, on the screen, you will see that there are [the names of] two parents ... And from there, it will determine if and how they will access the program [Ignacio 01:09:21].

Hypothesis 1: Code Two

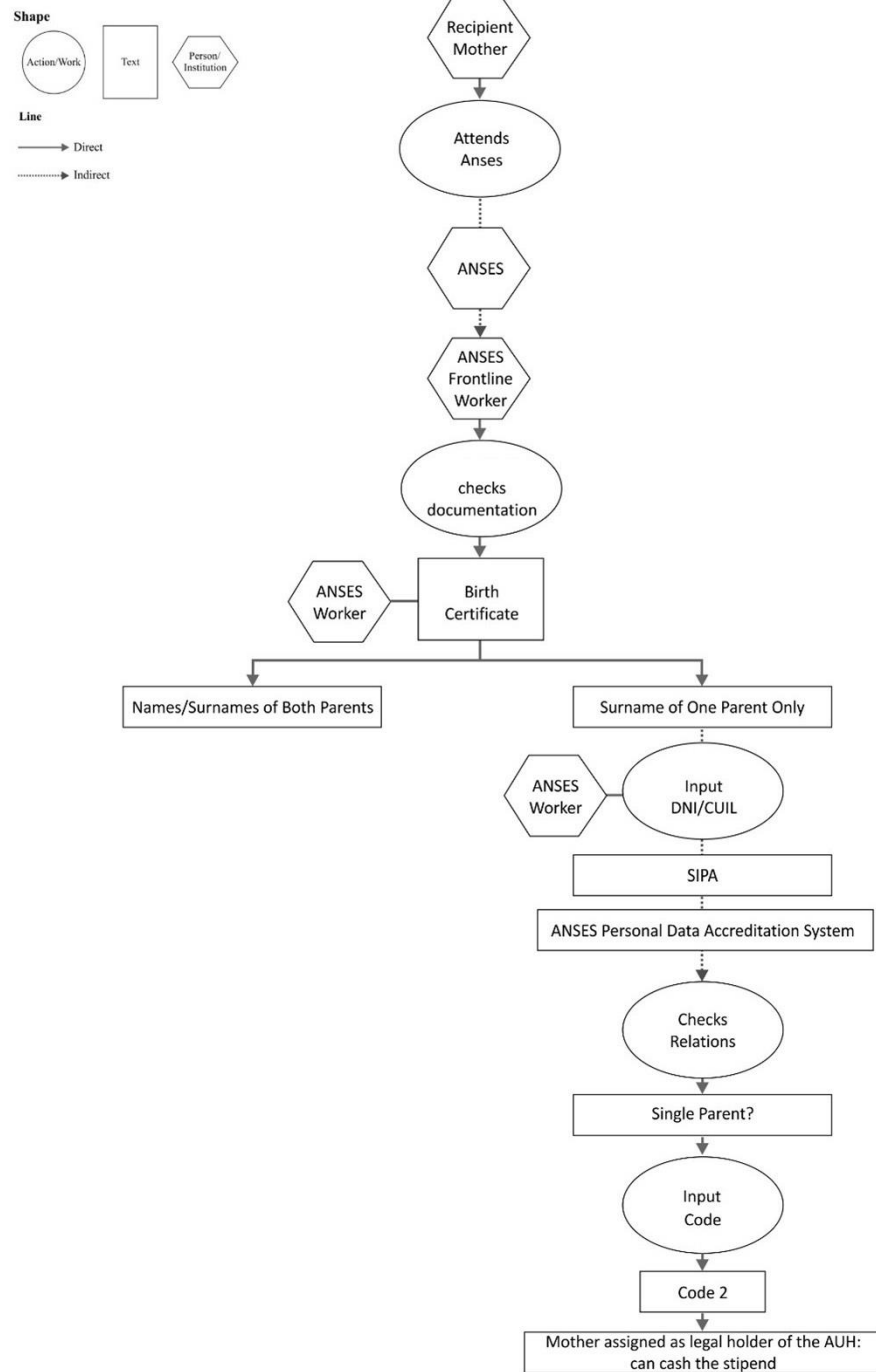


Figure 67: The sequence depicts text-work-text actions involved in determining whether a mother will cash the AUH stipend. Idea is mine and graphically designed by Jissela N. Polasek.

Ignacio selectively categorizes what he then transcribes into the textual representations as a “code two.” Such representations have been created to fit into frames sanctioned by the governing texts – Decree 1602/09 and Decree 614/13, supporting laws, policies, and programs – that subject that woman’s actualities to “mandated courses of action.”⁵⁴ To be institutionally authorized, that single recipient mother’s actualities must be converted into standardized dialect and reconstructed as software-identifiable data,⁵⁵ which then are used as the “political anchor of the government” [ANSES bureaucrat Mauro 00:01:54].

A woman’s complex lived experience gets simplified as a “code 2” in an inevitable “objective rendering of the social world.”⁵⁶ The problem with standardization is that it promotes suppression: specifically, it suppresses women’s experiences of violence. Recipient women’s complex, multifaceted, visceral, deep, nuanced, relational, and sometimes paradoxical experiences are not contemplated by the law and are stripped down of all their richness and complexity to fit into neatly defined but simplistic boxes or “codes.” There is much more to depth, convolution, intricacy, layering of vectors of oppression, and the intersection of a broad range of factors in women’s lives, yet they are lost in translation and not expressed through simplistic dichotomous categories deemed relevant for institutional courses of action.

What is relevant to women’s lived experiences, thus, tends to be disregarded by the institutional circuit and the law more broadly. Indeed, “because law is a language of authoritative interpretations, those who come to it [such as recipient women] must try to fit their version of

⁵⁴ George W. Smith, “Policing the Gay Community: An Inquiry into Textually-Mediated Social Relations” (1988) 16:2 *International Journal of the Sociology of Law* 163.

⁵⁵ Lisa Watt, “(Un)Safe at School: Parents’ Work of Securing Nursing Care and Coordinating School Health Support Services Delivery for Children with Diabetes in Ontario Schools” (2015) 42:2 *The Journal of Sociology & Social Welfare* 115 at 118.

⁵⁶ Griffith & Smith, “Under New Public Management,” *supra* note 10 at 81.

events into its terms.”⁵⁷ This institutional legal language “is assumed to be legitimate for all, because it understands itself as being aperspectived.”⁵⁸ Rather than being neutral and objective, institutional legal discourses help regulate struggle and distribute power in our society as the State “imposes its interpretations and its appropriations (of physical and symbolic power), and social actors struggle to shift existing power relations.”⁵⁹

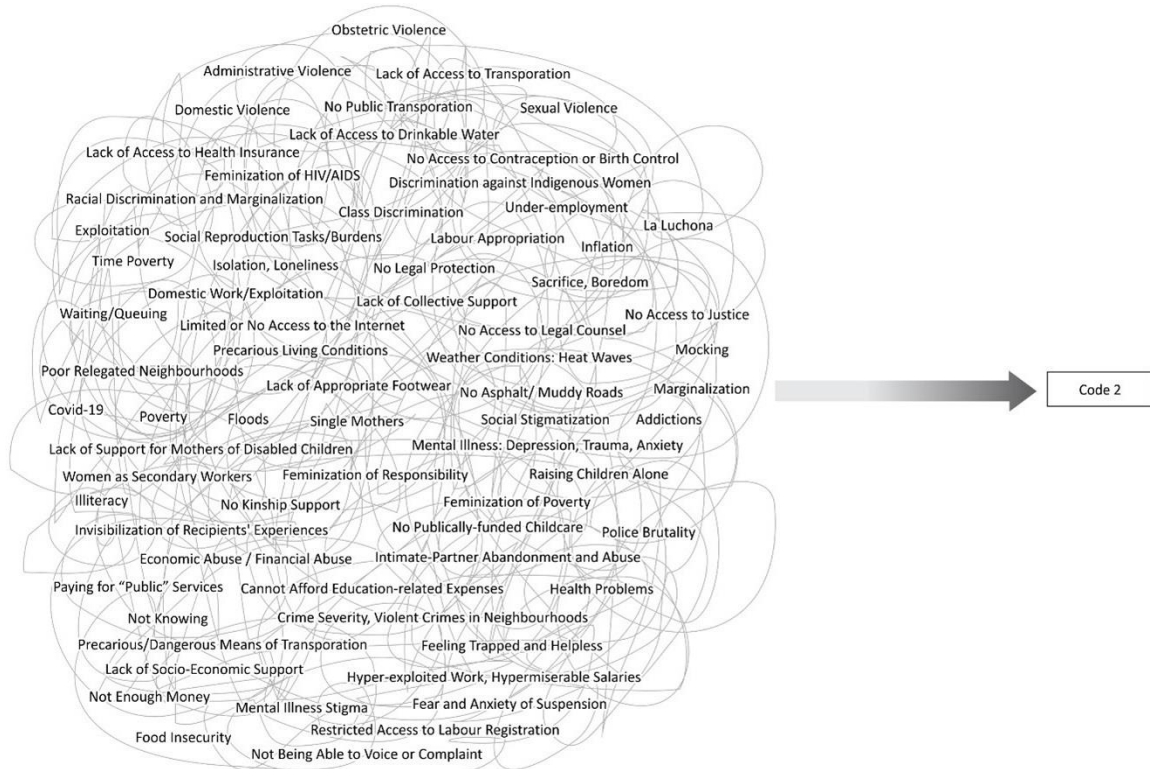


Figure 68: Illustration showing a visual metaphor of complex and multiple factors affecting a recipient mother’s life turned into a standard category. At a broader level of analysis, it means that lived experiences are stripped down and boxed into neatly defined categories because of institutional constraints. The idea is mine and graphically designed by Jissela N. Polasek.

⁵⁷ Lucinda M. Finley, “Breaking Women’s Silence in Law: The Dilemma of the Gendered Nature of Legal Reasoning” (1989) 64:5 Notre Dame Law Review 886 at 904.

⁵⁸ Finley, *supra* note 57.

⁵⁹ Elizabeth Mertz, “Legal Language: Pragmatics, Poetics, and Social Power” (1994) 23:1 Annual Review of Anthropology 435 at 441.

7.4.4.2 Scenario 2: Prioritize *Family Allowances* over the AUH

Translating women's actualities into standardized forms gets more complicated than a "code two" scenario in cases where the child has two parents.

But the child could have the surname of both parents. The system then needs to cross-reference the data to check the family income of both parents. There is a priority... the system first pays off those in registered employment ... usually, the father is working while the mother is not. She stays at home to take care of the kids... The agency pays off a *Family Allowance* to the father and does not pay it to the mother... the system prioritizes paying *Family Allowances* over the AUH [Legal Counsel Ignacio 01:11:44].

Recipient woman Leonor's narratives also aligned with what Legal Counsel Ignacio described as prioritizing contributory over non-contributory systems. "You see how intricate this is, whoever receives the most income for the *Asignaciones Familiares* [Family Allowances], that person is going to be "*le apoderade*"⁶⁰ (the proxy) of that benefit for the children. So do your math because generally, the pay is higher for men. But with the AUH, it is the mother who receives it, which means she also needs to accomplish the conditions" [Leonor 00:00:10].⁶¹ Evaluation of an individual's eligibility relies on an assessment of a potential recipients' financial status and relationship status using software technology. We can identify ruling relations at play: institutional priorities that privilege registered formal waged-work and female titularity.⁶²

⁶⁰ In this context, it refers to the person who has powers of another to represent her and proceed on her behalf. Leonor uses inclusive language, using the neutral definite pronoun "le."

⁶¹ These priorities reflect what recipient women like Leonor described during the interviews. "What is crazy is that when there are two workers, it is assumed they are a female and a male. Whoever earns more of both will be the one who has the ownership, let us say, of the stipend [Leonor 00:03:50]. The system works like this: if neither of the parents has a job '*en blanco*,' the regimen that operates is the AUH, and it is to be given to the mother as a first measure," explains Leonor [Leonor 00:04:48].

⁶² See section 4.2.3.2, "Female Titularity."

Hypothesis 2: Prioritize *Family Allowances* Over the AUH

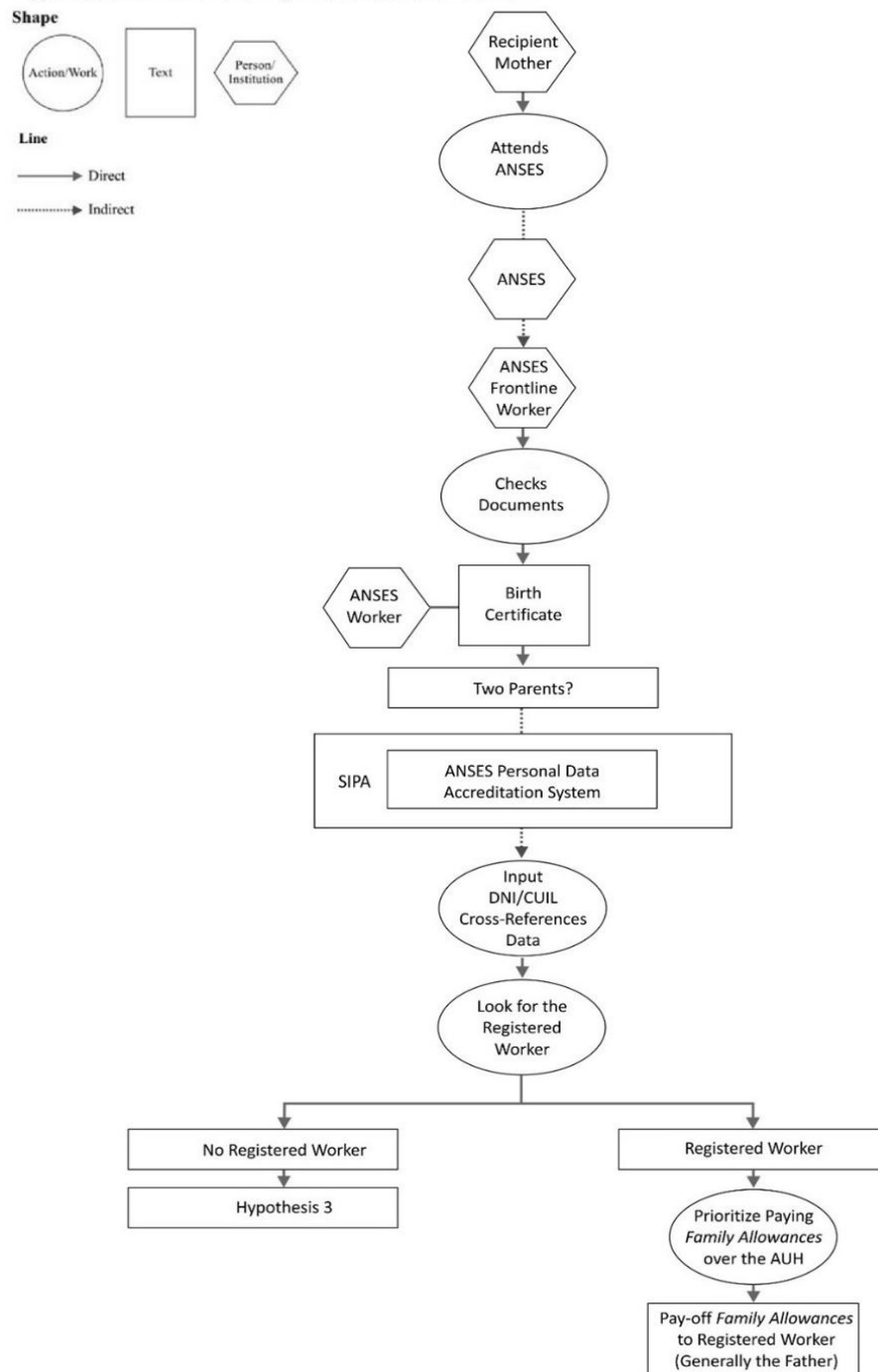


Figure 69: The graphic shows text-work-text processes and ruling relations that prioritize *Family Allowances* over the AUH. Idea is mine and graphically designed by Jissela N. Polasek.

7.4.4.3 Scenario 3: When Neither Parent Works, the System is Predetermined to Pay the AUH to the Mother.

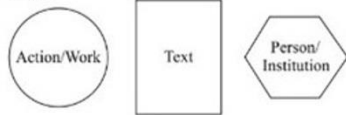
Legal Counsel Ignacio continues explaining how “the system” makes a presumption that transliterates women’s experiences in a standardized supposition.

When neither parent works, the system must pay the AUH... Today, the computer system is predetermined to pay off the mother ... Because in these cases, there is a presumption of custody and care of the children by the mother. It is a simple presumption⁶³ that can be refuted by providing evidence. So, the system is a presumption ... if this presumption is not factual reality, the parent needs to attend our office, provide evidence that the children are with him, in the case that they are with the father [Ignacio 01:14:08]

⁶³ “Legal presumptions” can be *iure et de iure* or *iuris tantum*. The ones that relieve the litigant from proving a fact considered to be true that does not admit evidence to the contrary are known as “*iure et de jure*.” The ones that allow evidence to the contrary are called “*iuris tantum*.” Andrés Eduardo Guillén & María Carolina Fabré, “La Prueba De Presunciones en el Proceso Civil Romano y su Recepción en el Derecho Argentino,” in Asociación Iberoamericana de Derecho Romano, *Fundamentos Romanísticos del Derecho Contemporáneo* (Madrid: Editorial Boen, 2021), online <https://www.boe.es/biblioteca_juridica/anuarios_derecho/abrir_pdf.php?id=ANU-R-2021-40119301200> at 1194.

Hypothesis 3: When Neither Parent Works, the System is Predetermined to Pay the AUH to the Mother

Shape



Line

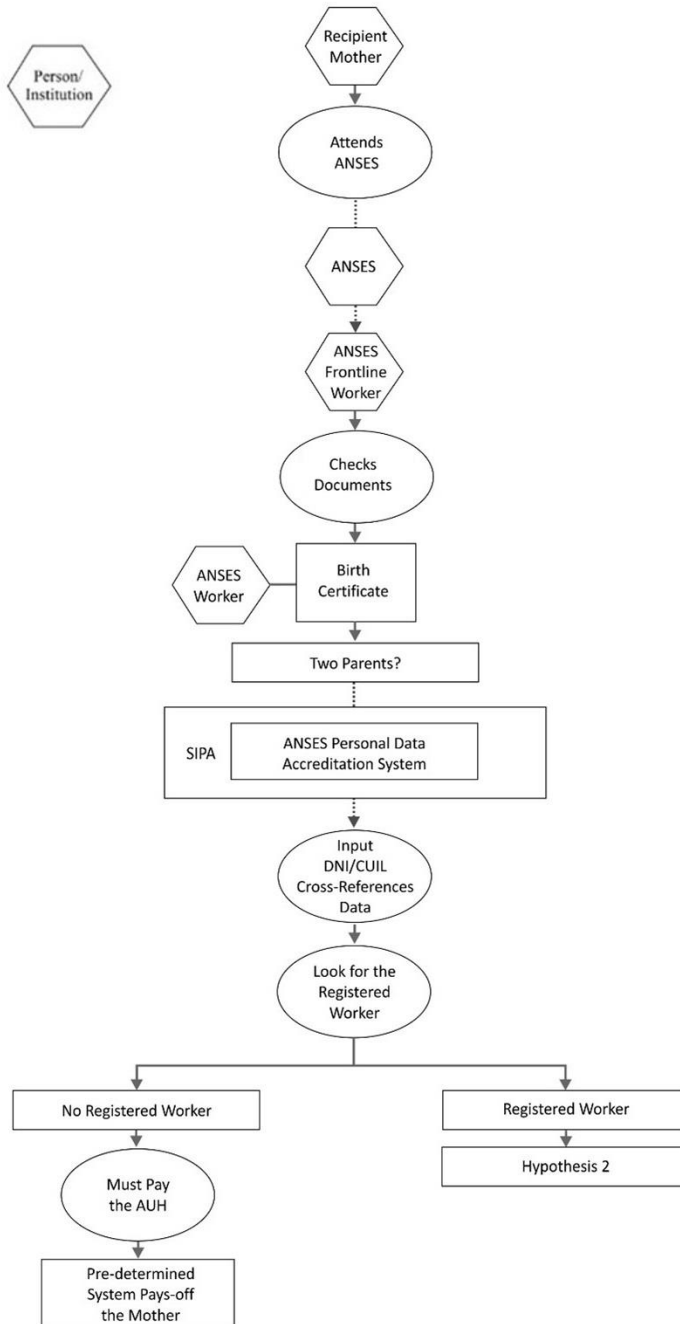
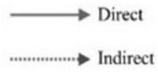


Figure 70: Figure shows relations of ruling that pre-determine payment to mothers. Idea is mine and graphically designed by Jissela N. Polasek.

7.4.4.4 Scenario 4: Case of Separation

As Ignacio explains, disjunctures start cracking open as operators attend to recipients' complex lives and report their work in the objectified data categories of ANSES e-governance technologies.

This is when the problem arose. Let us return to the hypothesis that the father was working and the mother was not. But to this hypothesis, I add that the parents are ... *de facto* separated, and the mother provides the child's personal care [*cuidado personal*]. What does the system do? ANSES has no way of knowing who the children are with... So what we do in this case is a presumption, again. We pay off the worker who is active [formally employed]. So we have had many mothers coming to the agency urgently and saying that they are not receiving the AUH; 'I have my three children here in my house, and we are not receiving it.' When I looked at the system, I noticed that the father was getting paid and living, for example, in Ushuaia.⁶⁴ The father was already living in another province, the mother here with the three children in her care, the father took-off [abandoned them]. And the father was paid the *Family Allowances* when he did not even know anything about the wellbeing of his children [Ignacio 01:15:44].

⁶⁴ Southernmost point of Argentina, used as a linguistic device in this context to contrast with the location of this worker's UDAI which is at the very north of Argentina.

Hypothesis 4: Separated Parents

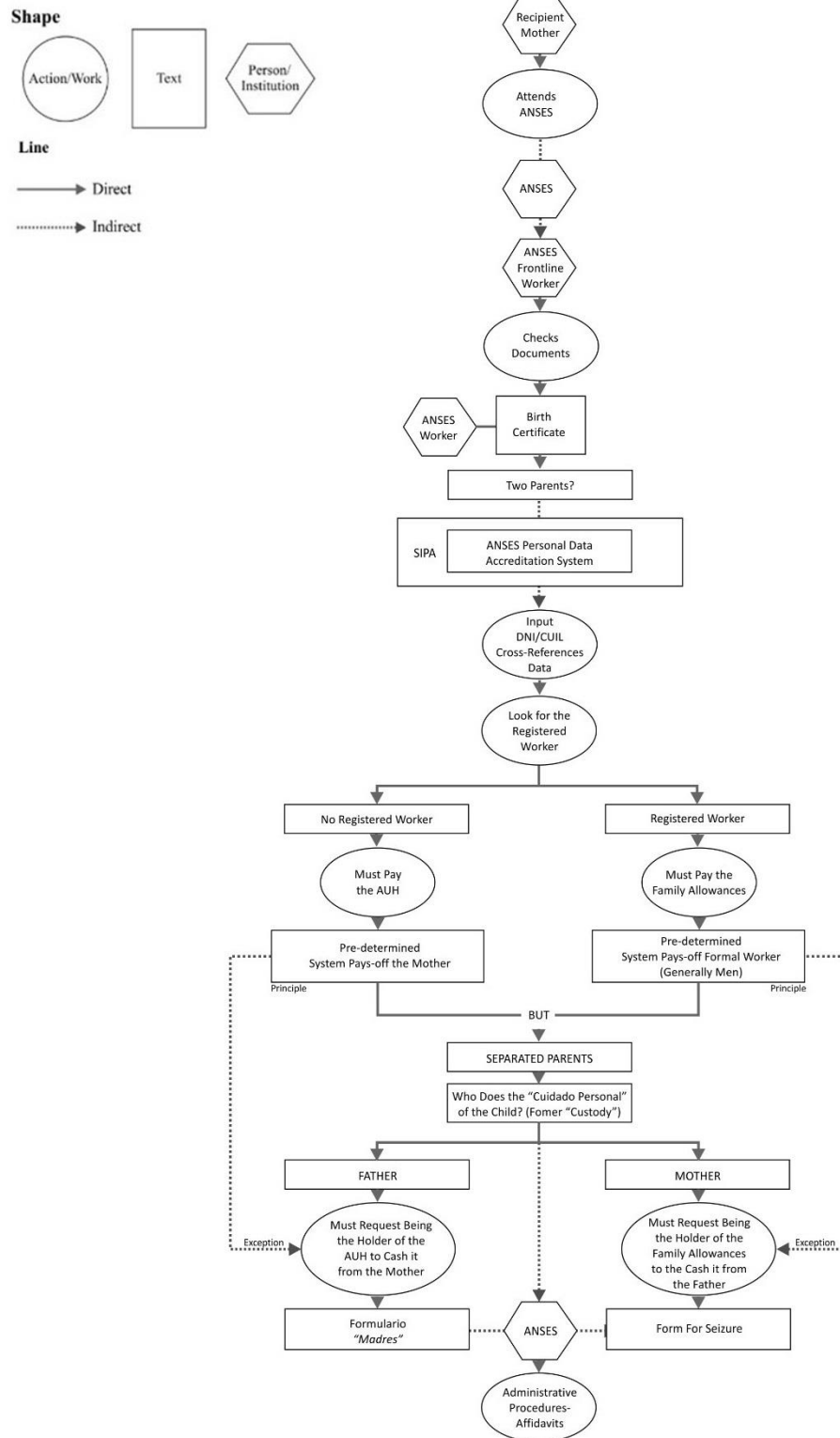


Figure 71: The figure depicts a text-work-text sequences of institutional priorities at play in the case of parents' separation. Idea is mine and graphically designed by Jissela N. Polasek.

There are evident tensions as recipients and frontline workers struggle to co-produce a factual story. Ignacio's narrative below highlights his struggles to translate what is actually going on into technical categories that do not easily make sense in terms of actual practices.

The father was cashing it [the AUH] and was not contributing to the family. Well, this is a problem that came up a lot. What was the solution at the time? At the time, a mother had to go through a very cumbersome legal process...and she already comes from a situation of vulnerability. What sense does it make to ask her to access another oversaturated system, the judicial system? Mothers had to go to a Justice of Peace Court⁶⁵ depending on which village they lived in, or a Family court, to make an affidavit. In order to get that affidavit, she needed to provide evidence, summary information. And with that affidavit, she would then go back to our office and prove she is in charge of her children's custody and guardianship [*custodia y guarda*]. Once the Justice of Peace or the Family Law Judge issued a summary information sentence, she had to go to the agency with the testimony of that sentence, we uploaded it, and in two months the system would pay her off. But look at all the trouble she had to go through! [Ignacio 01:17:06]. And some courts are oversaturated. To access a court, a mother had to wait for an appointment for a month and a half, then she had to attend the court, have witnesses to testify that her children were, in fact, with her. And...once they testify at the hearing, the judge cannot decide until a month later. And then, they have to ask for a copy, a 'testimony' of the sentence. With that testimony, we authorized her. It was a very cumbersome procedure [Ignacio 01:18:25].

The *Formulario Madres*, or Form 2.68, was introduced in this context described by Ignacio.

7.4.5 "Form 2.68"⁶⁶

⁶⁵ Justice of Peace courts comply with orders issued by judges: notifications, official letters, embargoes, verifications, evictions, and authorize minors to travel domestically and abroad. They also certify signatures, documents, and photocopies, and generate affidavits. Eliana Fucili & David Terranova, "La Justicia de Paz en una Provincia del Interior Argentino" (Mendoza, 1872-1890) (2020) 108 *Secuencia*, online <<https://doi.org/10.18234/secuencia.v0i108.1743>>.

⁶⁶ Term used by Ignacio. Note that the number of the form is not used anymore. See Annex 11.8, "Formulario Madres – 'Mothers' Form," for a copy and translation of the *Forms Madres*.

That situation [fathers cashing the stipend while children are with their mothers] went on until a directive from the President of the Nation was issued. There is a form with a number that is ‘2.68,’ but that number is not relevant because it was given a fascinating name at the agency: it is known as the ‘Form Mothers’ [el *Formulario Madres*]. It is like an affidavit but of an administrative nature still in use today. What was its purpose? To not let mothers go to court. And at the same time, if the [ANSES] operator detected that the father was collecting the AUH instead of the mother, mothers would fill out that form. A mother would state under oath of law that she oversaw the children. The same operator and, in this case, the legal division at the office, certified the signatures of the mother at the office. She was made to testify under oath of law. And after a month, she would be paid off. It was an affidavit...within the administrative sphere of the State [Ignacio 01:19:38]. And thanks to this document, it is impressive how well this problem was solved [Ignacio 01:20:33].

The entrenchment of these gendered assumptions about the respective roles of mothers and fathers in the institutionalization of the AUH cannot only be confined to the area of social policies. The judiciary has also built on elaborate productions of “natural” masculine and feminine duties within the domestic to validate various sexual divisions legally, confirmed by Ignacio.⁶⁷

I also practice the profession [lawyer] outside the agency, and I am familiar with the judicial proceedings of the Family Law Courts. There is a significant perception today about the personal care of the children [custody] and the role of parents [Legal Counsel Ignacio 01:22:52]. We have it ingrained in society that the mother is the one who has the most contact with the children. So it is okay because the system is going first to pay off the

⁶⁷ Dictamen 507/2001(2011), INADI, (Instituto Nacional Contra la Discriminación, la Xenofobia y el Racismo) “A., A.J.” (on the Topic of Visitation and Custody of Minors, and Discrimination against their Fathers), online <[395](http://www.saij.gob.ar/inadi--507-di110507-2011-12-22/12345677-0501-1ido-tseu-pmocnematcid?q=moreLikeThis%28id-infojus%2C%20numero-norma%5E4%2C%20tipo-documento%5E4%2C%20titulo%5E4%2C%20jurisdiccion%2C%20tesauro%2C%20provincia%2C%20tribunal%2C%20organismo%2C%20autor%2C%20texto%5E0.5%29%3A507&o=1&f=Total%7CFecha%5B50%2C1%5D%7CEstado%20de%20Vigencia%5B5%2C1%5D%7CTema%5B5%2C1%5D%7COrganismo%5B5%2C1%5D%7CAutor%5B5%2C1%5D%7CJuridicci%F3n%5B5%2C1%5D%7CTribunal%5B5%2C1%5D%7CPublicaci%F3n%5B5%2C1%5D%7CColecci%F3n%20tem%5E1tica%5B5%2C1%5D%7CTipo%20de%20Documento/Dictamen/INADI&t=2>”.</p>
</div>
<div data-bbox=)

mother using a presumption. And in that case, it would not be criticizable because, in reality, the system cannot pay both parents simultaneously. So, well, one has to be paid off [Legal Counsel Ignacio 01:24:40].

Until 2015, there was a legal presumption in Argentine Family (Civil) Law favouring women to remain in the custody of their younger children in case of separation or divorce. Before the broad 2015 Civil Code Reform, the text of article 206 read that “separated by a final sentence...children younger than five (5) years will be in charge of the mother unless grave reasons are affecting the interests of the child.”⁶⁸ After a divorce in Argentina, women will retain legal custody of their children in ninety-eight percent of the cases.⁶⁹ As Smith would predict, family law relations of ruling discipline mothers into believing their role is imperative in the upbringing of children. Prestigious Argentine family law scholar Prof. Zannoni, whose opinion has furbished many judicial decisions in family law, stated:

The preference in favour of the mother for legal custody of children under five years remains a reasonable provision in the context of our [Argentine] social and familial reality. The mother is generally in charge of the domestic sphere and cares for young children, a situation that is inevitable within the household when the husband works outside the home and cannot, as a matter of fact, replace his wife in those particular tasks. Therefore, in case of separation or divorce, it is sensible to maintain the *status quo* regarding young children.⁷⁰

⁶⁸ Civil Code, former article 206, online <http://www.oas.org/dil/esp/Codigo_Civil_de_la_Republica_Argentina.pdf>.

⁶⁹ Dictamen 507/2001, *supra* note 67 at 1.

⁷⁰ Prof. Eduardo Zannoni, cited by Verónica Spaventa, ed, “Interés Superior de las Niñas o Discriminación a la Madre por su Orientación Sexual?” II Revista Interdisciplinaria de Doctrina y Jurisprudencia, Derecho de Familia (Buenos Aires: LexisNexis, 2005).

In 2015, the rules that gave priority to women when deciding who would have custody of children after divorce changed after a broad reform of the Civil and Commercial Code, which has formed the foundation of civil law – and family law– in Argentina since 1871. There is no more presumption favouring mothers, but joint custody is preferred. The notion “*patria potestad*” [parental authority] is supplanted for “*parental responsibility*,” both custody [*custodia*] and access [*tenencia*] are replaced by the “personal care of the child.” Parental responsibility refers to parents’ “duties and rights... over the person and property of the child”⁷¹ for the protection and satisfaction of the “superior interest of the child” (best interests of the child).⁷²

Even though the black letter of the law changed more than six years ago, as Ignacio pointed out, the predominant ideological code in courts still is that mothers should care for their children. As I explained elsewhere in this work, informal norms of “responsible mothering” prevail over other State-enacted rules.⁷³ This norm was confirmed by family lawyer Lara who corrected me when using terms such as “custody” and “access” instead of “personal care of the child.”⁷⁴ Even though the lexicon has changed since the reform, Lara explained that in over 95% of the cases, mothers are still in charge of children’s care after separation or divorce [Lara 00:15:17].

On one level, the narrative of AUH mothers as legal recipients of the transfer could be read as a transition away from the model of the father as a patriarch, as a dominant figure within every

⁷¹ Civil Code, art 638, supplanting article 264 of the old Civil Code which provided: “*Patria Potestad* is the set of duties and rights of parents over the person and property of their children, for their protection and comprehensive education, from their conception and while they are minors and are not emancipated.” Civil Code, online <<http://servicios.infoleg.gob.ar/infolegInternet/anexos/235000-239999/235975/norma.htm>>.

⁷² Article 639 of the Civil Code establishes that the notion of “parental responsibility” is governed by the following principles: a) the best interests of the child; b) the progressive autonomy of the child according to her psychophysical development; c) the right of the child to be heard and to have her opinion taken into account according to her age and degree of maturity. Civil Code, *supra* note 71.

⁷³ See section 6.9, “Civil Registry: Identity, Surveillance and the Rule of Being a “Responsible Mother” at notes 137, 138.

⁷⁴ Legal Counsel Ignacio also practiced as a family lawyer and confirmed that mothers are still regarded as the primary caretakers within the household; he used multiple institutional terms that prevail in family law throughout the interview, including custody, access, and personal care of the children.

Argentine household, to a paradigm marked, increasingly, by a new standard of authority within the home, in which fathers are now viewed as having less authority and being marginal to the decision-making processes of the day-to-day lives of household members. However, it is important to point out that an event such as separation or divorce in the Argentine context does not necessarily correlate to the disappearance of the dominant patriarch and the correlated emergence of the “empowered” mother within the poor household. It also means the crystallization of a poor father’s exclusion from the realm of care, which will necessarily impact the mother’s and children’s situation.⁷⁵ Griswald (1993) argued that the welfare state assumes control over otherwise typical paternal functions, such as family support and education, discouraging men from developing affective bonds with women and children.⁷⁶ In particular, in Argentina, a belief in the superiority of the demands of paid labour has reinforced the cultural legitimacy of men’s disengagement from childcare and domestic labour.⁷⁷

In sum, the paradigm of the heterosexual father as the breadwinner, and the masculinities with which it has been associated, still exist alongside and in tension with a rising neoliberal paradigm that intends to crown pseudo-empowered mothers as sole decision-makers within poor households. The conditions imposed by the AUH are marked by a context where childcare becomes “invisible,” out of sight and the mind of the State, passing to the exclusive responsibility of poor mothers.⁷⁸ Such delegation of domestic labour and care responsibilities does not mean that

⁷⁵ Most informant women were single mothers. Married women or women in a relationship with the father of their children were the exception. However, recipient mothers reported counting on men’s help for their own physical safety.

⁷⁶ Robert Griswald, *Fatherhood in America: A History* (New York: Basic Books, 1993) at 7.

⁷⁷ Catalina Wainerman, “Conyugalidad y Paternidad ¿Una Revolución Estancada?,” in María Alicia Gutiérrez, ed, *Género, Familias y Trabajo: Rupturas y Continuidades. Desafíos para la Investigación Política* (Buenos Aires: Consejo Latinoamericano de Ciencias Sociales, 2007).

⁷⁸ Kabeer (2003) argues that women caring activities should be considered an integral part of the economic model, not just as surplus or informal labour, and that such a macroeconomic policy would promote economic growth with a potentiality to overcome the poverty trap. See Naila Kabeer, “Gender Mainstreaming in Poverty Eradication and the

structures of power and inequality have vanished, but instead, they are displaced and re-arranged under the promise of greater “female financial autonomy” and “less patriarchy.”

7.4.5.1 Ideology in the Law

Even though Smith did not specifically theorize about the law, her recipe for ideology is a crucial contribution to understanding formal and informal laws. Informal laws are patterns of normative behaviour that structure relations and “traditions and practices of social and institutional life.”⁷⁹ Akin to ideological codes, they are norms of behaviour taken for granted in society.⁸⁰ In my interpretation of Smith’s “recipe for making ideology,”⁸¹ this involves two main steps.

Millennium Development Goals: A Handbook for Policy-Makers and Other Stakeholders” (2003) Commonwealth Secretariat/ IDRC/CIDA, London, online < <http://www.idrc.ca/EN/Resources/Publications/Pages/IDRCBookDetails.aspx?PublicationID=229>> at 23-36. When recipient women undertake domestic responsibilities, they are making it possible for the State to foster its policies and for the employers to neglect paying the actual wages that would cover the cost for the maintenance of the worker’s household. Fiona Robinson, “Care, Gender and Global Social Justice: Rethinking ‘Ethical Globalization’” (2006) 2:1 Journal of Global Ethics 5-25 at 19.

⁷⁹ Colleen Sheppard, “Reducing Group-based Inequalities in a Legally Plural World” (2010) 75 Crise Working Paper at 5.

⁸⁰ See section 3.12, “How is the Law Deployed in this Work?”

⁸¹ Smith, “The Conceptual Practices of Power,” *supra* note 17 at 44.

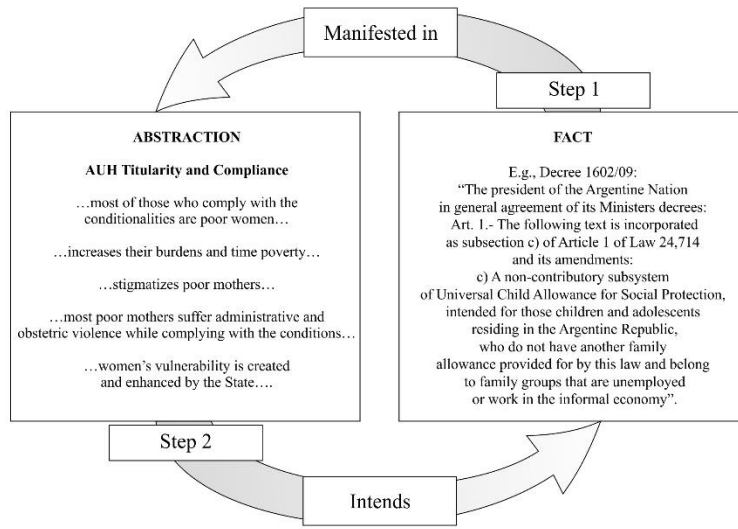


Figure 72: The making of an official account regarding AUH titularity. The structure and idea of the graphic are Deveau's (2009),⁸² which was adapted to this work and graphically designed by Jissela N. Polasek.

In the graph above, recipient women comply with AUH conditionalities, cash the stipend, and suffer administrative and obstetric violence while doing so. The first step of the ideology recipe is to generate an abstraction from an established “fact.” Decree 1602/09 contains “facts” on the AUH: “a non-contributory subsystem of Universal Child Allowance for Social Protection, intended for...children and adolescents [that] belong to family groups that are unemployed or work in the informal economy.”⁸³ Compliance with the conditionalities is an abstraction of what the formal law defines as the AUH. The top arrow illustrates this in Figure 72. Now banish the notion that these recipients are primarily comprised of women and suffer administrative and obstetric violence while doing AUH work and, for a moment, strike out the subjects who perform the conditionalities as well. What do you suppose you have left? As far as policymakers, social

⁸² J.L. Deveau, “Examining the Institutional Ethnographer’s Toolkit” (2009) 4:2 Socialist Studies/Études Socialistes at 12.

⁸³ AUH Decree of Necessity and Urgency 1602/09, online <<https://www.ilo.org/dyn/travail/docs/1804/DECRETO%201602.pdf>>.

security operators and users are concerned, all what is left is a non-contributory stipend for children and fulfilling health and education conditionalities. Through nominalization, AUH titularity becomes what Smith (1990) calls an “abstract noun capable of functioning as an agent”⁸⁴.

After removing the subjects from the picture and stripping them from all the connectives to the real hurdles they must overcome in complying with the AUH, the next step for making ideology involves bringing people back into the picture and sticking onto them this business of cashing and managing the stipend. Thus, Step # 2 of Figure 72 above, is mediated through texts – such as Decrees 614/13 and 840/20 – and is depicted by the bottom arrow, which is meant to illustrate how an abstraction is made to be an expression of the fact. At this point, the process is reversed: the abstraction – AUH titularity – which was created from the fact is now turned on its head and becomes the basis upon which Decree 1602/09 is interpreted in this concrete instance. “Each is used to elaborate the other,” writes George Smith.⁸⁵ In a sense, women are primary recipients of the AUH because they are ascribed the titularity of the AUH; and women have the titularity of the AUH because they are primarily the recipients of the stipend. We thus find what institutional ethnographers call an “ideological circle.” It shows how the erasure of women’s labour and the violence they suffer is achieved through the use of texts.

7.4.5.2 Anatomy of a Factual Account: Fabulist Mothers

Ignacio recognized that *Formulario Madres* is “the default procedure...within ANSES” [Ignacio 01:28:50], but not without its problems because bureaucrats are accountable for certifying signatures but do not have access to sufficient evidence when constructing the account of the “truth” they input into the machines.

⁸⁴ Smith, “The Conceptual Practices of Power,” *supra* note 17 at 44.

⁸⁵ Smith, “Policing the Gay Community,” *supra* note 54.

I saw several problems regarding Form 2.68... We cannot equate a purely administrative procedure that is done in ten minutes... to a judicial one. By contrast, a judicial summary process provides a more significant margin for including evidence; several witnesses are summoned to the hearing, and their statements are considered [Ignacio 01:25:40].

The new administrative order made it institutionally possible for the recipient mother to avoid resorting to the judicial system while also making her actions accountable within the institutional order, under the threat of the penalties established in the Penal Code for falsifying public documents.⁸⁶ Additionally, the technologies of the ANSES significantly reorganized the work of those at the frontline. Ignacio's description of how ANSES frontline workers are "handcuffed" and have no choice but to accept a mother's affidavit shows how relations between frontline workers and recipients create difficulties that had not been predicted and cannot be easily modified. Ignacio explained that the form solved and simultaneously created new problems.

I was aware of mothers filling in the *Formulario Madres* in the agency while not being in charge of the children. That is, they were falsifying an affidavit that has the ranking of a public document, and even though the Penal Code establishes penalties for falsifying such documents ... if a mother comes in and says, 'I am in charge of the children,' the operator has no way to know; he has to take the affidavit. The operator only must certify the signature and take the affidavit. While an operator can look into the case a little bit and try to see what is going on, he cannot refuse to do it ... It is one of the main pillars of the spirit of administrative law [Ignacio 01:25:40].⁸⁷

⁸⁶ Article 292 of the *Argentine Penal Code* states that "whoever makes a false document in whole or in part or modifies a true one, in such a way that harm may result, will be punished with imprisonment from one to six years, if it is a public instrument..." Translation is mine. Criminal Code, online <<http://servicios.infoleg.gob.ar/infolegInternet/anexos/15000-19999/16546/texact.htm>>.

⁸⁷ For a description of the administrative legal regimen, please see section 8.5, "Administrative Law & the AUH."

Informants paid significant attention to “outliers,” describing the behaviour of deviant mothers.⁸⁸ Recipients referred to other “irresponsible mothers” who do not care; health agents mention the cases of mothers who tried to cheat the system by pretending they lost their children’s vaccination records; a social psychologist talked about the need to “change the chip” of undedicated mothers; a teacher and principal talked about the need to compel these mothers to do things for the wellbeing of the children; a counsellor specialized in VAW explained that some women must be controlled when mothering; and ANSES bureaucrats referred to the case of mothers who used the *Form Mothers* to cash the AUH without being in charge of her children.

When analyzing the data I collected, I wondered whether violence is “normalized” or “exceptionalized” by informants. On the one hand, administrative violence that recipient women suffer in their encounters with the bureaucratic apparatus was minimized and rationalized by operators. When such violence happens, it could be said that it is treated as “the exception to the norm,” something that rarely happens. On the other hand, when recipient women supposedly act by manipulating the existing administrative procedure to cash the stipend, their abusive behaviours are “normalized,” even though logically speaking, those cases are statistically more “exceptional” than “normal.” By “normalized,” I mean that ANSES bureaucrats emphasized that in many cases – not a few but many – women were abusively cashing the stipend, lying, and falsifying public documents to the detriment of the father of their children who should be receiving the money.

Myths of the “fabulist” and “dishonest” women abound in the law, as in accounts about AUH recipient women in this study.⁸⁹ The courts also use stereotypes that present women as

⁸⁸ See section 6.9, “Civil Registry: Identity, Surveillance and the Rule of Being a “Responsible Mother”

⁸⁹ Criminal law expert Larrauri (2008) analyzed the attitudes of agents of the criminal justice system towards complaints of gender violence and classified them in several categories, namely, “honest woman,” “mendacious woman,” “instrumental woman,” “co-responsible woman,” and “fabulist woman” categories. The category of the “fabulist woman” is related to the judicial practice of requesting expert opinions to establish whether complaints of

“fabulists,” perpetuating the idea that women base their complaints on reality distortions, exaggerating facts.⁹⁰ This myth is associated with notions of insanity and irrationality often attributed to women’s behaviour, in contrast to the rationality often ascribed to men’s conduct.⁹¹ In bureaucrat Ignacio’s account, we can identify the myth of the “fabulist” woman, defined as “a liar, especially one who invents elaborately dishonest stories.”⁹² It is said of someone who has “an imagination unfettered by the laws of logic and probability.”⁹³

However, the laws of logic and probability would sustain a woman’s claim that she is in charge of her children in a context whereby 94% of recipients – if not more – are mothers. In turn, the laws of the logic of probability do not sustain the idea that numerous recipient women lie and falsify documents; given that women remain with their children in almost 98% of the cases after separation and divorce, chances are a woman who does not have custody of her children falls within the exception – 2%. This woman – situated in this possible but improbable scenario – is the woman who would approach the ANSES to try to cash the stipend herself.

Rank, Eppard & Bullock (2021) debunk the myth that welfare fraud is widespread and highlight the classist connotation of welfare stigma. In fact, fraud and distortions in social protection programs are pretty uncommon and show low incidence.⁹⁴ The authors explain that due to the stigma that cast the poor as undeserving of assistance, families who would be eligible for

sexual violence are based on the “fabrications” of women who seek protection. Elena Lurrari, “Cinco Tópicos sobre las Mujeres Víctimas de Violencia ... y Algunas Respuestas del Feminismo Oficial,” in Lorenzo, Maqueda & Rubio, eds, *Género, Violencia y Derecho* (Ciudad Autónoma de Buenos Aires: Editorial Del Puerto, 2008).

⁹⁰ Raquel Asensio, Julieta Di Corleto, Valeria Picco, Leah Tandeter & Magdalena Zold, *Discriminación de Género en las Decisiones Judiciales: Justicia Penal y Violencia de Género, 1st Ed* (Buenos Aires: Defensoría General de la Nación, 2010), online <<http://www.mpd.gov.ar/pdf/publicaciones/biblioteca/010%20Discriminacion%20de%20Genero%20en%20las%20Decisiones%20Judiciales.pdf>> at 110.

⁹¹ *Ibid.*

⁹² Lexico Oxford English Dictionary, Fabulist, online <<https://www.lexico.com/definition/fabulist>>.

⁹³ *Ibid.*

⁹⁴ Mark Robert Rank, Lawrence M. Eppard & Heather E. Bullock, “Chapter 14, Welfare Fraud is Scarce,” in Mark Robert Rank, Lawrence M. Eppard & Heather E. Bullock, *Poorly Understood: What America Gets Wrong About Poverty* (Oxford University Press, 2021) 106.

social programs choose not to apply to avoid the shame associated with these programs.⁹⁵ As Swan, Shaw, Cullity, Halpern, Humphrey, Limbert & Roche (2008) put it, “demonized and forgotten by the public, policymakers, and scholars alike, those deemed guilty of welfare fraud are the silent casualties of contemporary welfare policy.”⁹⁶

Of course, claiming women have agency also involves admitting that they may use that agency as they see fit, and such actions may involve lying and deceiving. Women’s agency may translate into actions that carry moral weight and that we judge from a normative standpoint, actions with which we may agree or disagree. However, the case of the “fabulist” recipient mother is an exception among exceptions. Unfortunately, throughout the interviews, informants paid particular attention to these exceptions.

In my opinion, the construction of such accounts is not accidental but part and parcel of structures that systematically enable and perpetuate VAW. On the one hand, AUH recipient mothers who have custody of their children are judged as the “*luchonas*,” scrutinized in how they spend the meagre amount of AUH money. On the other, mothers who do not have custody of their children are seen as the ultimate specimen of egotism.

7.5 Different Perspectives on the Bureaucratic Endeavor

There is a disjuncture between the experiences of recipients and the account given by the ANSES operators about the institutional processes involved in enrolling and being enrolled in the AUH. Both accounts appear to be referring to different processes. The second is described as reasonably

⁹⁵ Rank, Eppard & Bullock, *supra* note 94 at 106.

⁹⁶ Richelle Swan, Linda Shaw; Sharon Cullity, Joni Halpern, Juliana Humphrey, Wendy Limbert & Mary Roche, “The Untold Story of Welfare Fraud” (2008) 35:3 *The Journal of Sociology & Social Welfare* 133 at 148. See Janet E. Mosher, “Welfare Fraud: The Constitution of Social Assistance as Crime” (2005) *Commissioned Reports, Studies and Public Policy Documents*, online <<https://digitalcommons.osgoode.yorku.ca/reports/161>>.

straightforward, while the first as plagued with hurdles. Indeed, technocrats believe the social security organization uses technological expertise to reduce the bureaucratic burden on recipients.

Since its birth, the spirit of the AUH had always been to remove that burden from that sector of society, to remove the excessive bureaucracy... Thus, one of the points considered was that the person who will access the AUH should do so quickly, without any problem [Legal Counsel Ignacio 00:59:19].

By contrast, one of the problems that recipient mothers mentioned infinitesimal times during the interviews was the challenges in obtaining an appointment and the endless waiting hours.⁹⁷ According to Legal Counsel Ignacio, the agency admits having struggled with the issue of the compulsory nature of appointments for being served and the waiting times. However, he explains that ANSES promptly solved those concerns.

What I noticed at the time was that there was a directive from the State, that is, from our superiors ... that appointments should have been granted in advance and electronically ... I believe that the agency noticed this problem. Because ... today the agency even works without the need for an appointment, because it understands that we exist to accompany and help this sector of the population that is in a state of extreme vulnerability [Legal Counsel Ignacio 00:16:44].

According to Legal Counsel Ignacio, the system is straightforward and, for recipients, “there is not much to do. Generally, people who have to go to the office for this type of procedure [AUH] have a problem that can be solved there. Otherwise, everything is solved over the phone”

⁹⁷ See section 6.5, “Having to Pay for AUH-related Paperwork: Privatization of Services for Recipient Women;” section 6.6, “Mothers Experiencing Violence While Accessing the AUH;” and section 6.7, “Recipient Women Waiting.”

[Ignacio 01:03:39]. He further adds that “only in some specific cases you should go to a specialized ANSES office and have the problem solved” [Ignacio 01:00:35]. Neither technocrat mentioned the existence of cyber-café and the lack of access to forms and to internet connectivity. Legal Counsel Ignacio’s understanding diverges from recipient women’s experience, which Uma summarized: “you call the ‘claims department,’ and they do not even pick up. You wait and wait, and nothing” [Uma 00:45:47].⁹⁸ Thus, from the standpoint of ANSES workers, recipient women’s convoluted experiences with the social security apparatus were not evident.

7.5.1 Accountability Circuits: Making Sense of Bureaucrats’ Agency

How can we make sense of bureaucrats’ agency using IE given such disjuncture between their accounts and women’s? An accountability circuit is a type of institutional circuit,⁹⁹ useful in understanding frontline governance. It is defined as “a form of coordination that brings people’s front-line work into alignment with institutional imperatives through the activation of texts.”¹⁰⁰

I take the accounts of informants such as Ignacio or Mauro as evidence but also as versions backed by the amalgamation of power at the institutional level. It is essential to resist the urge to demonize these workers, who are also located in broader structures of capitalist and patriarchal exploitation. In fact, ANSES bureaucrats felt powerless and, in most instances, showed sensitivity, respect, and compassion when they talked about AUH recipients, displaying a solid sense of social consciousness.¹⁰¹ Contrary to what Perelmiter (2011) found in her empirical research on

⁹⁸ See section 6.6, “Mothers Experiencing Violence While Accessing the AUH.”

⁹⁹ See section 7.4.3, “Institutional Circuits: A Different Version of AUH Recipients Hooking into The System.”

¹⁰⁰ Griffith & Smith, “Under New Public Management,” *supra* note 10 at 253.

¹⁰¹ This reflection is restricted to the ANSES agents, not necessarily applying to health bureaucrats. Ambort & Straschnoy (2018) refer to capacity of bureaucrats of being either “hinders or enablers” for the certification of AUH conditionalities. The authors found that street bureaucrats’ values – what they regarded as “fair” – shaped their practices and the implementation of AUH policy. They cite Evan & Harries (2004) to explain that “discretionality” involves a “freedom of movement” to interpret rules that are not always clear. Tony Evans & Harris John, “Street Level Bureaucracy, Social Work and (Exaggerated) Death of Discretion” (2004) 34 *British Journal of Social Work* 871. Ambort & Straschnoy explain that – in certain circumstances – discretionality can be an essential professional

bureaucracies at the Argentine Social Development Ministry, and to what Ambort & Straschnoy (2018) found regarding operators' attitudes about AUH conditionalities, I found that agents showed great compassion independently of their high rank within the ANSES institution.¹⁰²

Now, if you go to the heart of the question of the AUH and educate yourself on the social security system and look at the numbers, you will see that there are people who, if they would not receive the AUH... they would starve to death. They would die! So your perspective can radically change if you consider these issues [Ignacio 00:45:47].

In this sense, Legal Counsel Ignacio's words align with women's narratives.¹⁰³ High-level ANSES technocrat Mauro explains that his work is to "guarantee rights" and emphasizes the importance of doing everything in their power to solve people's problems because:

we are the last hope for many people, right? The person who walked all this way to me to say, 'excuse me, can I talk to you?' He says it with shame, but he says it with hope. If I do not solve the problem, that is it. Because he thinks 'if a boss does not solve it for me, all I have left is poverty. I have nothing left' [High-ranking officer Mauro 00:46:55].

I found IE's accountability circuits helpful in explaining ANSES bureaucrats' agency. ANSES informants are limited in their work. For instance, Ignacio understands his work as restricted by ANSES regulations and the principles of administrative law. Mauro suggests that

attribute to foster social services, and in other cases, it may create arbitrariness. Ambort & Straschnoy, *supra* note 9 at 150. Liew (2021) explains that the challenge of the administrative discretionality of low-level agents lies not only in the comprehension of obstacles faced by clients in navigating administrative procedures, but also in the possibility of their exclusion from access to documentation and crucial information due to the discretion of governmental officials. Jamie Chai Yun Liew, "Statelessness and the Administrative State. The Legal Prowess of the First-Line Bureaucrat in Malaysia," in Tendayi Bloom & Lindsey N. Kingston, eds, *Statelessness, Governance, and the Problem of Citizenship* (Manchester University Press, 2021).

¹⁰² Perelmiter (2016) and Straschnoy & Ambort (2018) found that physical and symbolic distance is an influential factor in the level of empathy of bureaucrats. Perelmiter explained that "the higher the hierarchy, the less territorial anchoring, the less sensory knowledge and, therefore, less sensitivity. Conversely: the lower the hierarchy, the greater the territorial anchorage, the greater the sensory knowledge and, therefore, the greater sensitivity." Ambort & Straschnoy, *supra* note 9 at 139. Perelmiter, "La Burocracia Asistencial," *supra* note 9 at 227. Translation is mine.

¹⁰³ See section 6.4, "Not Enough but Significant Money."

political priorities and the constant attack of the current political opposition party constrain his work. Thus, Ignacio and Mauro “know [recipients] in two distinct and often contradictory ways – as real people with bodily needs and as text-based objects of professional attention.”¹⁰⁴ Their work is hooked up to legal responsibilities and accountability mechanisms. These bureaucrats are tasked with generating textual representations as part of their mandated work and inputting it into the SIPA system. This information travels through institutional veins and is used by their superiors to determine how competent they are as workers. In this manner, Ignacio and Mauro’s work also involves complying with the generation of organizationally required texts and presenting themselves as accountable to the ANSES.¹⁰⁵ Procedural and administrative law¹⁰⁶ clarifies how they work, while the institution’s objectives determine what they should work towards. For instance, Mauro explains that his supervisor communicated to him that

ANSES was going to be the political anchor of the government, where we had to change a lot of paradigms [related to the social ladder] that Macri’s administration had destroyed and related to the political imprint that the social security system has. So I accepted this part of the mandate; I had no other choice [Mauro 00:01:54].

Mauro also explains that “apart from being a good executor of public policy... one also has to be a good communicator ...because one word too many, one word too few, can make all the difference in terms of social mood” [Mauro 00:09:38]. Mauro’s high-level position in the agency depends on the accomplishment of goal targets that (1) can be communicated to the public and (2) serve as a political anchor of the government in power. His record of achievement or failures is

¹⁰⁴ Griffith & Smith, “Under New Public Management,” *supra* note 10 at 165.

¹⁰⁵ Dorothy E. Smith, “Texts and the Ontology of Organizations and Institutions” (2001) 7:2 *Studies in Cultures, Organizations and Societies* 159.

¹⁰⁶ See section 8.5, “Administrative Law & the AUH.”

activated in the employment relationship to further or inhibit his career – which has a strong political imprint – and procure visibility for a particular UDAI.¹⁰⁷

Technocrats are not free to do as they see fit but are coordinated within the ruling relations of the AUH. “What I noticed at the time was that there was a directive from the State, that is, from our superiors, that...appointments should be granted electronically,” explains Legal Counsel Ignacio. He then adds that he often had to reject individuals who could barely afford the public transportation costs to get to the ANSES office. Ignacio understands their situation but could not serve them. He had to tell them, “no, look, you need an appointment” [Ignacio 00:14:46]. His responsibility at times entails dealing with ethical issues; he describes he faced “extremely tough situations” when he met “with children who approached the agency” alone “to request... the benefit” [the AUH] [Ignacio 00:16:44]. Ignacio had to deny their request because regulations within circuits of accountability constricted him. Indeed, the boss text in question, Decree 1602/09, provides for parents to cash the stipend for children.¹⁰⁸ His decision implies that he had to respect the directives of their superiors and the provisions of the AUH boss text, though it was paradoxical because children are considered the AUH primary beneficiaries.¹⁰⁹ This story epitomizes the

¹⁰⁷ Neoliberalism and “New Public Management” are the prevalent discourses in bureaucratic socially organized settings, or what Clarke & Newman (1997) have called the “managerial State.” This neoliberal regime promotes productivity through market-based competition and encourages the reduction of public social services. John Clarke & Janet Newman, *The Managerial State: Power, Politics and Ideology in the Remaking of Social Welfare* (London: Sage, 1997). Kate McLaughlin, Stephen P. Osborne & Ewan Ferlie, eds, *New Public Management: Current Trends and Future Prospects* (London: Routledge, 2002).

¹⁰⁸ AUH Decree 1602/09, *supra* note 30.

¹⁰⁹ The legal fiction of age majority/minority works as an ideological code. Throughout interviews – especially with experts who had a law background – informants pointed out that “obviously” children cannot cash the stipend themselves, and an adult needs to do that action in their name and represent their interests. In the Argentine legal regimen, children in principle have no legal capacity until they become adults. After the 2015 reform and following the *Children’s Rights Convention* and Law 26,061 for the *Integral Protection of Children and Adolescents*, the legal capacity of children and adolescents in Argentina is known as of a “progressive autonomy.” Civil Code, Chapter 2, articles 22-26, Civil Code, *supra* note 71. Decree 840/2020, which modifies Law 24,714 and regulates the regimen of the AUH, follows the paradigm of progressive autonomy established in the Civil Code: adolescents between sixteen and eighteen years of age are entitled to cash the AUH stipend without an adult. Decree of Necessity and Urgency 840/2020, online < <https://www.argentina.gob.ar/normativa/nacional/decreto-840-2020-343905>>.

tension for technocrats between an ethic of care for vulnerable people and bureaucratic accountability. ANSES operators working with poor populations could not bend the rules around standardized official requirements to suit a particular person requesting assistance.

Ignacio also points out the injustice when, on some occasions, a parent not in charge of the children showed up at the agency demanding to be legally entitled to cash the stipend.¹¹⁰ Even when the operator suspected that was not true or had personal knowledge of the parent's situation and knew they were lying, his "obligation [was] only to certify the signature and take the affidavit." He explains that "while an operator can look into the case a little bit and try to see, you cannot refuse to do it. If the mother attends and requests that, the operator must do it. And it is one of the main pillars of the spirit of administrative law" [Ignacio 01:27:10]. In this case, administrative law limits the discretionality of bureaucrats; their decision will not be oriented towards judging the parent in question for being untruthful and denying them the benefit of the doubt. The bureaucrat will be held accountable for violating such principles of administrative law.¹¹¹ It is important to point out that constrictions were not the same for all social security agents. ANSES technocrat Mauro, a higher-ranking officer, showed more ability to intervene than Legal Counsel Ignacio.¹¹² Mauro had ample maneuvering space for moving files, rectifying mistakes, and deciding how their work within the agency was organized.¹¹³

¹¹⁰ *Formulario Madres* is explored in section 7.4.5, "Form 2.68"

¹¹¹ See section 8.5, "Administrative Law & the AUH."

¹¹² ANSES bureaucrat Mauro explained that the political opposition (Macrism) "does not use rationality but uses emotionality" to create a "framing" to "encapsulate a thought" and stigmatize AUH recipients as "*planeros*" to weaken the idea of the AUH – the most important social policy in Argentina and "the political anchor" of the current government. "I think that when public policies are long-term and strong, the opposition has to break that idea a little bit" [Mauro 00:31:33].

¹¹³ Bureaucrat Mauro's work was abstract, at the high-decision-making level, but also showed significant involvement in his "*bajada al terreno*" [territorial anchorage]. However, his work was sensory as well; he would serve recipients himself, visit different locations, talk to people, and physically monitor the activities of other bureaucrats.

What about the agency of World Bank technocrats? World Bank informants – Economist Pedro and Social Policy Expert Lautaro – were restrained and cautious. These technocrats were skilled in their fields and purposefully avoided their experiential knowledge, restricting their answers to the World Bank project’s textual domain.¹¹⁴ World Bank bureaucrats were concerned about “saying the wrong thing” and about their opinions being wrongly reflected in the institution they were accountable to. They separated their personal opinions from the World Bank’s position and were reluctant about open-ended questions that could not be answered based on hard evidence. The AUH has a transnational reach, and individuals such as World Bank workers work in a context marked by textual obligations and a particular institutional order of accountability.¹¹⁵ These informants knew they were liable to the institution, or as DeVault (2008) put it, knew they acted in “a virtual space of textualized accountability.”¹¹⁶ It is clear that technologies of governance created by other people at different times and spaces help mould how these bureaucrats work and how their labour is recognized and constrained.

7.5.2 “Implementation Challenges”: Privatization and Policing

Recipient women’s experiences of administrative violence were primarily absent from technocrats’ accounts. Instead, World Bank technocrats restricted their opinions about obstacles created by the AUH to the notion of “implementation challenges” [World Bank Senior Economist Pedro 00:09:02]. Economist Pedro explains that the AUH is

an innovative and revolutionary program, in its vision and characteristics, but it is challenging to implement. So what the [World] Bank’s project [loan to Argentina] does is

¹¹⁴ See section 7.6.1.3, “Absorbed by the Numbers.”

¹¹⁵ Ambort (2018) argued that the interference of the World Bank project marks a “return to *asistencialismo*” because it centred around identifying the recipients not covered by welfare programs without any institutional strategy for improving the quality of State-provided health and education services. Ambort, “Desarticulaciones,” *supra* note 40 at 156.

¹¹⁶ Marjorie L. DeVault, *People at Work: Life, Power, and Social Inclusion in the New Economy* (New York: New York University Press, 2008) at 294.

precisely to help correct these implementation challenges” [World Bank Senior Economist Pedro 00:09:02].¹¹⁷

According to Economist Pedro, “the ability of countries to be strict with conditionalities has to do with the institutional capacities they have to verify them,” such as integrated systems, because “the truth is conditionality generates additional complexity to the implementation phase” [World Bank Economist Pedro 00:21:56]. In this account, there is no consideration of the moral perils of the imposition of conditionalities; it is an instrumental matter of how strict a State can be in verifying them. By contrast, from recipient women’s view, complying with the conditionalities and verifying them made them more vulnerable to experiencing administrative violence.¹¹⁸ I now turn to World Bank and ANSES technocrats’ descriptions of such “implementation challenges.”

7.5.3 Privatization, Accessibility, Communication

In regards to privatization and outsourcing, ANSES high-ranking technocrat Mauro explains that when he arrived at the agency:

...the system that had been established by former president Mauricio Macri...had to do with the logic that in order to enter the agency you had to have a *gestor* [manager], who charged a person the equivalent of two or three pension payments just to file for her pension [Mauro 00:50:52].

¹¹⁷ The World Bank Project (Loan) focused on specific objectives, namely, financing, closing the AUH coverage deficit, and strengthening the institutional capacities of ANSES and the Ministry of Social Development in regard to communication, project management, and transparency. For a detailed description of World Bank loans to Argentina, see section 4.2.3.8, “The World Bank.”

¹¹⁸ See section 6.11, “Difficulties Certifying Conditionalities: Loss of the AUH Due to Lack of Certification or Administrative Negligence,” and section 6), “Hooking-in: The Experience of AUH Recipient Women” more generally.

According to Mauro, this system was “a kind of privatization because there were [ANSES] offices where only the managers had access to the appointments” [Mauro 00:50:52]. It means that a social security user must privately contract an agent – the *gestor* – to help them navigate the complicated bureaucracy and to pay for these services. Managers are mainly hired for filing pensions applications but can also be used for AUH-related paperwork, though the latter is less common because AUH recipients are poor, and the AUH stipend is not enough to cover the costs of hiring an agent. Most *gestores* are lawyers, and Mauro admits having had conflicts with the Chaco Law Association; “we could not prohibit them [*gestores*] either, because there was already a precautionary measure issued by a Federal Court stating that ANSES could not block in any way any computer, any work of the agency, to the Bar Associations” [Mauro 00:49:23].

Besides privatization, high-level technocrat Mauro thinks the problem here is accessibility and communication. In order to be more accessible, he asked his team to ensure they book appointments for those recipients who need it because otherwise, they resort to a manager. In his words, *gestores* do not do more than gather paperwork and follow up files online; “they charge you for scheduling an appointment” and “as long as citizens cannot get an appointment, they will end up going to managers. So we have to open the door to the citizens so that they can see that we are an accessible organization. That [lack of accessibility] is what *Macrisimo* did” [Mauro 00:50:52]. “Accessibility” is therefore fulfilled when ANSES bureaucrats effectively book appointments for AUH recipients so they can “access” ANSES without having to pay to do so.

According to technocrat Mauro, privatization is also a problem of “communication.” Communication – or lack thereof – means that ANSES bureaucrats fail to communicate to citizens that they do not need to hire a *gestor* to be served. Technocrat Mauro adds that ANSES is working with the Ombudsman to solve this problem, but so far it is not working because individuals fear

retaliation and do not want to introduce a complaint or inform about the abuses of managers and bureaucrats. When a citizen complains about the abuse, according to Mauro, ANSES suggests reporting it, but individuals do not want to report it because they believe “it [the problem] will not stop because you complain; you leave, and then you have to go back to ANSES, and I am sure there is someone inside the ANSES who will rat you out.” Technocrat Mauro explains ANSES is always missing a “paw” to denounce the abuse suffered by clients [Mauro 00:55:28].¹¹⁹ In this way, ANSES high-ranking bureaucrat Mauro’s narrative echoes recipient women who fear retaliation if they speak up or confront bureaucrats.¹²⁰

7.5.4 Policing How People Wait

High-ranking ANSES technocrat Mauro did refer to the problems of long queues they had faced in their office. However, the solution offered by ANSES was problematic from a human rights perspective, and a punitive strategy against social policy recipients.

The ‘cool’ thing was waiting in line from 3 a.m. to 4 a.m. outside. Well, today, we have the peak of people lining up at 11 a.m. We have a new office with a state-of-the-art waiting room, and we assign police on the street, and people are not allowed to stay overnight anymore because we also have to change a habit [Mauro 00:52:11].

I prompted ANSES technocrat Mauro to explain the rationale behind that decision.

We had to place a police officer during the night and not let them [people] wait in line because, at one point in ANSES, the number of people in the offices was so massive that people started to attend the place to sleep at night outside the offices. You would walk by the office at 10 p.m., 1 a.m., 3-4 a.m., and people were sleeping, with chairs, to be served, standing in lines so long that there were two blocks of queues. We changed it. Today we

¹¹⁹ When I asked Mauro what “work” means in this regard, he responded that it means communicating better with citizens and making sure they know the agency’s doors are open to everyone [Technocrat Mauro 00:58:28].

¹²⁰ See section 6.14, “The Rule of Avoiding Retaliation at all Costs.”

have seats inside the office. The other day I was attending to a lady, it was late, and the lady was carrying a *silleta*¹²¹ [folding chair], and I asked her what the chair was for. And the lady replied, ‘I brought it because whenever I came here, I always ...had to wait outside a long time.’ Now the paradigm is that we do not want people [waiting] outside. We want people inside, sitting with air conditioning. We will have many people indoors, but we must fix it and work more efficiently; it is our problem. But it was crazy!...However, much work is done in collaboration with the police force who say, ‘Hey, you cannot sleep here,’ so it is easier to break that discourse of waiting [Technocrat Mauro 00:53:33].



Figure 73: The photo above was taken by a gatekeeper an evening at around 10 p.m. in Resistencia, the capital of Chaco, in July 2021, in front of one of the ANSES’ newest offices. It is possible to see a private security guard to the right, even though no police officers were spotted.

Workers’ workloads have logically increased to accommodate crowds, but Mauro explained that it is “their” problem to solve [Technocrat Mauro 00:53:33]. In a way, bureaucrats’ “non-work”¹²² helps cover up the system’s potholes. Paraphrasing Valverde (2003), the waiting of the recipients Mauro refers to can be seen as situated in a terrain moulded by “partly administrative and partly commonsensical knowledges” which are “deployed to authorize particular minor

¹²¹ See Figure 35.

¹²² Diamond (1992) introduced the notion of “non-work” of frontline workers whereby they need to serve recipients in a way that increases their workload, but such tasks remain invisible. Timothy Diamond, *Making Gray Gold: Narratives of Nursing Home Care* (Chicago: University of Chicago Press, 1992).

officials who lack professional qualifications” to police AUH recipients, such as police officers or private security guards who handle welfare clients.¹²³ In this context, and using Valverde’s words, “law constructs – and deploys – administrative knowledges that confer on low-level state officials epistemological authority not only over law but over matters of everyday life. Administrative knowledges ... rarely get ... named, despite its key role in numerous legal and policy arenas.”¹²⁴

Social security bureaucrat Mauro is an administrative authority that has a project that aims to “create civility,” and projects “largely conducted by low-level administrative officials whose conduct is rarely scrutinized by either appeal courts or scholars, (...) can easily continue to exist and thrive alongside the better-known legal technologies that control the rights-bearing subject,” such as recipient women.¹²⁵

Through Mauro’s narrative, we can also see how administrative law can be used to police, control, and penalize vulnerable individuals, such as AUH recipients, utilizing non-criminal forms of social control. It is unnecessary to resort to using criminal law. Velloso (2013) explained how non-criminal alternative practices of social control could be more “efficiently” deployed to fine or socially exclude people.¹²⁶ In fact, when conflicts are administratively translated, they are eventually punished more effectively because the forum of administrative justice requires a lower

¹²³ Mariana Valverde, *Laws Dream of a Common Knowledge* (Princeton: Princeton University Press, 2003) at Conclusion.

¹²⁴ “And because the project to create civility, transparency, and order positively in urban spaces is largely conducted by low-level administrative officials whose conduct is rarely scrutinized by either appeal courts or scholars, it can easily continue to exist and thrive alongside the better-known legal technologies of the rights-bearing subject.” Valverde, *supra* note 123.

¹²⁵ Valverde, *supra* note 123.

¹²⁶ João Gustavo Vieira Velloso, “Beyond Criminocentric Dogmatism: Mapping Institutional Forms of Punishment in Contemporary Societies” (2013) 15:2 *Punishment & Society* 166 at 171. Socio-legal scholars have argued that non-penal normative systems are utilized to regulate urban disorder. See Nicholas K. Blomley, *Law, Space, and the Geographies of Power* (New York: Guilford, 1994). Marie-Eve Sylvestre, “Rethinking Criminal Responsibility for Poor Offenders: Choice, Monstrosity, and the Logic of Practice” (2010) 55 *McGill Law Journal* 771. Marie-Eve Sylvestre, “Disorder and Public Spaces in Montreal: Repression (and Resistance) Through Law, Politics and Police Discretion” (2010) 31:6 *Urban Geography* 803. Mariana Valverde, “The Ethic of Diversity: Local Law and the Negotiation of Urban Norms (2008) 33:4 *Law and Social Inquiry* 895. Mariana Valverde, “Jurisdiction and Scale: Legal ‘Technicalities’ as Resources for Theory” 18:2 *Social Legal Studies* 139.

legal threshold and better enforcement capacity.¹²⁷ In this way, AUH recipients became unwilling targets of the punitive use of administrative law and victims of administrative violence.

7.5.5 The AUH is Not a “Conditional” Cash Transfer

Data showed bureaucrats’ resistance to emphasizing the conditional aspect of the program. Instead, these informants’ reactions oscillated between minimizing, denying, and justifying the conditionalities. None of the ANSES operators connected the AUH to a broader trend of expansions of CCTs in Latin America. Legal Counsel Ignacio, for example, explained that Argentina was “the exception” at the international level to adopt a policy such as the AUH.

It [the AUH] was born in an international socio-political context, in opposition to what was held at that historical moment... It was something that was even frowned upon in the historical moment, in the socio-cultural, socio-political, international moment. How could a State in economic crisis use its scarce State resources to pay for people who are not working? Well, what the Argentine state did was the exact opposite [Ignacio 00:38:05].

High-ranking ANSES official Mauro claimed that “this [the AUH] is a unique, exceptional public policy; the best countries in the world have it” [Technocrat Mauro 00:32:48]. Mauro added that the AUH is a “disruptive tool in public policy in Latin America.”¹²⁸ The academics I interviewed also reverberated the attitude of resistance towards framing Argentina’s AUH program

¹²⁷ Velloso proposes “a wider conception of the penal field which operates as a mobile (kinetic sculpture) and includes the criminal law realm, but also other institutional normative systems that configure ‘less’ prominent locations of punishment, such as: regulatory criminal law, civil courts, immigration law, military law, parole boards and other administrative legal systems that play an increasing role in social reaction. I ultimately argue that criminologists should also focus on such administrative-based justice systems in order to better address and resist punitiveness.” Viciera Velloso, *supra* note 126 at 166.

¹²⁸ An Argentine myself, my first thought was: “could not this understanding of the AUH be culturally conditioned by our well-known arrogance?” “Ego is the little Argentine inside each of us,” goes a joke, among many others that contribute to a “Latin pastime – Argentine bashing.” New York Times, “The World; Formerly Arrogant, Utterly Argentine” (24 May 1998), online <<https://www.nytimes.com/1998/05/24/weekinreview/the-world-formerly-arrogant-utterly-argentine.html>>. Sense of humour aside, as Smith pointed out, is not unusual for frontline workers to be familiar with a particular text that mandates their work, and not with other boss texts that remain distant and obscured in their everyday experiences. Alison I. Griffith & Smith, “Under New Public Management,” *supra* note 10.

as a CCT. Many believed that Argentina's AUH was different from other Latin American programs because it had been incorporated into the State's social security apparatus via legislation and framed as complementary to the *Family Allowances* program.¹²⁹

Even the World Bank officials referred to the AUH as different from other Latin American programs. World Bank Social Protection Specialist Lautaro stated that the AUH "is proposed as an entitlement throughout the life of children... almost as a right and not as a transitory program ... it is different from other programs in Latin America of this 'conditional cash transfer thing'" [World Bank Social Protection Specialist Lautaro 00:02:26 & 00:04:10].

I argue that the AUH does not escape broader processes of "ordering a society in which capitalist economy is possible."¹³⁰ It needs to be understood as influenced by extra-local relations articulated within it. Legal Counsel Ignacio describes the shift in ways of governing welfare in Argentina – using "scarce State resources to pay for people who are not working" [Ignacio 00:38:05] – that has become a fundamental strategy in the restructuring of the social policy agenda in Latin American neoliberalisms. This shift – supposedly "in total opposition to ...the Washington Consensus" [Ignacio 00:38:05] –, refers to palliative and superficial interventionist mechanisms linked to Third Way-type politics.¹³¹ According to Gledhill (2001), they "resonate[]" rather better

¹²⁹ In the Argentine literature about the AUH, there was a heated debate about whether the AUH could be conceptualized as a CCT. See section 2.4, "Neoliberalism and the AUH," at notes 64, 65, 66.

¹³⁰ Philip Corrigan & Derek Sayer, *The Great Arch: English State Formation as Cultural Revolution* (Oxford: Basil Blackwell, 1985) at 187.

¹³¹ The "Third Way" is said to be a midway position between social democracy – intervening in order to redistribute wealth – and explicit neoliberalism – based on the idea that inequality is inevitable and should be solved by individual creation of wealth. According to Third Way neoliberalism, the State is responsible for redistributing wealth and minimizing inequality through policies that work as pedagogic/moral projects that aim to turn the vulnerable into responsible and autonomous rights-holders. Veronica Schild, "Empowering 'Consumer-Citizens' or Governing Poor Female Subjects?" (2007) 7 *Journal of Consumer Culture* 179.

with Latin American sensibilities than the more technocratic kind of neoliberal rhetoric.”¹³² The poor are expected to lift themselves out of poverty via labour; the State is there to “help” them.¹³³

The neoliberal imprint of the AUH remains hidden in ANSES bureaucrats’ accounts because neoliberalism is not just one non-contradictory set of uniform practices,¹³⁴ and governmental regimes do not explicitly adopt it as such nor admit that their reforms are “neoliberal.” As Rose et al. (2006) argue, governments integrate aspects of neoliberalism without explicitly embracing it as such.¹³⁵

In Argentina, this tendency that combines characteristics of both “thick” and “thin” liberalism,”” paraphrasing Molyneux (2007),¹³⁶ is evident in the current Argentine politics after the election of the left-wing *Partido Justicialista* in 2019. This neoliberal and productivist rationale is also patent in the discourse of conditionalities mobilized by the *text* of the AUH Decree under the rule of the *Partido Justicialista* in 2009, which reads that the “key element to the structural problem of poverty is the creation of working opportunities. Dignified work continues to be the most cohesive element of family and society, allowing for the individual’s development.”¹³⁷

“Dignified work” fails to see the structural basis of inequality. Contemporary *justicialista* politics absorb a hybrid neoliberal discourse which encourages the poor to alleviate their poverty through “formal labour participation,” a logic that has paradoxical effects in the struggle against

¹³² John Gledhill, “Disappearing the Poor? A Critique of the New Wisdoms of Social Democracy in an Age of Globalization” (2001) 30:2-3 *Urban Anthropology* 123 at 126.

¹³³ Anthony Giddens, *The Third Way. The Renewal of Social Democracy* (Cambridge: Polity, 1998). Nikolas Rose, “Community, Citizenship, and the Third Way” (2000) 43:9 *American Behavioral Scientist* 1395.

¹³⁴ Scholars have referred to this hybridity as the “limits of neoliberalism” or the “exception to neoliberalism.” Catherine Kingfisher & Jeff Maskovsky, “Introduction: The Limits of Neoliberalism” (2008) 28:2 *Critique of Anthropology* 115. Aihwa Ong, *Neoliberalism as Exception: Mutations in Citizenship* (Durham: Duke University Press, 2006).

¹³⁵ Nikolas Rose, Pat O’Malley & Mariana Valverde, “Governmentality” (2006) 2 *Annual Review of Law and Social Science* 83.

¹³⁶ Maxine Molyneux, “Change and Continuity in Social Protection in Latin America: Mothers at the Service of the State?” (2007) 1 *Gender and Development Programme Paper*, Geneva: United Nations Research Institute for Social Development, online < <https://www.files.ethz.ch/isn/45959/001.pdf> > at 12.

¹³⁷ AUH Decree 1602/09, *supra* note 30.

poverty. It is thus possible to see the AUH development as embedded within a broader trend toward economic conservatism. Hence, Argentina's AUH cannot be understood in a vacuum. It exists within a web of translocal relations underpinned by a complex of neoliberal discourses and a web of class, race, colonial, and gender relations of ruling that IE allows us to see.

7.5.6 Minimizing the Hurdles Conditionalities Involve

Minimizing recipient women's burdens means underestimating women's efforts, capacities, and the magnitude of the obstacles they face because of the implementation of conditionalities. It is an understated form of abuse that involves belittling women's perspectives to make their concerns and values seem unimportant.

Minimization took various forms and emerged in different settings through the interviews with operators. When total denial was impossible, minimization of women's hurdles occurred in terms of rationalization. For example, conditionalities are framed as a natural part of the process of ensuring the ultimate goal: children's wellbeing. As World Bank Senior Economist Pedro summarizes, the AUH "regardless of how it is understood, it is operationalized as a benefit in the hands of the child, whose eligibility depends on the employment status of his or her parents" [World Bank Senior Economist Pedro 00:06:26]. Indeed, the statement that the AUH's sole and ultimate purpose is "the children" was repeated *ad nauseam* throughout this study.¹³⁸ Murray & Spronk (2014) argue that, according to a liberal view of development, poverty is explained by poor adults' bad choices.¹³⁹ Children are seen as innocent and not to be blamed for the poverty in which

¹³⁸ Children's rights are one of Argentina's most prolific research areas, as one of the key academic informants noted. As I joined multiple seminars, workshops, and a course of Gender and Families in Argentina, I also noticed a strong emphasis on children's rights.

¹³⁹ Adrian Murray & Susan Spronk, "The Goal of Development Should Be Redistribution, not to 'End Extreme Poverty'" (2014) 10:3 Undercurrent Journal 63-67.

their parents are submerged.¹⁴⁰ Thus, instrumentalizing women is rationalized because they are blamed for poverty, whereas their children are not.

ANSES Legal Counsel Ignacio also emphasizes ANSES's supposed flexibility regarding conditionalities' certification processes.

[Conditionalities] are constantly being analyzed within the organism, currently being discussed by a sector within the agency that carries out everything that is normative. It is a topic of much discussion. Throughout its history, the agency has gone back and forth on what position to take concerning granting traditional benefits, such as the AUH and the imposition of certain conditions on people to access these benefits. Today, the agency has a much more relaxed position ... and is much more flexible [Ignacio 00:52:40].

I notice a variant of minimization, namely, the use of the rhetorical technique of claiming altruistic motives. Indeed, Legal Counsel Ignacio states that the imposition of conditions on a particular population is justified because, ultimately, the agency is interested in the common good for all, not doing it for mere institutional gain or capriciously.

World Bank bureaucrats referred to the AUH as "pseudo-conditional." Contrary to women's experiences with the conditionalities, World Bank Economist Pedro argued for the opposite of what women experience,¹⁴¹ stating that "the devil lives in the footnotes," meaning that

¹⁴⁰ Murray & Spronk, *supra* note 139. Fizbein, Schady et al. (2009) in a World Bank report explained, "the fact that the conditions are focused on building the human capital of children (rather than simply supporting parents) adds to CCTs' political acceptability as an instrument to promote opportunities; after all, it is hard to blame children for being poor. In that sense, using public resources to support the human capital development of poor children makes a CCT a poverty reduction program rather than a social assistance one." Ariel Fizbein, Norbert Schady, Francisco H.G. Ferreira, Margaret Grosh, Niall Keleher, Pedro Olinto & Emmanuel Skoufias, *Conditional Cash Transfers: Reducing Present and Future Poverty* (Washington, DC: World Bank Policy Research Report, 2009), online <<https://openknowledge.worldbank.org/handle/10986/2597>> at 9.

¹⁴¹ See sections 6.11, "Difficulties Certifying Conditionalities: Loss of the AUH Due to Lack of Certification or Administrative Negligence;" 6.12, "Fear and Anxiety: 'It Stresses me out ... Awful, it is Awful'" 6.7, "Recipient Women Waiting;" and 6.6, "Mothers Experiencing Violence While Accessing the AUH."

in theory, the AUH is conditional, but in practice, the conditions are not required, the presentation of the documentation is stalled, there is always an excuse. So they end up being pseudo-conditional” [emphasis is mine; World Bank Economist Pedro 00:21:56]. By contrast, recipient women find the processes involved in verifying conditionalities unaccommodating, onerous, demanding, rigorous, and plagued with administrative and obstetric abuse.

ANSES high-level bureaucrat Mauro also shares this opinion of the lack of implementation of the conditionalities in practice. He states that “the challenge of the AUH certainly has to do with schooling and vaccination...The social pressure in Argentina makes it such that these vaccinations or these schooling conditions are often signed in a very lax way by the health centers and schools” [Technocrat Mauro 00:22:15]. These – at least theoretically speaking – lax ways that Mauro mentions allude to certification without effective compliance with the conditionalities, such as alleged instances whereby teachers or doctors supposedly signed the required paperwork even though the conditionalities had not been met. In my interviews with recipient women, I found the exact opposite of lenient conditionalities: certifying them was a complicated process characterized by a harsh and unsparing environment that stigmatized and belittled poor recipient mothers.¹⁴²

Finally, technocrats also rationalized the necessity of conditionalities by displacing responsibility towards AUH recipients for “failing to vaccinate their children.” By contrast, without a single exception, all mothers I interviewed emphasized the importance of health and education for their children, regardless of the AUH, and went through cumbersome obstacles and abusive encounters with the State to ensure their children had access to health and education.¹⁴³

¹⁴² See section 6), “Hooking-in: The Experience of AUH Recipient Women.”

¹⁴³ Generally see section 6), “Hooking-in: The Experience of AUH Recipient Women” and section 11.2.9, “Short Biographies of Informant Women.”

We often saw people coming to the office because their benefits were cut off. When you look into their file, they were mothers who did not take their kids to the health centre to get the vaccines. And therein lies one of the agency's ideas regarding this benefit. The State will support you and accompany you in economic difficulty, but the child must comply with the vaccination plan [ANSES Agent Ignacio 00:54:36].

As illustrated in the above excerpt, in this type of attribution of blame, the discourse of the State agent downplays the agency's mistakes when challenged with indisputable facts: if the AUH is a right, it should not be conditional. It projects the blame into AUH recipients, downplays their positive attributes, and facilitates victim-blaming.¹⁴⁴ Simultaneously, the structural conditions and the administrative violence these mothers endure are invisibilized.

AUH recipients' blaming was not surprising considering the debate about the poor's deservingness.¹⁴⁵ However, the projection of blame on poor mothers was unexpected given the degree of sensitivity, their support of the human rights discourse, and the concern for the suffering of AUH recipients that bureaucrats had displayed several times throughout the interview.¹⁴⁶

7.5.7 “Formal-Labour-Centric” Approach

A third ideological discourse about the AUH I have noticed underpinning the perspective of bureaucrats is that of a formal-labour-focus approach to social security that relies on the dichotomy between (a) formal vs. informal labour, (b) contributory vs. non-contributory systems, and (c) productive vs. social reproductive labour. In the current system, informal work, non-contributory

¹⁴⁴ This pernicious mechanism of victim-blaming feeds, and is impacted by, the pernicious myth of “*la luchona*.” See section 6.2, “Small Sherries.”

¹⁴⁵ See section 8.2, “Mapping Cartographic Laws in the AUH Institution,” at note 40.

¹⁴⁶ Informants had varied opinions about the conditionalities: some informants argued for getting rid of them, others demanded “more control” from the State when verifying compliance with AUH conditions. Academics generally had the view that the AUH conditionalities should be removed. However, they hypothesized that such measure would not be politically viable. To my surprise, one academic expert in social policy in Argentina I interviewed said he would not remove the conditionalities of the AUH, he would probably keep them, even though his work was highly critical of the conditionalities.

social security, and social reproduction work are delegitimized, stigmatized, and disciplined in ways that formal, contributory, and “productive work” systems are not.

The dichotomy “contributory vs. non-contributory” was repeated throughout the interviews with bureaucrats, academics, and lawyers. “We base our system on the contribution of the [registered] workers,” explained ANSES worker Mauro [Mauro 00:34:26].¹⁴⁷ The “contributory social policy paradigm” is meant for formal workers and frames their contribution as “the axis of protection, financing, and legitimation.”¹⁴⁸ The logic of the desirability of formal employment impregnates all areas of social security in Argentina. World Bank Senior Economist Pedro claims that the AUH needs to be understood as complementing the *Family Allowances* program, which is directed towards formal workers. “The AUH works as an automatic income stabilizer because when a person loses their job, they stop receiving their salary and the *Family Allowances*. They automatically start receiving the AUH ... So, the drop in income is not as violent because of this automatic stabilizer [the AUH]” [Economist Pedro 00:13:05]. His account of the AUH is imprinted with the employment-focused characteristics of the Argentine social security system.¹⁴⁹

Bureaucrat Mauro echoes this emphasis on formal vs. informal labour.¹⁵⁰ According to ANSES high-ranking officer Mauro, a significant percentage of the population works “in total informality” in Argentina’s north [Mauro 00:15:42]. As Legal Counsel Ignacio explains, “in our country, formal workers comprise the immense minority” [Legal Counsel Ignacio 00:16:44].

Argentina’s north’s EAP (economically active population) is sixty percent...it is an index that tells you that, apart from much poverty, there is also a significant lack of formal work

¹⁴⁷ “Contributory” is a notion that involves a person’s provision to a system; it is the action of adding to a fund into which people pay, in this case, through formal employment.

¹⁴⁸ Lucía Corsiglia Mura, “Los Planes de Inclusión Previsional y la Construcción de Sentidos acerca del Derecho a la Jubilación,” in Pilar Arcidiácono, ed, *Trabajo Social y Políticas Públicas desde una Perspectiva Histórica, II* (La Plata: Universidad Nacional de La Plata, Facultad de Trabajo Social, 2019) at 84.

¹⁴⁹ AUH Decree 1602/09, *supra* note 30.

¹⁵⁰ Labour informality and formality require a deep analysis that is beyond the limits and scope of this thesis.

and job opportunities for the ‘*en blanco*’ worker [ANSES High-ranking agent Mauro 00:15:42].

Social policy expert Arcidiácono (2016) – one of the main referents regarding the AUH Program in Argentina – describes the Argentine welfare system as fragmented and “*trabajocéntrico*” [literally translated as “work-centric”].¹⁵¹ According to the scholar, the system is fragmented because it relies on the dichotomy between contributory and non-contributory social policy paradigms, privileging the former and discriminating against the latter. I agree with Arcidiácono’s understanding. However, I would not describe it as “*trabajocéntrico*” [“work-centred”]; indeed, work is more than just participation in the formal economy. As Smith points out, work is everything people do that demands time and effort.¹⁵² Instead, I would say that the system is “formal-labour focused” and “work-invisibilizing” because it neglects social reproduction work performed mainly by women.

Informants exalt the AUH as destabilizing the antiquated logic of contributory vs. non-contributory systems. As ANSES bureaucrat Mauro summarizes, “the active worker pays for the passive worker” [ANSES bureaucrat Mauro 00:19:02]; he means that the AUH can be received by those who never “contributed” to the fund through employment; thus, it is considered a system of “solidarity.” This “solidarity,” however, has clear limits. As Corsiglia Mura (2019) put it, the Argentine social security system “is a model based on solidarity as a value without ceasing to have an obvious meritocratic and corporate facet, by establishing a correlation between the expected

¹⁵¹ Pilar Arcidiácono, “La Política del Mientras Tanto: Programas Sociales Después de la Crisis 2001-2002” (2016) 13 Revista Cátedra Paralela, online <
<https://rephip.unr.edu.ar/bitstream/handle/2133/8777/Campagna.pdf?sequence=3&isAllowed=y>>.

¹⁵² See section 3.8.4, “Work.”

compensation for an individual and the proportion of contributions made by that individual.”¹⁵³ This “solidarity” does not include solidarity towards women’s social reproductive work, either.

ANSES high-level bureaucrat Mauro explains that the *Family Allowances* covers 120,000 children in the province of Chaco, “which is the allowance we always say ‘is not seen’ ...and ... that is why I say we have to talk about it” [Mauro 00:17:45]. I argue that one of the reasons that the *Family Allowances* program is not “seen,” as claims Mauro, is that it is not conditioned nor disciplined in the same manner as the AUH is. It goes unnoticed because formal “dignified” workers are not disciplined, scrutinized, or blamed like informal workers are. As I mentioned elsewhere in this work, visibilization can sometimes work as violence as well.¹⁵⁴

In the case of life contingencies, salaried formal workers’ children are automatically entitled to receive the *Family Allowances* without conditionalities imposed upon their parents. They also have access to a private or semi-private health insurance plan. Salaried workers in the formal sectors in Argentina are primarily men¹⁵⁵and, paraphrasing Fraser (1997), enjoy more benefits in terms of redistribution and recognition than informal ones.¹⁵⁶

As I interview Legal Counsel Ignacio, the importance of ANSES as a tool to recognize and protect those who have historically been “outside of the system” comes across in multiple instances. “The AUH has its purpose... which is to cover people who are outside the system,” repeats Legal Counsel Ignacio [Ignacio 00:18:34]. In his account, informal workers are “out of the

¹⁵³ Corsiglia Mura, *supra* note at 84.

¹⁵⁴ See section 5.4.4, “Violence is Invisibilized.”

¹⁵⁵ Female labour market participation in Argentina reaches 49.2%, whereas for men, participation reaches a 71.2%. The wage gap between women and men in salaried positions equals 29%. In case of informality, men make 35,6% more in salary than women. In addition to receiving lower salaries in general, women face higher levels of informality (36% versus 34.2%) and higher levels of unemployment (10.8% versus 8.9%) than men. Dirección Nacional de Economía, Igualdad y Género del Ministerio de Economía de la Nación, “Las Brechas de Género en la Argentina. Estado de Situación y Desafíos” (2020), online <https://www.argentina.gob.ar/sites/default/files/las_brechas_de_genero_en_la_argentina_0.pdf>.

¹⁵⁶ Nancy Fraser, “From Redistribution to Recognition? Dilemmas of Justice in a ‘Postsocialist’ Age,” in *Justice Interruptus* (New York: Routledge, 1997).

system” because they cannot be incorporated into the formal labour economy, which is seen as desirable and one of the most significant ways through which a human being can achieve dignity, as the AUH Decree 1602/09 puts it.¹⁵⁷ However, AUH recipients *are* part of the system; they are co-constituting the system; that is, the problem is not that they are outside of the system but that the system’s structures are inherently exploitive and marginalizing.

Even if the AUH could be lauded for protecting those who could not “contribute” to the social security fund via formal employment, it is based on women’s unpaid and unvalued contributions. A critical insight of social reproduction feminism is that women’s unpaid domestic labour should not be viewed as “outside” of the economy. Instead, it is constitutive of capitalist relations.¹⁵⁸ In doing so, social reproduction feminism helps to denaturalize and politicize processes of caring labour.¹⁵⁹ All recipient mothers *contribute* to the solidarity fund. Their contribution includes tasks of social reproduction that are necessary for the survival of human beings yet have been naturalized to the extent that it is missing from a debate solely based on a discussion of “formal work vs. informal work” and “contributory systems vs. non-contributory systems.” We need to problematize who gets to decide what “contribution” and “work” mean and whose contribution is not being represented in the official narratives of the AUH.

¹⁵⁷ AUH Decree 1602/09, *supra* note 30.

¹⁵⁸ Isabella Bakker & Stephen Gill, “Global Political Economy and Social Reproduction,” in Isabella Bakker & Stephen Gill, eds, *Power, Production and Social Reproduction* (London: Palgrave Macmillan, 2003). Isabella Bakker, “Social Reproduction and the Constitution of a Gendered Political Economy” (2007) 12:4 *New Political Economy* 541. Susan Donath, “The Other Economy: A Suggestion for a Distinctively Feminist Economics” (2000) 6:1 *Feminist Economics* 115. Silvia Federici, *Revolution at Point Zero: Housework, Reproduction, and Feminist Struggle* (Oakland: PM Press, 2012). Shirin M. Rai, Catherine Hoskyns & Dania Thomas, “Depletion” (2014) 16:1 *International Feminist Journal of Politics* 86. Tithi Bhattacharya, *Social Reproduction Theory: Remapping Class, Recentering Oppression* (Pluto, 2017). Nancy Fraser, Tithi Bhattacharya & Cinzia Arruzza, *Feminism for the 99%: a Manifesto* (London: Verso, 2019). Nancy Fraser, “Behind Marx’s Hidden Abode” (2014) *New Left Review*. Nancy Fraser, “Expropriation and Exploitation in Racialized Capitalism” (2016) 3 *Critical Historical Studies* 163. Rebecca Hall, “Caring Labours as Decolonizing Resistance” (2016) 10 *Studies in Social Justice* 220.

¹⁵⁹ Hall, *supra* note 158 at 227.

In summary, in the view of key informants, the AUH is an instrument that came to recognize the scourge of informality in the region, to protect children, not poor women. Bureaucrats neglected or minimized recipient women's work. Related to this is the understanding that "poverty has no gender" and an economization of social relations, to which I now turn.

7.5.8 "The Truth is That...Poverty Does not Understand Gender."

Throughout my interviews with bureaucrats, I noticed how informants frame poverty as "genderless" and "income-based," as a unidimensional and non-relational phenomenon. This framing fails to capture women's experiences and contributes to the violence recipient women suffer in their encounters with the State.

High-ranking ANSES bureaucrat Mauro explains that not all welfare recipients are "poor": "there are '*changarines*' [people who do gigs]...people who work '*en negro*' in a convenience store; there are workers who are temporarily out of work who are receiving the AUH" [Technocrat Mauro 00:31:33]. From Mauro's perspective, poverty works as a threshold; net income is the main factor determining poverty. Other circumstances, such as the precarity of conditions in which they work, their inability to access their rights, and the discrimination and exploitation they suffer, are not included in the formula to decide who is poor.

Data showed bureaucrats' emphasis on a simplistic understanding of poverty as related to income and unrelated to gender issues. Legal Counsel Ignacio states, "I do not want to focus on one gender, because the truth is that poverty or destitution does not understand gender" [Ignacio 00:14:46]. There was no reference to how women may experience poverty more intensely than men. By contrast, it was emphasized that we should not disaggregate poverty in terms of gender on the belief that every human suffers it equally. Like death, it is said to "not discriminate." Gender equality aims and concerns have been taken off the table in the design and negotiation of the AUH.

This was confirmed by World Bank Social Protection Specialist Lautaro, who witnessed the negotiations and policy design process of the World Bank financing to the AUH.

I do not believe that female empowerment is an objective of this program... The gender perspective started to be debated later... However, at least regarding the AUH, it was not a topic we discussed, the gender issue, and well, 90% of the beneficiaries or more are women [World Bank Social Protection Specialist Lautaro 00:16:43].¹⁶⁰

This inattention to people's particular experiences of poverty based on their gender, race, sex, class, education, citizenship status, Indigeneity, among others, aligns with the fact that the AUH did not include goals of gender equality.¹⁶¹

7.6 Ruling Relations and the World Bank

The World Bank is a key actor that can be illustrated as one of the facets of the prism of the institution of the AUH. It provided several loans to the government of Argentina for creating the AUH.¹⁶² It has been a strong advocate of CCTs more broadly, asserting they improve the lives of low-income households.¹⁶³ Indeed, World Bank bureaucrat Lautaro mentions that the Bank “has a positive view on CCTs, especially if they are properly targeted to the most vulnerable or needy groups” [World Bank Social Protection Specialist 00:02:26].¹⁶⁴

¹⁶⁰ The World Bank informant clarified that this comment was based on his opinion and does not necessarily reflect the view of the World Bank.

¹⁶¹ AUH Decree 1602/09, *supra* note 30.

¹⁶² See section 4.2.3.8, “The World Bank.”

¹⁶³ Fiszbein, Schady, Ferreira, Grosh, Keleher, Olinto & Skoufias, *supra* note 140 at 2.

¹⁶⁴ His opinion aligns with what Nagels (2021) describes as the World Bank's new “social risk management framework” introduced in 2000 to tackle poverty and inequality in the Global South by understanding the poor, children, women, and the elderly as “vulnerable” groups. Nora Nagels, “Gender, the World Bank, and Conditional Cash Transfers in Latin America” (2021) 23:5 International Feminist Journal of Politics, online <<https://doi.org/10.1080/14616742.2021.1895862>> at 6.

The World Bank is simultaneously a local and global institution that contributes to creating knowledge and texts at the heart of AUH ruling relations.¹⁶⁵ World Bank Senior Economist Pedro and Social Protection Lautaro are experts who deploy specific assumptions and use their intricate work knowledges to explain textual categories that fit the ruling frame of the AUH translocally. These textually constructed accounts of CCTs are understood as authoritative in ruling sites, impacting the lives of those whose knowledge is being neglected – recipient women –, and contributing to the creation of “facticity.”¹⁶⁶ Beyond constructing rather doubtful accounts of triumph in the fight against poverty, World Bank’s informants’ work is the conduit through which the fabric of discourses about the AUH is threaded.

In what follows, I show how (1) the World Bank relies on a particular text in its work on CCTs and thus constructs a particular account of the “facts that matter”; (2) that text establishes a discursive terrain whereby (a) poor parents are assumed to be less altruistic than non-poor parents and simultaneously, (b) poor mothers are assumed to be less selfish and irresponsible than poor fathers; (3) the Bank relies on aspects of reality that can be measured as evidence, contributing to further objectifying and failing to represent recipient women’s experiences fully.

7.6.1 World Bank and Boss Texts: The ‘Holy Grail’ of CCTs

A crucial text in informants’ accounts is the World Bank Report called “Conditional Cash Transfers: Reducing Present and Future Poverty,” published in 2009. This boss text has established three assumptions that have been read authoritatively in the AUH ruling sites: the assumptions that

¹⁶⁵ Lauren E. Eastwood, “Using Institutional Ethnography to Investigate Intergovernmental Environmental Policy-Making,” in Paul C. Luken & Suzanne Vaughan, eds, *The Palgrave Handbook Of Institutional Ethnography* (Palgrave Macmillan, 2020) 193. The author explains IE is helpful because it shows the actualities of people that are often neglected through the abstracted lenses of global governance used to examine the World Bank.

¹⁶⁶ See section 7.6.2, “The AUH, Ideological Circles, and the Social Organization of Facticity.”

the poor are less altruistic than the wealthy, that poor mothers are more responsible than poor fathers, and that quantitative data should be privileged over non-quantitative approaches.

Throughout my years studying CCTs, I noticed how these ideological codes¹⁶⁷ were taken for granted and criticized without understanding where these assumptions come from and how they came to be understood as authoritative. I contribute to the literature by explicating how textually constructed accounts of CCTs promoted by the World Bank contribute to suppressing the knowledge of AUH recipient women on the ground.

Texts that propagate the ideological schemata of the World Bank are conceptually created by World Bank policy designers who work separately from frontline ANSES workers. As Smith puts it, usually “ideological circles are laid down in and inhabit organizational forms separating those who theorize, formulate, conceptualize, and make policy from the front-line workers who experience the actual ways in which the organization interrelates with its objects.”¹⁶⁸ Paraphrasing Smith, people (ANSES workers, health staff, teachers and principals, bank personnel, post office bureaucrats, cyber-café employees, among others) who are in contact with those individuals who are the objects of action (AUH recipient women) are not the ones who theorize and design the AUH “policies, categories and concepts that govern their work.”¹⁶⁹

The justification of the AUH logics of deservingness and female titularity in the AUH remains incomplete unless the explanations of the World Bank are added to it.¹⁷⁰ According to Smith, when “the sense a subordinate text makes is found in the interpretive frame that the regulatory text establishes,” one can recognize “power” operating discursively.¹⁷¹ Assumptions in

¹⁶⁷ See section at note 3.12.13.12.1 “Towards a Non-Essentialist Take on Law,” at notes 402, 403.

¹⁶⁸ Smith, “The Conceptual Practices of Power,” *supra* note 17 at 95.

¹⁶⁹ *Ibid.*

¹⁷⁰ See section 4.2.3.2, “Female Titularity.”

¹⁷¹ Smith, “Institutional Ethnography: A Sociology for People,” *supra* note 3 at 87.

the AUH text can be traced to Fiszbein et al. (2009) much-cited report, the World Bank's boss text on CCTs.¹⁷² World Bank Senior Economist Pedro identifies and refers to this poster child boss text during our interview.

In general, there is a strong imitation effect among countries. A crucial book was published by the World Bank, written by Ariel Fiszbein and Schady, about ten years ago. It tells the story of the countries of the world implementing cash transfers, and in the first map, in the 1990's, only Brazil and Mexico were coloured on the map. Later, that exploded, and now the whole map is coloured [World Bank Senior Economist Pedro 00:19:33].

This regulatory text establishes an interpretive frame that structures CCTs following a particular logic (1) introducing conditionalities and (2) transferring the money to mothers. It is considered the cornerstone of CCTs within this organization because it represents the World Bank's official position regarding CCTs and includes them in its mandate.¹⁷³ This text is crucial because it represents more extensive ruling relations that organize what goes on beyond the World Bank, in ruling sites of the AUH, and vice versa.

¹⁷² Fiszbein, Schady, Ferreira, Grosh, Keleher, Olinto & Skoufias, *supra* note 140.

¹⁷³ Nagels, "Gender, the World Bank, and Conditional Cash Transfers," *supra* note 164 at 7.

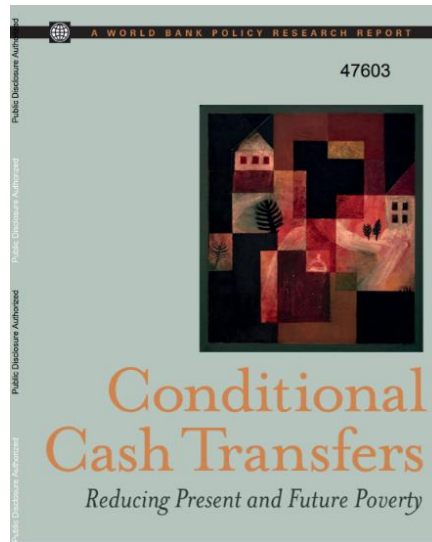


Figure 74: The graph above shows the cover of the World Bank key text on CCTs published in 2009. Ariel Fiszbein, Norbert Schady, Francisco H.G Ferreira, Margaret Grosh, Niall Keleher, Pedro Olinto & Emmanuel Skoufias, *Conditional Cash Transfers: Reducing Present and Future Poverty* (Washington, DC: World Bank Policy Research Report, 2009), online <<https://openknowledge.worldbank.org/handle/10986/2597>>.



Figure 75: The map above is included in the World Bank 2009 much-cited CCTs Report and was mentioned by World Bank informant Pedro as a critical text that exemplifies the expansion of CCTs globally. Ariel Fiszbein, Norbert Schady, Francisco H.G Ferreira, Margaret Grosh, Niall Keleher, Pedro Olinto & Emmanuel Skoufias, *Conditional Cash Transfers: Reducing Present and Future Poverty* (Washington, DC: World Bank Policy Research Report, 2009), online <<https://openknowledge.worldbank.org/handle/10986/2597>>.

World Bank Economist Pedro's account refers to the material property of the text. As Smith pointed out, texts are necessary because of their replicability, as they propagate, serve as a record, and allow AUH governance to happen at the magnitude that we observe today. Textual-mediated

relations allowed CCTs to “explode,” to propagate, as Pedro put it [Economist Pedro 00:19:33]. This 2009 Report allows for coordinated action, as it authorizes the institutional conditioning of transfers to specific people – women.

In this study, the assumption that poor mothers would not prioritize the health and education of their children without an “incentive” was pervasive. Most informants also agreed that children are better off with women. Of course, this is a complicated assertion to refute. After all, women have been historically socialized in our socio-cultural and economic systems to be carers. Women’s caregiving “abilities” are a social construction, not an inherent female quality. It is essential to acknowledge that analyzing the textual omnipresence of mothers necessarily requires an analysis of the absence of fathers. This is because the AUH constructs and is constructed upon heteronormative ideas of behaviour¹⁷⁴ that construct “fatherhood” in direct tension and opposition to “motherhood.”¹⁷⁵

Problematizing the hostility toward caregiving men and deifying women as inherent caretakers in the AUH program is essential to contribute to gender equality.¹⁷⁶ However, a

¹⁷⁴ “By heteronormativity we mean the institutions, structures of understanding and practical orientations that make heterosexuality seem not only coherent – that is, organized as sexuality – but also privileged. Its coherence is always provisional, and its privilege can take several (sometimes contradictory) forms: unmarked, as the basic idiom of the personal and the social; or marked as a natural state; or projected as an ideal or moral accomplishment. Contexts that have little visible relation to sex practice, such as life narrative and generational identity, can be heteronormative in this sense, while in other contexts forms of sex between men and women might not be heteronormative.” Lauren Berlant & Michael Warner, “Sex in Public” (1998) 24 *Intimacy* 547 at 548.

¹⁷⁵ “It is exceedingly rare to see cases of two mothers or two fathers. Today, our system is designed for a ‘parent-father’ and ‘parent-mother’ data input. In my personal experience, I have not yet come across any such cases. And I have been in the organism for a long time. Quite some time! And I have not come across any case of personal data uploading where I have a same-sex parent relation to input into the system. But that is just my personal experience” [Legal Counsel Ignacio 01:31:43]. The idea of heterosexuality is so entrenched within the AUH, that neither the program, nor its evaluators and critics have seriously considered the possibility of a poor income household that would escape the boundaries of heteronormative behaviour, such as in the case of a family headed by same-sex partners. What would in such case be the criteria for designating one, and not the other, of the same-sex spouses as legal beneficiaries of the transfer?

¹⁷⁶ Research on masculinity studies has engaged with feminist theory to explicate the categories of masculinity and fatherhood. Most famously, sociologist Robert Connell (1995) has argued that the welfare State policies embody and reproduce “hegemonic masculinity,” which promote the privileged position of men within society and legitimize contemporary forms of patriarchy. However, not all masculinities are “hegemonic.” For men marginalized at the

significant question remains unanswered: women's agency within the context of CCT female titularity. More specifically, is it right to criticize the logic of "maternal resistance,"¹⁷⁷ that, as Czapanskiy (1991) eloquently puts it, understands mothers as "draftees" and men as "volunteers"?¹⁷⁸ Is such a system necessarily disadvantageous to women? Indeed, there may be some instances in which the AUH would permit poor mothers to act as gatekeepers to the father's involvement within the household and with children, such as when fathers are abusive and carelessly spend the household income.¹⁷⁹

Guided by IE, I analyze the *discursive* terrains authorized by the "holy grail of CCTs," the Fizbein, Schady et al. (2009) Policy Research Report, which coordinates these AUH discourses in two critical ways. First, it introduces "incomplete altruism" as a justification for conditioning transfers. Second, it crystallizes the idea that mothers should be the ones that cash the stipend. I now turn to scrutinizing these discourses.

intersection of the vectors of class, race, gender, and sexuality, the State does not act as an ally but rather as a source of "alien power" and violence. Thus, these not-privileged "protest masculinities" emerge in dialectical relation to hegemonic masculinity and the State. AUH policies have complicated and contradictory implications for fathers. As Connell would argue, the Argentine State intervention into men's fathering practices serves as a source of "alien power" for these poor fathers and does not subvert the multiple hierarchies to which they are subjected. The State not only frees fathers from the poorest sectors of the population from developing emotional bonds to children but creates these socio-legal imaginaries of broken bonds by circulating a particular fathering discourse among men of lower social classes, or "protest masculinities." Robert W. Connell, *Masculinities* (Berkeley: University of California Press, 1995).

¹⁷⁷ Laura Curran & Laura S. Abrams, "Making Men into Dads: Fatherhood, the State, and Welfare Reform" (2000) 14 *Gender & Society* 662 at 672.

¹⁷⁸ Karen Czapanskiy, "Volunteers and Draftees: The Struggle for Parental Equality" (1991) 38 *UCLA Law Review* 415.

¹⁷⁹ Julianne Corboz, "Third-Way Neoliberalism and Conditional Cash Transfers: The Paradoxes of Empowerment, Participation and Self-Help among Poor Uruguayan Women" (2013) 24 *The Australian Journal of Anthropology* 64 at 65, 66, 70, 71 and 72.

7.6.1.1 Partial Humanity¹⁸⁰

“Incomplete altruism” – as Fiszbein, Schady et al. (2009) explain it in the CCTs golden text – means that poor parents: persistently show incorrect beliefs; erroneously assess future returns to education; ignore how human capital accumulates; have conflicts of interest regarding their children’s education and health; or cannot consider the long-term-benefit of sending their children to school and for health check-ups.¹⁸¹ The paternalistic message is that poor individuals do not meet their duties towards their children. Incomplete altruism is assumed to happen because individuals value those goals but do not have the resources to achieve them; or because they do not value those ends, regardless of their available resources. The World Bank introduces the second hypothesis as “incomplete altruism.” The text of “Conditional Cash Transfers: Reducing Present and Future Poverty” – identified as a boss text by World Bank informants – reads,

Parents also may discount the future more heavily than they should, perhaps especially with regard to the returns on investments in their children – a case of “incomplete altruism.” A slightly different but equally plausible version of this problem is a conflict of interest between the parents themselves as opposed to, or in addition to, one between parents and children. Mothers’ objectives may be more closely aligned with those of all her children or, perhaps, especially with those of her daughters. That alignment often is given as a justification for giving the cash transfer to the mother rather than to the father, as is common practice in most CCT programs... conditioning the transfers on ‘good behavior’ may be perceived as less paternalistic than the alternative of conditioning transfers on say, voting for a certain party or belonging to a given social organization... Making payments

¹⁸⁰ “Incomplete altruism” is an ideological category that remains descriptively empty when introduced as such. To de-naturalize this objectified concept, I expressed the idea in different words; I devised the notion of “partial humanity” as a synonym to “incomplete altruism.” I immediately felt appalled about it as an ideological discourse.

¹⁸¹ Fiszbein, Schady, Ferreira, Grosh, Keleher, Olinto & Skoufias, *supra* note 140 at 53-63.

to mothers also resonates with well-accepted beliefs (mostly supported by evidence, as shown above) that women will tend to put funds to better use than will men.¹⁸²

Fizbein, Schady et al. (2009) identify the evidence that supports the idea that women use the stipend better than men in Note 1 of the Overview of the Report, which states: “for evidence from a variety of settings, see Thomas (1990, 1994); Lundberg, Pollak, and Wales (1997); Duflo (2003); and Ward-Batts (2008).”¹⁸³ Both ideas – “incomplete altruism” and “the feminization of titularity” of the AUH – are introduced as institutional discourses under related rationales.

7.6.1.2 Mothers are Less Irresponsible, Spend More on Food, and Spend More Time with Children than Men

A critical ideological code¹⁸⁴ circulating regarding CCTs and the AUH, confirmed in the interviews with recipient women and key informants,¹⁸⁵ frames women as being “more responsible” and oriented towards the interest of their children. In my opinion, such a narrative serves the function of an ideological device to justify the feminization of titularity and hide the exploitation and appropriation of poor women’s labour under the façade of supposedly inherently good-natured, selfless, and nurturing attributes of mothers.

An academic informant – Sociologist Marco – explained during the interviews that the idea that women are more responsible than men had been taken for granted and celebrated by the social

¹⁸² Fizbein, Schady, Ferreira, Grosh, Keleher, Olinto & Skoufias, *supra* note 140 at 9.

¹⁸³ Fizbein, Schady, Ferreira, Grosh, Keleher, Olinto & Skoufias, *supra* note 140 at 315. Duncan Thomas, “Intra-Household Resource Allocation: An Inferential Approach” (1990) 25:4 *Journal of Human Resources* 635. Duncan Thomas, “Like Father, Like Son; Like Mother, Like Daughter: Parental Resources and Child Height” (1994) 29:4 *Journal of Human Resources* 950. Shelly J. Lundberg, Robert A. Pollak & Terence J. Wales, “Do Husbands and Wives Pool Their Resources? Evidence from the United Kingdom Child Benefit” (1997) 32:3 *Journal of Human Resources* 463. Esther Duflo, “Grandmothers and Granddaughters: Old-Age Pensions and Intrahousehold Allocation in South Africa” (2003) 17:1 *World Bank Economic Review* 1. Jennifer Ward-Batts, “Out of the Wallet and into the Purse: Using Micro Data to Test Income Pooling” (2008) 43:2 *Journal of Human Resources* 325.

¹⁸⁴ See section 3.12.1, “Towards a Non-Essentialist Take on Law,” at notes 402, 403.

¹⁸⁵ Academic informants and experts in gender issues were the exception: they problematized the assumption that women are more responsible with children than men.

security agency. However, few explanations are given about where this idea originates. Even though the ANSES celebrates the “feminization” of AUH titularity in its official documents,¹⁸⁶ the justification of this logic remains incomplete unless the explanations of the World Bank are added to it, specifically, the gendered dogma held by the World Bank that transferring the cash to mothers will translate into food security for the children.¹⁸⁷

I believe this myth that justifies increasing women’s labour needs to be interpreted together with the perverse notion of “incomplete altruism” of the poor. As shown above, the World Bank 2009 Report introduces both ideological categories – the incomplete altruism of the poor and the responsabilization of poor mothers – simultaneously. I argue that it is contradictory to claim poor mothers are “more responsible” and “align with their children’s wellbeing” while simultaneously claiming that poor parents are generally of a “partial humanity” and do not make as good choices as parents of the middle class and higher classes.

Thus, a hierarchy is created whereby (a) poor parents are said to make bad choices, and (2) mothers represent the lesser evil among those poor parents. Therefore, I prefer to refer to the myth of poor women being “less irresponsible” than poor men rather than “more responsible” because the poor are considered, in principle, less responsible than the non-poor. In fact, poor mothers are regarded as being more altruistic than poor fathers. However, all poor parents are deemed less altruistic than non-poor parents. My interviews with World Bank Social Protection Specialist

¹⁸⁶ ANSES, “La Asignación Universal por Hijo para Protección Social en Perspectiva. La Política Pública como Restauradora de Derechos” (2012) Buenos Aires, Observatorio de la Seguridad Social, online < <http://observatorio.anses.gob.ar/archivos/documentos/OBS-000255%20-%20AUH%20en%20Perspectiva.pdf>> at 30.

¹⁸⁷ Nagels (2021) explains that the evidence used by the World Bank can be found in international publications such as Quisumbing & McClafferty 2006; it is based on the assumption that women use the stipend for the health and education of their children in a way that men do not. Nagels, “Gender, the World Bank, and Conditional Cash Transfers,” *supra* note 164 at 15-16. See Agnes Quisumbing & Bonnie McClafferty, *Food Security in Practice: Using Gender Research in Development* (Washington, DC: International Food Policy Research Institute, 2006). The 2009 Report’s foreword also explains that giving subsidies to mothers has not altered women’s intrahousehold bargaining power nor intrahousehold gender dynamics. Fiszbein, Schady, Ferreira, Grosh, Keleher, Olinto & Skoufias, *supra* note 140 at 201 xii.

Lautaro shed light on the persistent belief that transferring the stipend to the mother within the household will translate into better food security for the children.

I have no opinion on whether women or men should cash the stipend. However, I *do know* that there is much evidence that when women get paid, they mostly spend it better. And I think that is why the issue of women receiving the cash has not been further discussed. Well, first of all, because most children are with their mothers. And also, because studies showed that if you transfer money to mothers, 90% ... is spent on food. So...based on the evidence, I would say it is better when mothers cash it. I do not have an opinion on whether it is better or worse. It seems to work better [World Bank Social Protection Specialist Lautaro 00:26:20].

In order to sustain such a claim, the World Bank draws from a variety of studies from various geopolitical sites around the globe to explain that when mothers have greater control over resources, more significant amounts are allocated to the health and education of children. This would happen because a woman's goals "are more closely aligned with those of her children," especially with her daughters' interests.¹⁸⁸ However, the narratives of a recipient woman I interviewed problematize this supposed alignment between mother and daughter's interests. Anahí, a Qom Indigenous recipient woman, depended on the labour of her daughter to make ends meet in the household.¹⁸⁹ In contrast, her sons continued to attend school, suggesting an intergenerational transmission¹⁹⁰ of socio-economic and cultural beliefs about the role of women and a marked gender division of labour that assigns women the role of secondary workers.¹⁹¹

¹⁸⁸ Fiszbein, Schady, Ferreira, Grosh, Keleher, Olinto & Skoufias, *supra* note 140 at 61.

¹⁸⁹ See section 6.13, "Perpetuating Oppressive Gender Mandates Intergenerationally."

¹⁹⁰ We cannot discount the role that observing and modelling behaviours have on the development of our subjectivities.

¹⁹¹ See section 6.13, "Perpetuating Oppressive Gender Mandates Intergenerationally."

World Bank Economist Pedro used one metaphor after I asked him what his position was on AUH female titularity:

Yes, I think the evidence supports that mothers should cash the AUH, but it is also a pragmatic question, which is the following: if you think of a household like the Flanders family in ‘The Simpsons,’¹⁹² where there is a father, a mother, and two children, and that is stable over time, then you have a ‘standard home’ (*hogar estandarizado*), where the income is shared ... In general, in situations where households are “broken down” [*hogares descompuestos*] and ‘put back’ together again ... in general, in situations of separation, the children stay with their mother ... so you are assuming that if there is a home where two adults and their children live together, and the mother spends the AUH money better, then it is better to give it to the mother. The mother is giving it to the household, but she administers it ... It is difficult for a program manager to know whether the household is ‘standardized’ or ‘broken down.’ Then, when in doubt, the manager gives it to the mother. So ... pragmatically, as you have a lack of information about the make-up of the home, then you give it to the mother, since when in doubt, she will either manage it better if they are together [with her partner], or she is with the child if they are not together. So ... this concept works in practice because there is evidence that not only she [the mother] manages it better, but also, that in general, where there are dissolutions of ties, children stay with their mother [World Bank Economist Pedro 00:27:22].

Economist Pedro narrative above is helpful because it elucidates the World Bank’s rationale for advocating for CCTs’ female titularity. Such discourse, however, cannot capture the complex, multi-gendered, multiracial realities of families in Argentina by alluding to a Simpson’s metaphor.¹⁹³ The ethnographic snippet above depicts a discourse that can be simultaneously read as an act of commodification and pathologizing of families who escape the oppressive hegemony

¹⁹² Famous TV Show, highly popular in Argentina.

¹⁹³ The term “*descompuesto*” [broken down] was particularly unfortunate because of the way this Spanish word is used in the context of Argentina: it often refers to a machine that is out of order or to the state of feeling sick or unwell.

of the white bourgeois heteronormative family model.¹⁹⁴ In fact, what is supposedly broken down are not the non-normative ways of living and bonding with other humans but a system that works based on indefensible inequality and the exploitation of many by a few.

7.6.1.3 Absorbed by the Numbers

The World Bank's view on the AUH contributes to institutionalizing an instrumentalist perspective of gender and avoids the feminist hard talk about complex issues. For example, the complexity of relational behaviour and the rich diversity of AUH families has been simplified to a dichotomy between "standardized" and "broken down" families. Nagels (2021) argues that the World Bank's involvement in CCTs design and diffusion had weakened gender equality goals in these programs due to prioritizing quantitative approaches.¹⁹⁵ From my interviews with World Bank informants, it was clear that economic forms of knowledge are preferred at the Bank, treating "other groups" that "may" be more vulnerable as an afterthought.

We rely on evidence of all kinds. That is, preferably quantitative. But the Bank also does many consultations with certain types of populations, groups that may be more vulnerable, such as the Indigenous population or the population with gender diversity [Social Protection Specialist Lautaro 00:30:55].¹⁹⁶

¹⁹⁴ Such belief aligns with what recipient Leonor concisely and powerfully summarized: "if you do not provide the 'perfect' family for your children, you are a denatured woman, a selfish woman. You are a woman who is considered practically pathological. If you have ambitions commonly reserved for the male identity, you are not a woman, not a human being" [Leonor 00:22:44]. Leonor adds, "it is not accidental anyway, Meli. It is a deliberate system ... We are indoctrinated in a very specific way, especially working on our emotionality in our psyche, our psychology, the formation of our psychology and we are always taught as feminized entities" [Leonor 00:22:44]. Leonor is a lesbian woman, a single mother who has raised children who have disability. As such, she has felt excluded and "pathologized" for not having a "normal" family [Leonor 00:22:44]. According to ruling discourses based on neoclassical economics, Leonor's home would be regarded as a "broken down" home, confirming Leonor's statement above; "it is not accidental," but a deliberate system that benefits a few at the expense of the suffering of many who are deemed to be "broken down."

¹⁹⁵ Nagels, "Gender, the World Bank, and Conditional Cash Transfers," *supra* note 164 at 1.

¹⁹⁶ The term "gender diverse people" needs to be problematized, because it assumes that cis-heterosexual people are the norm (thus, non-gender-diverse) and all the rest who do not submit to this mandate are "diverse" because they diverge from the principle. In this context, "people with gender diversity" was used to refer to non-cisgender, non-heterosexual, and gender non-confirming people.

The World Bank's simplification and desire to reduce complex social relations to economic theories and standardization are highly problematic. Liebowitz & Zwingel (2014) argue that development policies run by international organizations are fixated on measurement.¹⁹⁷ Quantitative knowledge cannot readily tackle complex gender relations because it aims to simplify and compare.¹⁹⁸ Therefore, the World Bank's measurement obsession and "one-size-fits-all" approach "serve[s] but cannot replace the logic of comprehensive and context-sensitive assessment and problem solving."¹⁹⁹ Smith would say that it is necessarily an "objective rendering of the social world"²⁰⁰ that suppresses and simplifies complex gender relations and women's experiences.

I do not want to dismiss all quantitative approaches as intrinsically pernicious.²⁰¹ However, we shall never forget that selecting, classifying, and quantifying are not neutral but political choices that inexorably prioritize some normative perspectives over others. Quantitative studies, in addition to obscuring women's actualities, socially organize knowledge as standardized, creating many "distinctive new problems,"²⁰² enabling violence against recipient women. This

¹⁹⁷ Debra J. Liebowitz & Susanne Zwingel, "Gender Equality Oversimplified: Using CEDAW to Counter the Measurement Obsession" (2014) 16 *International Studies Review* 362.

¹⁹⁸ Liebowitz & Zwingel, *supra* note 197. Doris Buss, "Measurement Imperatives and Gender Politics: An Introduction" (2015) 22:3 *Social Politics* 381. Tara Patricia Cookson, *Unjust Conditions: Women's Work and the Hidden Cost of Cash Transfer Programs* (Oakland, CA: University of California Press, 2018).

¹⁹⁹ Liebowitz & Zwingel, *supra* note 197 at 363. In addition, the World Bank has not considered quantitative feminist evaluations of CCTs that reveal negative impacts on gender equality, such as the work of Lena Lavinas, Barbara Cobo & Alinne Veiga, "Bolsa Família: Impacto das Transferências de Renda sobre a Autonomia das Mulheres Pobres e as Relações de Gênero" (2012) 6:10 *Revista Latinoamericana de Población* 31, online <<https://revistarelap.org/index.php/relap/article/view/120>>. Nagels, "Gender, the World Bank, and Conditional Cash Transfers," *supra* note 164 at 3.

²⁰⁰ Griffith & Smith, "Under New Public Management," *supra* note 10.

²⁰¹ O'Laughlin (2008), cited by Cornwall, Harrison & Whitehead (2008), acknowledges these critiques are harsh "given that much of this work [intra-household resource allocation studies] comes from the gender-sensitive wing of economics – a minority in [the] discipline." I do not aim to suggest that feminist economic studies and quantitative studies are not important, and I pay my respects to all feminist economists. Bridget O'Laughlin, "A Bigger Piece of a Very Small Pie: Intrahousehold Resource Allocation and Poverty Reduction in Africa," in Andrea Cornwall, Elizabeth Harrison & Ann Whitehead, eds, *Gender Myths and Feminist Fables: The Struggle for Interpretative Power in Gender and Development* (Oxford: Blackwell, 2008) at 12, 23.

²⁰² Alison I. Griffith & Lois Andre-Bechely, "Institutional Technologies: Coordinating Families and Schools, Bodies and Texts," in Marjorie L. DeVault, *People at Work: Life, Power and Social Inclusion in the New Economy* (New York: New York University Press, 2008) 40 at 44.

happens because when institutional work is structured based on this inadequate picture of what is going on, violence against recipient women is facilitated, and opportunities for tackling it are constrained. Such objectified representations of knowledge “fail people and, moreover, obscure that failure.”²⁰³

Let us take the example of the “evidence” provided by the World Bank 2009 CCTs Report to explain that is better to transfer the stipend to mothers than to transfer it to fathers. The five sources cited are the studies of Thomas (1990, 1994);²⁰⁴ Lundberg, Pollak, & Wales (1997) ;²⁰⁵ Duflo (2003) ;²⁰⁶ and Ward-Batts (2008).²⁰⁷ These studies were conducted in Brazil (Thomas, 1990); United States, Brazil, and Ghana (Thomas, 1994); United Kingdom (Lundberg, Pollak, and Wales, 1997); South Africa (Duflo, 2003); and the United Kingdom again (Ward-Batts, 2008). These works are quantitative, based on the analysis of survey data.²⁰⁸

²⁰³ Liza McCoy, “Institutional Ethnography and Constructionism,” in James A. Holstein & Jaber F. Gubrium, eds, *Handbook of Constructionist Research* (New York: Guilford) 701 at 709.

²⁰⁴ Thomas (1990, 1994) suggests that income in the hands of women is associated with larger improvements in child health and expenditures on nutrients, health, and housing than when in the hands of men. Duncan Thomas, “Intra-Household Resource Allocation,” *supra* note 183. Duncan Thomas, “Like Father, Like Son,” *supra* note 183.

²⁰⁵ Lundberg, Pollak & Wales (1997) explain that when child benefits from a tax credit in the United Kingdom are paid to the mother, shopping for children’s clothing increases relative to men’s clothing in the household. Lundberg, A. Pollak & Wales, *supra* note 183.

²⁰⁶ Duflo (2003) investigates the effect of pensions on children’s anthropometric indicators. The author explains: “pensions received by women led to a sizable increase in the height of girls shows that cash transfers can have an important effect on child nutritional status. There is almost no evidence of this kind for developing economies, but the available evidence for the United States suggests that cash transfers do not have substantial effects on child welfare.” Duflo, *supra* note 183 at 22.

²⁰⁷ Ward-Batts (2008) findings are “consistent with those of Lundberg, Pollak & Wales.” Ward-Batts, *supra* note 183 at 325-326.

²⁰⁸ For example, survey data on family health and nutrition in Brazil (Thomas, 1990); household survey data from the United States, Brazil, and Ghana (Thomas, 1994); family expenditure survey data (Lundberg, Pollak, and Wales, 1997); a national survey carried out jointly by the World Bank and the South African Labor and Development Research Unit at the University of Cape Town (Duflo, 2003); and The Family Expenditure Survey in the UK (Ward-Batts, 2008).

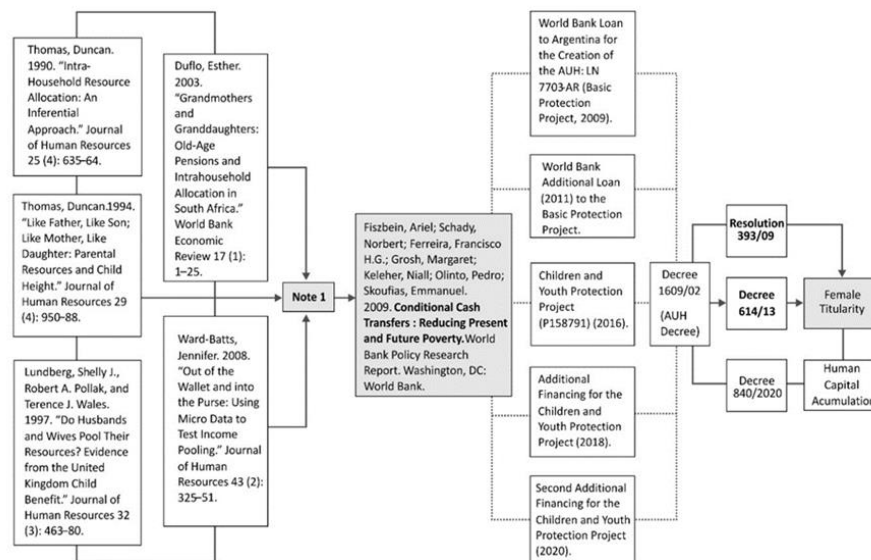


Figure 76: The graph above shows text-sequences that trace the origin of the assumption upon which CCTs female titularity is based: that children are better off with women. Idea is mine and graphically designed by Jissela N. Polasek.

All the texts mentioned above are used to support a prevailing dogma concerning CCTs, which ultimately shapes the lives of recipient women. They are based on abstractions characteristic of the discipline of neoclassical economics, specifically, what in the discipline is known as “intra-household resource allocation.”²⁰⁹ Such formulas rely on simplifications of complex relations.²¹⁰

Referring to the logic of the World Bank in regard to CCTs, academic Marco²¹¹ explained:

²⁰⁹ It models gender relations within households, utilizing formulas, variables, indicators, and quasi-experiments to produce statistically – significant/insignificant – quantitative findings. Other examples of intra-household allocation research include Hoddinott & Haddad (1995), Doss (2006), and Schady & Rosero (2008), who explain that income in the hands of women results in more expenditures on food. John Hoddinott & Lawrence Haddad, “Does Female Income Share Influence Household Expenditures? Evidence from Cote d’Ivoire” (1995) 57:1 Oxford Bulletin of Economics and Statistics 77. Cheryl Doss, “The Effects of Intrahousehold Property Ownership on Expenditure Patterns in Ghana” (2006) 15:1 Journal of African Economics 149. Norbert Schady & Jose Rosero, “Are Cash Transfers Made to Women Spent Like Other Sources of Income?” (2008) 101:3 Economics Letters 246.

²¹⁰ Jackson (2008) explains that economists are prevalent in this organization, and for these experts, “gender disaggregation and comparison” are more methodologically feasible “than researching the relational significance of gender.” Cecile Jackson, “Resolving Risk? Marriage and Creative Conjugality,” in Andrea Cornwall, Elizabeth Harrison & Ann Whitehead, eds, *Gender Myths & Feminist Fable: The Struggle for Interpretative Power in Gender and Development* (Oxford: Blackwell Publishing, 2008) at 107.

²¹¹ Scholar Marco, an informant who is an expert in multiple fields (anthropology, sociology, and social work), criticized the assumptions of the World Bank and the Inter-American Development Bank. According to Marco, “the notion of empowerment is another invention of the World Bank,” as is the theory of human capital [Marco 00:53:10].

It is a very, very, very linear thinking... And I remember one of my interviewees, someone linked to the social protection area of the World Bank, once told me: ‘well, look, the economists... we think in a quite simple way. If I give you ten pesos, you will slightly comply with the conditions. If I give you fifty, you will comply a little bit more. And well, if I give you five hundred pesos, you will be totally compliant.’ The focus of this economic perspective is on what profit will be obtained [Scholar Marco 00:16:45].

As Nagels (2021) succinctly put it, “neoclassical economic reason has predominated in CCT evaluations, while qualitative and feminist research – such as the focus on the added unpaid work burdens that conditionalities very often impose on mothers has been ignored.”²¹² Privileging numbers and indicators over recipient women’s voices is a value-laden decision that characterizes relations of ruling in the AUH; it creates the illusion of objectivity but tells only one version of people’s actualities.

7.6.2 The AUH, Ideological Circles, and the Social Organization of Facticity

In doing an intertextual analysis of the above discourses, we can identify what Smith (1990) knows as “ideological circles and the social organization of facticity.” Instead of simply assuming facts are actuality, the notion of facticity helps uncover an institutional order mediated by texts.²¹³ Smith (1990) argues that facticity includes the socially produced concepts that provide “categories that both describe and interpret it” [actuality].²¹⁴ The concept of facticity sheds light over abstract categories and laws through which the AUH is described and interpreted. It works both as a system of circular reasoning and as a system of social coordination.

²¹² Nagels, “Gender, the World Bank, and Conditional Cash Transfers,” *supra* note 164 at 13-14.

²¹³ Smith, “The Conceptual Practices of Power,” *supra* note 17.

²¹⁴ *Ibid.*

Facticity - Circular Reasoning Female Titularity - .

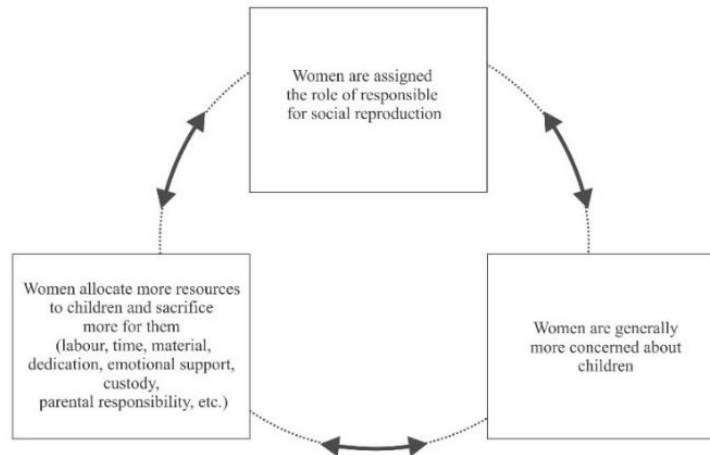


Figure 77: The figure shows the creation of facticity around female titularity using ideological circles. Idea is mine and graphically designed by Jissela N. Polasek.

In the graph above, we can identify circular reasoning common to the creation of facticity. It shows a mutual reinforcement between socio-cultural factors and the structure of the capitalist system that leads to oppressing recipient women. The labour market does not value their experiences. These women tend to devote resources to caring for children and others. They have less time acquiring skills valued by the market or inserting themselves in it. Thus, poor women are more likely to develop capacity as caregivers as they spend more time in that role.

Facticity relies on ideological codes that help make sense of prevalent AUH institutional discourses. Smith (1999) describes an ideological code as a “schema that replicates its organization in multiple and various sites.”²¹⁵ An ideological code is a consensus vocabulary “woven into political discourse, budgeting, policy implementation ... in ways that give them purchase with different audiences; as people take up these vocabularies, they take up beliefs on which they rest,

²¹⁵ Smith, “Writing the Social,” *supra* note 17 at 159.

which come to be widely accepted.”²¹⁶ An ideological code has an enormous impact on human behaviour and can appear in the form of a formal or informal law. In this work, one of the most notable ideological codes in the AUH that propagated transnationally is the consensus discourse of the poor as “incompletely altruistic” and the notion that women are more reliable caregivers.²¹⁷ The ideological codes represent common themes that work within the texts to normalize the understandings of AUH recipients.

Taber (2009) offers a helpful method she used to discover ideological codes in her work. It involves asking: “What themes appeared as givens, as accepted, and as ‘essential’..? What themes were not up for debate? What themes, if deleted, would render the boss texts meaningless, or at the very least, markedly different?”²¹⁸ The AUH as such is sustained by the inclusion of conditionalities and the role assigned to women, and if deleted, it would render it a different policy initiative. The notion of ideological code allows us to understand how the implementation of the AUH is organized by a schema that normalizes common conceptions translocally in the work multiple actors do to make the AUH program happen.²¹⁹

²¹⁶ DeVault, “People at Work: Life,” *supra* note 216.

²¹⁷ Other ideological codes in this work are the primacy of formal labour, human dignity defined in terms of formal labour, the myth of the *luchona*, the revered character of motherhood, the AUH as a child’s right, age of majority, and political correctness from the left when criticizing the AUH program.

²¹⁸ Nancy Taber, “The Profession of Arms: Ideological Codes and Dominant Narratives of Gender in the Canadian Military” (2009) 34:1 *Atlantis* at 30. “Ideological code” is not a definite category but a “constant generator of procedures for selecting syntax, categories, vocabulary in writing and speaking, for interpreting what is written and spoken, and for positioning and relating discursive subjects. It is not as such social organization, but it is a social organizer.” Dorothy E. Smith, “‘Politically Correct’ and Ideological Code,” in Stephen Richer & Lorna Weir, eds, *Beyond Political Correctness: Toward the Inclusive University* (Toronto: University of Toronto Press, 1995) 23 at 26. Smith uses the standard North American family and political correctness as examples of ideological codes in her work.

²¹⁹ Political correctness was another ideological code that appeared in this study; critiquing the AUH is seen as politically incorrect in certain spheres. As academic expert Marco mentioned, in the field of social work in Argentina, “is not well seen to criticize certain progressive policies,” especially the AUH Program [Scholar Marco 00:41:35]. See section 8.3, “Human Rights & the AUH.”

Smith compares ideological codes and genetic codes and refers to the specific capacity of the DNA molecule to replicate, reproducing its distinctive forms in diverse discursive settings.²²⁰ Like informal rules and norms, an ideological code “operates in a field of public discourse to structure text or talk ... Reproduction occurs, of course, as people ‘pick [it] up’ from reading it or about it or hearing it used, and using it themselves, hence passing it on to readers or hearers.”²²¹ Once accepted, ideological codes can reproduce anywhere and thus seem to have always existed. Unlike State-enacted laws, they appear not to be imposed by anyone upon anyone. Independently from where an ideological code originated, it works as “a free-floating form of control in the relations of public discourse” organizing talk, thinking, and writing through various texts.²²² Different ideological apparatuses – including the State apparatus – assure compliance through the use of ideological codes, which does not mean that there is a ruling class’s conspiracy to sustain a particular social, economic, and political order. Instead, as Muir (2006) explains, agents’ “unquestioned common sense” leads them to behave in that particular way.²²³

I started to extend Smith’s analogy to think about an ideological code that infects AUH social organization across multiple translocal sites as cells of a virus that self-replicates. In legal pluralism terms, I see ideological codes functioning often as oppressive informal norms and rules.²²⁴ However, instead of seeing ideological codes and informal norms shaped by broader ruling relations, most informants understand them as either something anomalous to the system or something that happens because of individual behaviour. For example, operators frame recipients’

²²⁰ Dorothy E. Smith, “The Standard North American Family: SNAF as an Ideological Code” (1993) 14:1 Journal of Family Issues 50.

²²¹ Smith, “‘Politically Correct,’” *supra* note 218 at 26-27.

²²² *Ibid* at 26.

²²³ John Beattie, Jim Phillips & James Muir, “Symposium on Property, Authority and the Criminal Law” (2006) Legal History 10 at 31.

²²⁴ Both State and non-State rules can interact to influence behaviour, even sometimes emancipatory behaviour. I should make clear that I am not interested in promoting State recognition of these informal rules because I believe that many of them reproduce social exclusion.

poverty as something “outside the system,” not as a structural consequence of the system.²²⁵ Poor mothers’ circumstances are narrated by emphasizing their personalities, informants choosing to constantly bring into the spotlight cases of “irresponsible” mothers who think the stipend is for them and do not use it for their children or who are “lazy” [*vagas*].²²⁶ The ideological code helps to normalize an understanding of recipient mothers, their circumstances presented as an individually driven issue, exclusive of any demands placed on them by the program and the structure of the colonial patriarchal capitalist system.

7.7 The Gap Between Formal Laws and Bureaucrats’ Practices & Institutional Objectification of Recipient Women

There was a disjuncture between black-letter regulations and State-workers’ knowledge about those regulations. Data showed that bureaucrats did not keep up with updates in the program’s legislation, law amendments, and reforms. Even though the legislation had changed, obsolete terms such as “*libreta*” and “*formulario madres*” continue in use. It was surprising that social security bureaucrats did not know that the agency they worked for – ANSES – was not a decentralized entity of the Ministry of Social Development; it was under the umbrella of the Ministry of Employment.²²⁷ This was perplexing, especially given the postgraduate education credentials and the years – or decades – of experience these informants had within the agency.

None of the ANSES bureaucrats nor the World Bank technocrats, social workers, social psychologist, nurses, obstetrician, teachers, or lawyers I interviewed knew about the new legal regimes in regards to AUH titularity, even though at the time I conducted the interviews, many months had passed since the regulations became effective and enforceable.²²⁸ The exception was

²²⁵ See section 7.5.7, “Formal-Labour-Centric” Approach.”

²²⁶ See myth of the *luchona* in section 6.2, “Small Sheroes.”

²²⁷ See section 4.2.3.7, “The ANSES.”

²²⁸ Decree 840/2020, *supra* note 109.

one of the last informants I interviewed because of his highly specialized knowledge.²²⁹ This academic expert mentioned that the AUH titularity regime had changed in November 2020 and that, according to the new scheme, there is no priority given to women to cash the AUH.

The health bureaucrats I interviewed – an obstetrician, two nurses, a psychologist, and a social psychologist – were also largely unaware of the formal laws that regulated their interaction with recipients. Obstetrician Constanza works for the public hospital; she attends to recipient women from different villages of the province of Chaco. Her work entails controlling low-risk pregnancies and attending to women during labour, delivery, and puerperium. “We control the woman...We also specialize in family planning,” explains Constanza [Constanza 00:03:26].



Figure 78: Public hospital “4 de Junio Dr. Ramón Carrillo,” where Constanza works. Photo by José Francisco Malina.

From my conversation with Obstetrician Constanza, two issues showed a lack of respect for recipient women’s consent and right to access information and a disjuncture between health actors’ work and current legislation protecting women’s reproductive rights.²³⁰ First, it was unclear

²²⁹ Scholar Paulo is an expert in social policies and human rights.

²³⁰ The legislation protecting women’s reproductive rights in Argentina is detailed in section 8.6.4, “Obstetric Violence: Legal Framework.”

whether poor women consented to or were coerced by health bureaucrats to accept a birth control implant after their deliveries. Second, women's rights to freely decide on surgical contraception were violated. Obstetrician Constanza explained that when specific women deliver their babies at the hospital, the health personnel are mandated not to let them leave without a subcutaneous contraceptive device because they are categorized as "of high social risk" ("*de alto riesgo social*").

We classify them as of a 'high social risk' because they are women who are low-income and do not have the capacity or are not capable...many of them had left the hospital with another contraceptive method and did not comply. Instead, the implant does what it does, we place it, and they forget about it for three years [Obstetrician Constanza 00:07:34].

The implant is a hormonal chip the size of a match implanted under the skin of women's arms [Constanza 00:05:06]. Obstetrician Constanza explained that they identify poor women younger than 24 years old as candidates for the sub-dermal implants because otherwise, they "always come back pregnant soon after [delivery] to this sector of our hospital" [Obstetrician Constanza 00:05:06]. However, Obstetrician Constanza explains that they sometimes implant it on women who are "25, 28 years old and have eight kids. We also give them the implant in those cases because they are of high social risk" [Obstetrician Constanza 00:06:43]. AUH recipient women are over-represented among women of "high social risk." Most informants are low-income women who became mothers in their teens or early twenties and whose attendance to prenatal and postpartum care is required by the programs they receive –*Pregnancy Allowance* and the AUH.

Obstetrician Constanza emphasizes the importance of not letting women leave the hospital premises without the subcutaneous implant, which I think is concerning, especially regarding women's free and informed consent. "Always, before a woman is discharged, she has to leave with some contraceptive method. Always. We cannot discharge them without contraception" [Obstetrician Constanza 00:04:31]. In her definitional privileges as the teller of the story,

Constanza disregarded the account of *how* health personnel obtain consent *from* women, suggesting a general carelessness towards women's autonomy and authority over their own bodies.

The emphasis on “controlling” these poor young mothers and insisting they get an implant is worrisome.²³¹ Obstetrician Constanza explained that “even two hours after a woman delivers her baby, we promptly give them the implant” [Constanza 00:06:29]. Even though it is positive that women have access to contraceptives, to what extent are these women able to consent to it at such a vulnerable time? Puerperal women might be exhausted, in pain, or under the effect of anesthesia after labour and delivery. Are those the proper circumstances to discuss the introduction of a hormonal device into their bodies? Do these women have complete information to understand the secondary effects of this contraceptive method? Are they able to provide full consent?

Of course, women having access to contraception is desirable. As Lyerly (2006) brilliantly put it, medical procedures or technological devices are not abusive *per se*; violence appears as a relation in which women are invalidated and disregarded. Violent processes in Constanza's narrative show the forced use of technologies such as a subcutaneous implant; however, these implants could have also been administered in a respectful and caring manner, whereby women have access to information to acquiesce without feeling pressured to do so.²³²

Obstetrician Constanza brushes off the secondary effects of hormonal contraception, explaining that it might cause migraines, but nothing that cannot be solved using a painkiller

²³¹ It has been argued that obstetric violence sheds light on how women in labour are seen as opposite to femininity. Thus, violence is the instrument used to control these “unruly” women and to make them submit to quiet and passive femininity. Hospitals do not escape racial and patriarchal forces, whereby health actors are trained to coach and control labouring women to keep them in a state of quiet compliance. Sara Shabot, “Making Loud Bodies ‘Feminine’: A Feminist-Phenomenological Analysis of Obstetric Violence” (2016) 39:2 Human Studies 231.

²³² Anne D. Lyerly, “Shame, Gender, Birth” (2006) 21:1 Hypatia 101. Rachele Chadwick, “Good Birth Narratives: Diverse South African Women's Perspectives” (2019) 77 Midwifery 1. Rachele Chadwick, “Breaking the Frame: Obstetric Violence and Epistemic Rupture” (2021) 35:3 Agenda 104.

[Constanza 00:10:00].²³³ She also dismisses women's concerns about the side effects of this contraceptive method: "many women are scared at the moment of the introduction of the implant because they believe it causes weight gain because a Jane Doe said so-and-so and another Jane Doe said so too" [Obstetrician Constanza 00:10:59]. Under Constanza's conceptualization, these women are considered vain, not-knowledgeable body-objects, or incompetent decision-makers.



Figure 79: An AUH mother at the public hospital "4 de Junio Dr. Ramón Carrillo," waiting with her children. Photo by José Francisco Malina.

Activist and gender expert Lola explained how recipient women are misinformed and denied access to evidence-based and unbiased information about interventions on a routine basis:

In reproductive matters, without there being an embryo involved in the process, when you go to a gynecologist, the doctor never tells you what side effects each of the contraceptive

²³³ There are many side effects associated with the use of contraceptive implants, including pain, bruising or swelling, redness, infection, scarring, irregular menstrual bleeding, depression and other mood changes, weight gain, abdominal pain or nausea, acne, breast pain, back pain, headaches, vaginitis, dizziness, and ovarian cysts, among others. Eric Metcalf, "Birth Control Implants (Contraceptive Implants)" (6 September 2021), WebMD, online <<https://www.webmd.com/sex/birth-control/birth-control-implants-types-safety-side-effects>>.

methods you are choosing has, nor of the real risks, because all contraceptive methods have some side effects to your body ... Nobody knows, for example, that when you take an oral contraceptive, you are not menstruating...sometimes for years ... or [you] can have a heart attack; there is a lot at stake, and nobody tells you ... [Lola 01:04:00] Or, for example, when it comes to the IUD, no one informs you either, and almost no one knows that IUDs have sizes ... That means that an absurdly high statistical amount of women have IUDs whose doctor picked the size or gave them whatever was available ... When you ask women, ‘what size did you get?’ they are surprised: ‘nobody informs us of anything’ [Lola 01:05:01].

Recipient women “are all too often reduced to being ‘bodies’ (in the medical sense), namely depersonalised objects to be assessed, treated, and practised upon.”²³⁴ In this sphere, we see the asymmetrical power differentials between obstetricians and women come into the spotlight. This power differential shows how ruling relations are produced and reproduced between recipient women and bureaucrats and between them and institutions; and how these ruling relations ideologically determine who has the legitimized and unquestioned biomedical “authorized knowledge” and “obstetric power,”²³⁵ which prevail over recipient women’s knowledges.

Obstetrician Constanza’s narrative also points towards an institutional assessment of risk: the threat of “high social risk” women’s unplanned pregnancies is higher than the side effects an implant might cause and higher than the consequences of performing a medical procedure without informed and full consent. This institutional choice aimed at vulnerable populations – such as AUH recipient mothers – organizes Constanza’s work and professional obstetric knowledge and allocates the hospital’s scarce human and material resources. There is no concern about the health risks recipient women face as a consequence of such implants; instead, the institutional priority is the need to control women, manage demographic processes, and administer public expenditure.

²³⁴ Chadwick, “Breaking the Frame,” *supra* note 232 at 111.

²³⁵ Gabriela Arguedas Ramírez, “Violencia Obstétrica. Propuesta Conceptual a Partir de la Experiencia Costarricense” (2014) 11:1 Cuadernos Intercambio sobre Centroamérica y el Caribe 1659.

We see, once again, how AUH recipient women are regarded as objects of interventions but not as subjects who are bearers of rights. Indeed, these practices of pressured contraception and misinformation are not aligned with the principles of informed consent as contained in legislation such as the *National Law on Patients' Rights*²³⁶ and constitute a violation of their right to access information. The 2004 *Law on Humanized Labour* recognized women's right to participate in medical procedures and not be deemed submissive objects of care. It acknowledges women's right to be informed about possible medical interventions and choose among alternatives.²³⁷ The CEDAW Committee also underscored the importance of informed consent and the appropriate regard for women's views for healthcare interventions to be adequate and respectful of women's rights.²³⁸ Thus, the abuse and disrespect suffered by recipient mothers at public health facilities is a State's failure to guarantee appropriate services based on equality.

According to Obstetrician Constanza [00:10:00], the subcutaneous hormonal implant is the second most effective contraceptive method after tubal ligation. I noticed another disjuncture between formal laws and the practices and knowledge of health actors that result in a violation of recipient women's reproductive rights:

In first-time mothers, performing a cesarean section to tie the tubes is complicated, but the mother's social status is evaluated. We consult with social workers and also with mental health professionals so that they can evaluate these women. And that way, they [women] depend on their input, whether or not they authorize it... [00:33:43] The social worker and the mental health professional report to the doctor in a written report. The decision is

²³⁶ Informed consent is described in detail in Chapter II of Law 26,529/2009, articles 5-11, online <<http://servicios.infoleg.gob.ar/infolegInternet/anexos/160000-164999/160432/norma.htm>>.

²³⁷ The Law 25,929/04 on *Humanized Labour* also establishes a pregnant woman's right to receive respectful treatment and personal medical assistance that guarantees her privacy and respects her cultural customs. It also encourages women to advocate for their rights and bring their claims to the courts. See section 8.6.4.2, "Domestic Legislation Law," at note 259.

²³⁸ CEDAW Committee, *General Recommendation N. 24*, Article 12: Women and Health. UN Doc. A/54/38/Rev.1.1999 at para. 22.

obviously also communicated verbally. But everything must be in writing [00:36:05] Usually ... they ask [the woman] about their ... house environment. Who lives there, how many, their work, and the *why* of the decision. The mental health [actors] look for the *why* of things [Obstetrician Constanza 00:36:42].

The practice described above, which is part of the public hospital routine courses of action, is a clear violation of women's reproductive rights and an act of obstetric violence. The *Law on Surgical Contraception* entitles adults to tubal ligation through the healthcare system, provided free of charge.²³⁹ This violent and discriminatory practice affects recipient women because they rely on the public health system and are denied their right to decide over their bodies.²⁴⁰ According to the *Law on Surgical Contraception* – Law 26,130 – the only requirements to get tubal ligation are to receive the complete and necessary information, be of age majority, and provide written consent. Any woman older than 16 who is not legally incapacitated has the right to get a tubal ligation.²⁴¹ According to article 2 of such law, women do not need the consent of their partners, to

²³⁹ Law 26,130. Article 6 (d) of Law 26,485/2009 on the *Integral Protection of Women* explains that violence against reproductive freedom is “that which violates the right of women to decide freely and responsibly the number of pregnancies or the interval between births, per Law 25,673 on the *Creation of the National Program of Sexual Health and Responsible Procreation*.”

²⁴⁰ According to Yañez (2018), health policies heavily focus on maternal health in Argentina because institutional births comprise 99% of total births, and thus, “women's reproductive experiences are deeply influenced and regulated by medical discourses and practices.” Sabrina S. Yañez, “‘We Aren't All the Same:’ The Singularity of Reproductive Experiences amidst Institutional Objectification in Argentina's Public Maternal Health Services” (2018) 68:15 *Journal of Feminist Scholarship* 61 at 62. The Second National Epidemiologic Report states that caesarian sections account for 30.6% of all births in public hospitals registered in Argentina between 2010 and 2013, and between 60-70% in private facilities. Ministerio de Salud de la Nación, *Segundo Informe Nacional de Relevamiento Epidemiológico* (Buenos Aires, Argentina: Ministerio de Salud de la Nación, 2015). Despite Argentina's legislation against obstetric violence and VAW, women continue to suffer abuse in healthcare institutions during prenatal, birth, and the postpartum period. See Beatriz Morrone, *Dando Luz al Lado Oscuro de las Nueve Lunas. El Contradictorio Caso de las Mujeres Argentinas. Poderosas para la Ley, sin Derechos en los Escenarios Sanitarios* (Mar de Plata: Ediciones Suárez, 2008). Patricia Schwarz, “Construcción de la Maternidad en el Encuentro de la Institución Médico Ginecológica con Mujeres de Clase Media de la Ciudad de Buenos Aires” (2010) 6 *Sexualidad, Salud y Sociedad* 83. Cecilia Canevari Bledel, *Cuerpos Enajenados. Experiencias de Mujeres en una Maternidad Pública* (Santiago del Estero: Barco Edita, Universidad Nacional de Santiago del Estero, 2011). Valeria Fornes, “Parirás con Poder... (pero en tu Casa). El Parto Domiciliario como Experiencia Política Contemporánea,” in Karina Felitti, ed, *Madre No hay una Sola. Experiencias de Maternidad en la Argentina* (Buenos Aires: Ciccus, 2011).

²⁴¹ It is important to highlight that from the entry into force of the new Civil Code (modified by Law 26,994), the age of majority acquired for the full exercise of the right to health and care of one's body was set at the age of sixteen

have had children, judicial authorization, or any psychological or psychiatric evaluation. Health workers are not required by law to paternalistically ensure women do not regret their choices; they are required to ensure women have complete information to make a choice, respect women's choices, obtain women's consent, and comply with the law.²⁴²

This fragment is a clear example of the violence that recipient women have to suffer at the hands of bureaucrats, and the immense disjunctures between women's experience and the laws that are supposed to protect them, and between the routine practice of bureaucrats at the hospital, and the laws they are supposed to respect in the exercise of their profession.²⁴³ These women, who are poor and young mothers or mothers-to-be, are objectified by those in the medical field²⁴⁴ as of "high social risk" and treated as ignorant, incapable, and mentally unsound. Recipient AUH mothers become objects of institutionalized violence facilitated and perpetuated through the institution of programs such as the AUH.

(article 26, last paragraph, and Resolution 65/2015 of the Ministry of Health). Therefore, all people can freely choose a contraceptive method from the age of sixteen.

²⁴² Lalonde (2018) brilliantly explains that "the risk of regret pervades many of our large decisions ... Since we do not have perfect knowledge of the future, the possibility always lingers that an individual may regret their decision ... This freedom does not exist for women seeking voluntary sterilization. These women are viewed as extremely vulnerable to regret, when men seeking sterilization and women seeking fertility treatment are not." Dianne Lalonde, "Sexist Barriers Block Women's Choice to Be Sterilized," *The Conversation* (August 14, 2018), online <<https://theconversation.com/sexist-barriers-block-womens-choice-to-be-sterilized-99754>>.

²⁴³ There is resistance in the field of biomedicine, and among health professionals and health institutions, to use the term "obstetric violence," which is taken as inflammatory and contradictory to one of the first tenets of the biomedical field: not to cause pain. As Chadwick (2021) put it, "the language of 'obstetric violence' challenges these normative assumptions about biomedical benevolence and forces us to confront the fact that the gynaecologist's office or the birthing room are not separate spheres removed from societal relations of power, human rights violations, legacies of colonisation, and systemic prejudices." Chadwick, "Breaking the Frame," *supra* note 232 at 108, 109.

²⁴⁴ Social scientists have produced extensive research about biomedical knowledge and asymmetric relations that objectify women. In its origin, the field of obstetrics was masculinized and based on male physiology as the norm. See Roberto Castro, "Génesis y Práctica del Habitus Médico Autoritario en México" (2014) 76:2 *Revista Mexicana de Sociología* 167. Graça Carapineiro, *Saberes e Poderes no Hospital. Uma Sociologia dos Serviços Hospitalares* (Porto: Edições Afrontamento, 1993). Michel Foucault, *The Birth of the Clinic: An Archaeology of Medical Perception* (London: Routledge, 1989). Ann Oakley, *Women Confined. Towards a Sociology of Childbirth* (Oxford: Martin Robertson, 1980). Emily Martin, *The Woman in the Body: A Cultural Analysis of Reproduction* (Boston: Beacon Press, 1992).

7.7.1 “You Receive Violence, and You Transmit Violence”

Poor women who rely on the public health system and the AUH for their survival often have little choice but to acquiesce to the power of professionals. However, it is essential to remember that demonizing health bureaucrats can generate futile antagonism and displace the blame on health workers.²⁴⁵ The exploitive and precarious working conditions of many health bureaucrats should also be framed as forms of abuse and the result of being socialized within – and encouraged to exercise – violence. Ministry of Social Development Social Psychologist Tomas emphasized how violence extends throughout the veins of the AUH institution. “The State exerts violence over its own workers. The State has its workers ‘*en negro*’” [Social Psychologist Tomas 00:58:42]. With visible discomfort and shame, Tomas shared that even though he was a professional working for the provincial State for more than five years, he was not a formal worker. Tomas was working informally for a meagre wage. “The injustice anesthetizes you. You receive violence, and you transmit violence” [Social Psychologist Tomas 01:04:12] and leads to “give up as a professional for the State” [Social Psychologist Tomas 01:10:52].

Obstetrician Constanza stated that there is a general shortage of “material and human resources” in health facilities and that they do not have enough contraceptive methods and personnel skilled to administer them [Obstetrician Constanza 00:41:18]. Activist and gender expert Lola explicated that the problem is not at the level of the formal laws, but there is a systemic lack of material resources and infrastructure; for example, she recalls having to buy dermal glue to close the wounds in the skin of a person she was helping because the hospital did not have it [Lola 01:22:59]. Lola also recalls cases whereby patients had to purchase the gloves that would be used

²⁴⁵ Jewkes & Penn-Kekana (2015) caution us to avoid putting and displacing the blame on health professionals as a collective. Rachel Jewkes & Loveday Penn-Kekana, “Mistreatment of Women in Childbirth: Time for Action on This Important Dimension of Violence against Women” (2015) 12:6 PLoS Medicine.

during their surgeries by the personnel in the operating room as the hospital had run out of them [Lola 01:23:53]. Ursula, a recipient woman who was also informally working in the hospital, referred to the violence she suffers both in her role as an AUH recipient and as a health worker.

I have been working in the hospital with social workers for nine years now, still ‘*en negro*.’ We are suing the governor [Ursula 00:25:48]. There are many of us working ‘*en negro*,’ more than six hundred of us. My mom, for example, worked ‘*en negro*’ for the hospital for more than twelve years; she works eight hours daily in the operating room with the doctors, surgeons, traumatologists. They all work ‘*en negro*’ [Ursula 00:26:59].

These ethnographic snippets emphasize the need to shift the focus from the restricted attention on victimizers – health bureaucrats – to broader structures. Indeed, obstetric violence reaches far beyond the biomedical field.²⁴⁶ Such violence represents what happens at systemic levels; it is never an individual standalone problem but comprises underlying forces of capitalism, racism, sexism, classism, colonialism, cis-heteronormativity stratified along translocal (transnational, global) ruling relations marked by indefensible inequality. For example, racialized and Indigenous recipient women like Anahí suffer obstetric violence more intensely than non-Indigenous recipient women from the get-go. Indigenous women are forced to conform to the mandates of institutional births, thus abandoning their traditional birthing practices within their communities. Institutional births comprise 99% of total births in Argentina and are profoundly regulated by technocratic discourses and practices.²⁴⁷

Exclusively responsabilizing health workers for cumulative historical processes of dispossession and oppression would be the unfair – and easy – thing to do. These workers are also

²⁴⁶ Michelle Sadler, Mário Santos, Dolores Ruiz-Berdún, Gonzalo Leiva Rojas, Elena Skoko, Patricia Gillen & Jette A. Clausen, “Moving Beyond Disrespect and Abuse: Addressing the Structural Dimensions of Obstetric Violence” (2016) 24:47 *Reproductive Health Matters* 47.

²⁴⁷ Yañez, *supra* note 240 at 62.

embedded within highly exploitive and unequal systems. The two nurses, the obstetrician, the psychologist, and the social psychologist I interviewed, were of lower socioeconomic status and struggled to make ends meet. They also grappled with transportation issues, as they worked in marginalized communities where public transit was not available, and they did not count on asphalted streets, suffering the effects of floods and muddy roads that are hard to navigate. Social Psychologist Tomas wanted to study psychology, but that career was not available in public universities. Thus, he chose social psychology as it was the only program he could afford. Obstetrician Constanza comes from a poor background; she always wanted to study medicine, but her family could not afford it. She first got her teacher's degree and worked as a teacher to afford her obstetrician's degree once the career was offered in the city where she lived and worked. Thus, it is essential to keep in mind that State actors are also subjected to structural violence and exploitation, independently of any individual responsibility they may have in the abuse they exert over less powerful individuals who do not have access to authoritative biomedical discourses, such as recipient mothers.

8) Extending & Mapping Cartographic Laws: Fantastic Rights and Where to Find Them

8.1 Introduction

This section identifies and explicates the three salient formal legal regimes interacting in the AUH institution: (1) human rights and Argentine constitutional law; (2) administrative law; and (3) the legislation of violence against women (VAW) in Argentina.¹ Several legal regimes formally regulate the relations between recipients and the State. An AUH recipient woman who suffers violence while complying with AUH conditionalities could question the inclusion of such conditionalities backed by human rights and constitutional law. She could also hold ANSES accountable using administrative law. She could likewise hold the State liable for the violence exerted on her utilizing the VAW legal framework. However, these regimes seemed alien to women's experiences and, sometimes, to bureaucrats.

In practice, recipient women did not file administrative complaints nor initiate legal procedures, they did not know about their rights or have access to the justice system, and they could not afford legal representation nor had the time or energy to engage with any time-consuming, degrading process – of administrative or judicial nature. Moreover, mothers identified a non-formal important norm in their relation to the State: do not do anything that could turn bureaucrats against you, be a responsible mother, be patient, and act and plan according to the system.²

Bureaucrats identified the AUH as a “human right” – though in contradictory ways –;³ they knew about international instruments protecting the right to social security and how the

¹ Family law was another area of the law that could be identified in informants' accounts. I referred to crucial family law concepts in the previous section, Activating. See section 7.4.5, “Form 2.68”

² See section 6.14, “The Rule of Avoiding Retaliation at all Costs.”

³ See section 8.3, “Human Rights & the AUH.”

Constitution incorporates those instruments domestically. However, technocrats often did not know about modifications in AUH-related regulations at the level of their organizations; these included resolutions and decisions relevant to recipients' lives.⁴

Social psychologist Tomas shared his frustrations as a bureaucrat in the province of Chaco Ministry of Social Development in charge of “accompanying” vulnerable populations.⁵ According to Tomas, the AUH program “is most beautiful in its structure and writing. The written program is excellent” [Social Psychologist Tomas 00:52:06]. However, the reality is quite different: the AUH means “to choose between different modalities of violence...To choose what type of violence they [low-income families] want to suffer in a context of a beautiful law, a beautiful program” [Social Psychologist Tomas 00:58:42].⁶

Data showed that many explicit elements of ruling, such as legally binding State-enacted instruments, remained “upwards” in the “ivory tower.”⁷ Formal State-enacted protections seemed like a distant utopia for most informants. Brinks (2008) explained the process of democratization of the written Latin American laws and constitutions; “if the laws described the practice, Latin America would be approaching an egalitarian democratic utopia, and yet the *de facto* world of discrimination and rights violations continues to outdistance the *de jure* world of equal rights for all.”⁸ As social psychologist Tomas suggested, one of the problems is that the Argentine State has

⁴ See section 7.7, “The Gap Between Formal Laws and Bureaucrats’ Practices & Institutional Objectification of Recipient Women.”

⁵ Indeed, ANSES only transfers the stipend but does not provide any other type of support or “*acompañamiento*.”

⁶ When explaining how certifying conditionalities was burdensome and costly for many mothers, specifically, poor Indigenous mothers in Chaco, Tomas stated that his job was to tell them “...but mom, you need the [AUH] money” to incentivize them not to give up [Social Psychologist Tomas 00:56:55].

⁷ Dorothy E. Smith, “Making Change from Below” (2008) 3:2 Socialist Studies 7.

⁸ Daniel Brinks, “Inequality, Institutions, and the Rule of Law: The Social and Institutional Bases of Rights” (2008) 351 Working Paper, Helen Kellogg Institute, University of Notre Dame at 12; cited by Javier Auyero, *Patients of the State. The Politics of Waiting in Argentina* (Durham: Duke University Press, 2012) at 49.

“spectacular laws” that either do not translate into practice or get lost in translation [Tomas 00:14:25].

8.2 Mapping Cartographic Laws in the AUH Institution

As is evident in this study, we must be skeptical of relying on the State apparatus, which is still an actor in perpetuating VAW. Undoubtedly, at times, the State’s power can be positively directed toward promoting and protecting women’s rights. However, I believe that an undivided focus on formal laws, criminalization, and legalistic approaches ignores that most recipient women – if not all – lack the resources, time, knowledge, and representation to exercise those rights. To inscribe these rights in treaties and laws does not suffice. First, we must find ways to debilitate the underlying socio-economic structures that enable violence against AUH recipient women to continue in the first place. Second, keeping recipient women at the centre of the inquiry, I believe it is impossible to argue from an empirical viewpoint that State law is the only law.⁹

⁹ John Griffiths, “What is Legal Pluralism?” (1986) 18:24 *Journal of Legal Pluralism and Unofficial Law* 1. Sally Falk Moore, *Social Facts and Fabrications: Customary Law on Kilimanjaro, 1880-1980* (New York: Cambridge University Press, 1986). Peter Fitzpatrick, “Law and Societies” (1984) 22:1 *Osgoode Hall Law Journal* 115. Boaventura De Sousa Santos, “Law: A Map of Misreading. Toward a Postmodern Conception of Law” (1987) 14:3 *Journal of Law and Society* 279. Boaventura De Sousa Santos, *Toward a New Legal Common Sense. Law, Globalization, and Emancipation* (London: Butterworths, 2002). Boaventura De Sousa Santos, “The Future of the World Social Forum: The Work of Translation” (2005) 48:2 *Development* 15. Boaventura De Sousa Santos & César A. Rodríguez Garavito, eds, *Law and Globalization from Below. Towards a Cosmopolitan Legality* (Cambridge: Cambridge University Press, 2005). Gunther Teubner, “Legal Pluralism in World Society,” in Gunther Teubner, ed, *Global Law without a State* (Dartmouth, Aldershot: Ashgate Publishing Company, 1997). Brian Z. Tamanaha, “A Non-Essentialist Version of Legal Pluralism” (2000) 27:2 *Journal of Law and Society* 296. Paul Bohannan, “The Differing Realms of the Law” (1965) 67:6 *American Anthropologist* 33. Patricia Ewick & Susan Silbey, *The Common Place of Law: Stories from Everyday Life* (Chicago: The University of Chicago Press, 1998). Sally Engle Merry, “Legal Pluralism” (1988) 22:5 *Law and Society Review* 869.

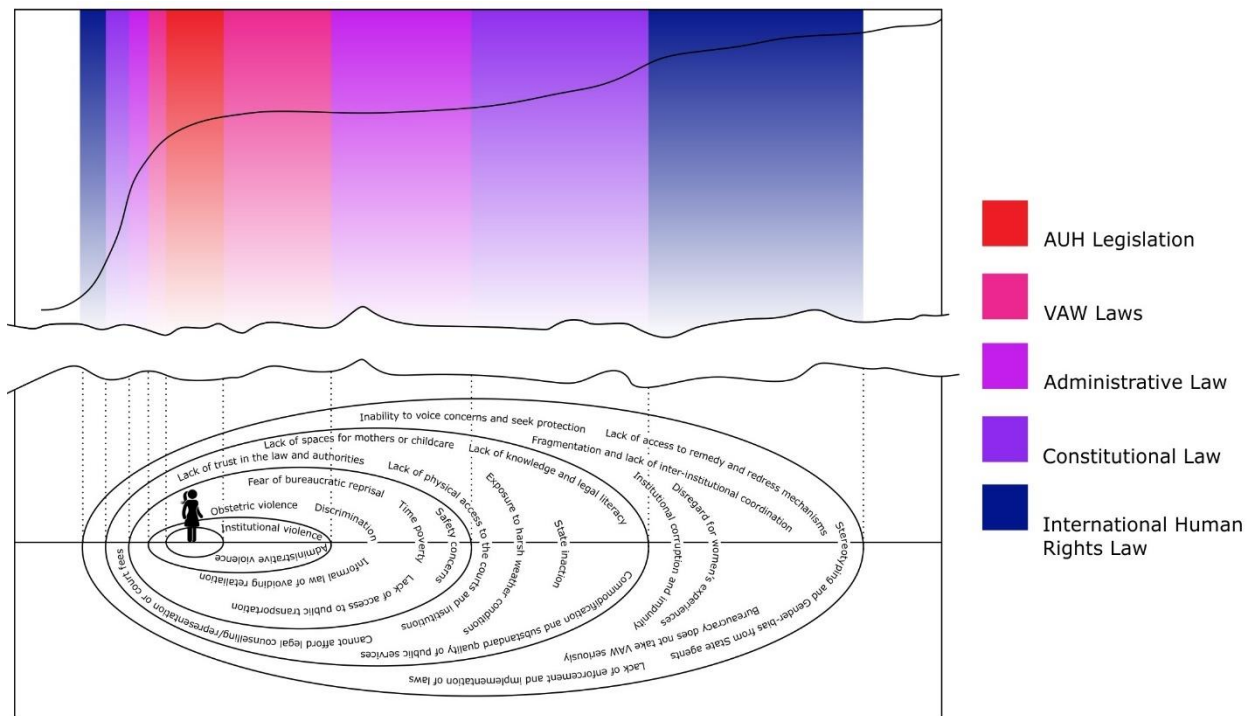


Figure 80: The figure above visually maps diverse formal legal regimes that interact within the institution of the AUH and affect recipients' lives. The idea is mine and was designed by Jissela N. Polasek.

Indeed, legal centralism is an inaccessible fantasy and holding on to this fantasy is unfair and disrespectful to AUH recipient women's experience.¹⁰ Since I am "mapping" relations of ruling, I enjoy using the allegory of legal pluralist Sousa Santos that compares laws to maps. Written laws are printed cartographic maps, and non-State laws could be visualized as mental maps.¹¹ The doctrine of legal centralism is based on the idea that "law is and should be the law of the State," governed by the State, and uniform for all persons.¹² Other normative orders – such as informal "mental maps" – are and ought to be hierarchically subordinate to the law of the State.¹³

This section aims to map the legal regimes as they formally take the form of "cartographic maps." I show that recipient mothers' experiences of violence and marginalization are created,

¹⁰ See section 3.12, "How is the Law Deployed in this Work?"

¹¹ De Sousa Santos, "Law: a Map of Misreading," *supra* note 9.

¹² Griffiths, "What is Legal Pluralism?," *supra* note 9 at 3.

¹³ *Ibid.*

accentuated, and facilitated by the State; existing regulatory frameworks remain unenforced, of difficult access, and thus fail to protect them. The lack of implementation of formal laws and access to justice for those who suffer violence means that the State replicates the violence recipient women suffer. In what follows, I identify and describe numerous formal State-enacted, explicit, binding legal regimes supposed to protect AUH recipient women that instead remain unenforced: human rights and constitutional law, administrative law, VAW laws, and the legal framework regarding access to justice.

8.3 Human Rights & the AUH

Informants generally understood that the human rights discourse was an aspirational goal. Most recipient women see the AUH as a child's "right," even though informants admitted it failed to translate into practice.¹⁴ Operators, bureaucrats, and experts understood that the AUH is a human right,¹⁵ but the existence of conditionalities remained largely unproblematized among informants, except among scholars.

Some legal experts and scholars also problematized the idea of the AUH being "conditional," as these conditionalities violate the idea of human rights, which by definition ought to be universal and non-conditional. It is important to note that those who problematized

¹⁴ Most informants understood the AUH as a child's right. A minority of women did not know or agree to the idea of the AUH being a right, explaining that the State is not responsible for an individual's decision to "procreate."

¹⁵ Bureaucrats – except the World Bank, to some extent – do not refer to the AUH as a *conditional* cash transfer. They understood it as "a direct transfer between the State and the people;" "a right;" "a prize;" exclusively of a "of a nutritional nature;" a "a public policy that has the objective of caring for children" [ANSES high-level bureaucrat Mauro]; a policy for "those who are out of the system" [informal workers]; a universal human right of a constitutional nature; "not a benefit nor a handout;" and an "income for children" [ANSES Legal Counsel Ignacio]; "for improving human capital;" "an entitlement through the lives of the children;" "not transitory;" "a benefit paid to a family group and not to households;" "a complement to the contributory family allowance system;" and "an automatic income stabilizer" for the unemployed" [Word Bank technocrats].

conditionalities on the belief that they imply a violation of human rights were individuals who – in Bourdesian terms – possessed higher cultural, symbolic, social, and economic capital.¹⁶

When I asked experts *why* the constitutionality of the AUH has not been problematized, they pointed out an interesting paradox that more-or-less follows this (uber simplified) formula: if you are “anti-AUH,” you do not consider the AUH to be a right; if you are “pro-AUH,” you do not question its unconstitutionality. On the one hand, if you are “anti-AUH,” you do not consider it a right because you understand it as *asistencialismo*, merely a charitable handout that depends on the will of the current government.¹⁷ On the other hand, if you are “pro-AUH,” you understand it as a right, and focusing on its unconstitutionality is not a socially accepted possibility as it is seen as leading to the retrenchment of rights rather than to their expansion.

Informants explained that it is not considered a social-justice-oriented strategy to question the constitutionality of a program on which the most marginalized sectors depend. Judicially pursuing a declaration of unconstitutionality is thus contrary to what is socially seen as “progressive” and “in solidarity” with the most vulnerable. We see how a non-binding, non-State enacted ideological discourse of political correctness triumphs over the regimen of constitutional law. Indeed, an informal law discourages focusing on the program’s unconstitutionality because informants understand such an attitude as regressive and conservative.

¹⁶ In Bourdieu’s line of thinking, economic capital refers to the possession of means of production. Cultural capital refers to non-economic social resources that enable social mobility, such as physical appearance, education, way of speaking, among others. Symbolic capital points towards the resources available to someone because of the basis of prestige, authority, honour. Social capital indicates networks that can be translated into economic capital and therefore quantified. Pierre Bourdieu, *Practical Reason: On the Theory of Action* (Stanford, CA: Stanford University Press, 1998).

¹⁷ In Latin America, “*asistencialismo*” refers to paternalistic top-down policies or approaches that produce solutions in terms of external assistance but without the ability to address structural causes. Dmitri Domanski, Jürgen Howaldt & Antonius Schröder, “Social Innovation in Latin America” (2017) 18:2 Journal of Human Development and Capabilities 307 at 308.

Sometimes, it is not well regarded to criticize certain progressive policies in certain disciplinary fields, such as social work.¹⁸ They do not like it very much that it deviates from the official narrative ... because it [social security] is a right that has been violated historically, and it is believed it should not be given another type of meaning [Scholar Marco 00:41:35].

Human rights law remained distant from informant women's experiences. Women had a limited understanding of the law. In most cases, they did not identify what they were suffering in the completion of the conditionalities as "violence" but rather as "mistreatment" and "disrespect," understanding them as an expected consequence of the system.¹⁹ Even when faced with something women identified as a clear violation of their rights, such as arbitrary suspensions from the program, they did not pursue legal procedures and resorted to other strategies (such as patience, persuasion, and networking techniques) to access fundamental social rights.

Recipient women, disadvantaged in the sphere of legal knowledge, lack the legal literacy necessary for successful litigation. Based on fieldwork, most recipients are not able to access legal representation or engage in a legal process of a judicial or administrative nature. They do not entirely understand their legal possibilities as AUH recipients or have the knowledge, time, resources, or intention to engage with legal procedures. Therefore, constitutional and human rights laws were only exceptionally identified as significant by academic experts, technocrats, and activists who possessed a superior amount of privilege compared to recipient women.

¹⁸ As I explain below, constitutional law was another field in which it was seen as politically incorrect and regressive to focus on the unconstitutionality of the AUH. The informal norm of political correctness prevailed.

¹⁹ Leonor was the exception among recipient mothers.

8.3.1 Written Legal Maps of Social Security as a Right

Absolutely, [the AUH relates to] constitutional rights. Undoubtedly, Article 75.22²⁰ of the National Constitution, the one that refers to all the international treaties because our pension system was born as a product of absorbing that international legislation referred to social security. So, I would say that, in international matters, it is the most important thing that we have as the basis of our organization; as a reference, the *Pact of San José de Costa Rica*²¹ is one of the most important [ANSES technocrat Ignacio 01:35:17].

The AUH is connected to the human right to social security in the written maps of laws. The right to social security is depicted both as a legal guarantee and as the “normative purpose of that legal guarantee,” which is to uphold the right to a basic income and living standard.²² Social

²⁰ National Constitution, Article 75: “Congress is empowered... 22.- To approve or reject treaties entered into with other nations and international organizations, and concordats with the Holy See. Treaties and concordats have a higher standing than laws. The following instruments, in the full force of their provisions, have constitutional standing, do not repeal any section of the First Part of this Constitution and are to be understood as complementary of the rights and guarantees recognized therein: the *American Declaration of the Rights and Duties of Man*; the *Universal Declaration of Human Rights*; the *American Convention on Human Rights*; the *International Covenant on Economic, Social and Cultural Rights*; the *International Covenant on Civil and Political Rights* and its *Optional Protocol*; the *Convention on the Prevention and Punishment of Genocide*; the *International Convention on the Elimination of all Forms of Racial Discrimination*; the *Convention on the Elimination of all Forms of Discrimination against Women*; the *Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*; the *Convention on the Rights of the Child*. They shall only be denounced, in such event, by the National Executive Power after the approval of two-thirds of all the members of each House. After their approval by Congress, the other treaties and conventions on human rights shall require the vote of two-thirds of all the members of each House in order to attain constitutional standing.” National Constitution, article 75.22, online < <http://www.biblioteca.jus.gov.ar/Argentina-Constitution.pdf>>. Argentina has ratified the following UN human rights treaties: *Convention on the Rights of Persons with Disabilities*; *Convention for the Protection of all Persons from Enforced Disappearance*; *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*. Argentina has also ratified the following regional human rights treaties: *Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights* (“Protocol of San Salvador”); *Inter-American Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities*; *Inter-American Convention on the Forced Disappearance of Persons*; *Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women* (“Convention of Belem do Pará”); the *Inter-American Convention to Prevent and Punish Torture*; the *Inter-American Convention on Protecting the Rights of Older Persons*. Argentina has ratified optional protocols and made appropriate declarations allowing individuals to submit complaints against the State alleging violations of the aforementioned treaties. For more information on Argentina’s engagement with UN human rights bodies, see UN Human Rights Office of the High Commissioner, Argentina, online <<http://www.ohchr.org/EN/countries/LACRegion/Pages/ARIndex.aspx>>.

²¹ Organization of American States (OAS), *American Convention on Human Rights*, “*Pact of San José de Costa Rica*” (22 November 1969) [entry into force 18 July 1978, ratified by Argentina 14 August 1984].

²² Beth Goldblatt & Lucie Lamarche, eds, *Women’s Rights to Social Security and Social Protection* (Oxford: Hart Publishing, 2014) at 52, 53.

security is a fundamental human right covered in international human rights instruments that provide it with “universal meaning.”²³ Article 22 of the *Universal Declaration of Human Rights* (1948) states that “everyone, as a member of society, has the right to social security and is entitled to realization... of the economic, social and cultural rights indispensable for his dignity and the free development of [her] personality.”²⁴ Article 25 recognizes that “everyone has the right to a standard of living adequate for the health and wellbeing of [her]self and [her] family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond [her] control.”²⁵

Article 9 of the *International Covenant on Economic, Social and Cultural Rights* [ICESCR] (1966) establishes the right of everyone to social security as a human right that belongs to the economic and social rights category.²⁶ It recognizes the right to a good living standard, including food, clothing, housing, and living conditions.²⁷ Its Article 10 (2) recognizes the right of working mothers “to adequate social security benefits.”²⁸

Various other international and regional treaties recognized the right to social security as a human right; the most important of these include the following: the *International Convention on Elimination of all Forms of Racial Discrimination* (Article 5);²⁹ the *Convention on the Elimination*

²³ Goldblatt & Lamarche, *supra* note 22.

²⁴ Article 22, *Universal Declaration of Human Rights*, 10 December 1948, General Assembly Resolution 217A (III), UN Doc. A/810.

²⁵ *Universal Declaration of Human Rights*, *supra* note 24 at article 25.

²⁶ *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, 999 UNTS171 [entered into force 23 March 1976, ratification by Argentina 08 August 1986] [ICESCR].

²⁷ *Ibid* at articles 1(1); 11; 3; 10 (2); 12.

²⁸ *Ibid* at article 10 (2).

²⁹ *International Convention on the Elimination of All Forms of Racial Discrimination*, 21 December 1965, UNTS 660 [entered into force 4 January 1969, ratified by Argentina on 02 October 1968]. Article 5: “... (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration; (iii) The right to housing; (iv) The right to public health, medical care, social security and social services; (v) The right to education and training ...”

of all Forms of Discrimination against Women (Article 11);³⁰ the *Convention on the Rights of the Child* (Article 6);³¹ the *American Declaration of Human Rights and Duties* (Article 16);³² the *Additional Protocol to the American Convention on Human Rights in the Area of Economic Social and Cultural Rights*;³³ and the *International Convention on the Protection of the Rights of All Migrant Workers and their Families* (Articles 27 and 54).³⁴

Comment 19 on The Right to Social Security – United Nations Committee on Economic, Social and Cultural Rights – states in Article 1 that “the right to social security is of central importance in guaranteeing human dignity for all persons” and that “social security, through its redistributive character, plays an important role in poverty reduction and alleviation, preventing

³⁰ *Convention on the Elimination of All Forms of Discrimination against Women*, 1 March 1980, 1249, UNTS 13, [Entered into force 03 September 1981, ratification by Argentina 15 July 1985] [CEDAW]. “States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular: Article 11 (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave; (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.”

³¹ *Convention on the Rights of the Child*, 20 November 1989, 27531 UNTS1577 [entry into force 2 September 1990, ratified by Argentina 04 December 1990]. Article 16: “1. States Parties recognize that every child has the inherent right to life; 2. States Parties shall ensure to the maximum extent possible the survival and development of the child.”

³² Organization of American States [OAS], *American Declaration of the Rights and Duties of Man* (2 May 1948). Article XVI: “Every person has the right to social security which will protect him from the consequences of unemployment, old age, and any disabilities arising from causes beyond his control that make it physically or mentally impossible for him to earn a living.”

³³ Article 9: “Right to Social Security. 1. Everyone shall have the right to social security protecting him from the consequences of old age and of disability which prevents him, physically or mentally, from securing the means for a dignified and decent existence. In the event of the death of a beneficiary, social security benefits shall be applied to his dependents. 2. In the case of persons who are employed, the right to social security shall cover at least medical care and an allowance or retirement benefit in the case of work accidents or occupational disease and, in the case of women, paid maternity leave before and after childbirth.” Organization of American States (OAS), *Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights* (“Protocol of San Salvador”), 16 November 1999, A-52.

³⁴ Article 27: “1. With respect to social security, migrant workers and members of their families shall enjoy in the State of employment the same treatment granted to nationals in so far as they fulfil the requirements provided for by the applicable legislation of that State and the applicable bilateral and multilateral treaties ...” Article 54: “migrant workers shall enjoy equality of treatment with nationals of the State of employment in respect of: (a) Protection against dismissal; (b) Unemployment benefits; (c) Access to public work schemes intended to combat unemployment; (d) Access to alternative employment in the event of loss of work or termination of other remunerated activity, subject to article 52 of the present Convention.” *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*, 18 December 1990, A/RES/45/158.

social exclusion and promoting social inclusion.”³⁵ It also states that State-parties to the ICESCR “must take effective measures... within their maximum available resources, to fully realize the right of all persons without any discrimination to social security, including social insurance.”³⁶

These measures include

(b) Non-contributory schemes such as universal schemes (which provide the relevant benefit in principle to everyone who experiences a particular risk or contingency) or targeted social assistance schemes (where benefits are received by those in a situation of need). In almost all State parties, non-contributory schemes will be required since it is unlikely that every person can be adequately covered through an insurance-based system.³⁷

In short, the AUH relates to the right to social security. Poverty implies the non-fulfillment of human rights. UN Special Rapporteur on Extreme Poverty and Human Rights (2012) has upheld that eradicating extreme poverty is a moral and *legal obligation* under international human rights law.³⁸ However, combating poverty must be consistent with constitutional and international human rights commitments, and the AUH is not. Indeed, I believe that *conditional* cash transfers violate the basic principles of “universality” and “non-discrimination” intrinsic to the right to social security and a decent standard of living.³⁹ The AUH differentiates between “deserving” and “undeserving” poor people and applies behavioural control on the poor population through

³⁵ UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 19: The Right to Social Security (Article 9 of the Covenant)*, 4 February 2008, E/C.12/GC/19. Introduction, 1 and 3, at page 2.

³⁶ *Ibid* at “Introduction,” 4, at page 2.

³⁷ CESCR, *General Comment No. 19*, *supra* note 35 at Introduction, 4 (b) at page 2.

³⁸ Committee on Economic, Social and Cultural Rights, “Poverty and the International Covenant on Economic, Social and Cultural Rights: Statement / adopted by the Committee on Economic, Social and Cultural Rights on 4 May 2001,” E/C.12/2001/10.

³⁹ CEPAL, “Los Bonos en la Mira: Aporte y Carga para las Mujeres” (2021) Observatorio de Igualdad de Género de América Latina y el Caribe. Informe Anual 2012, online < https://repositorio.cepal.org/bitstream/handle/11362/35401/S20121042_es.pdf?sequence=1&isAllowed=y > at 58.

attaching conditionalities.⁴⁰ If human rights are indivisible and universal,⁴¹ they should certainly not be “conditioned” nor implemented in a discriminatory manner.⁴² In this sense, I agree with constitutional law expert Dante, who brilliantly explained:

... when something is a right, theoretically it should not have to be distributed through the market ... but we have markets built for many things that are rights [Dante 00:50:13] ... housing [is] the most salient example ... It is the impact of neoliberalism ... There is a common sense that the responsibility is individual and that you must work for your money ... This idea that rights are earned facilitates introducing differential treatment and make it acceptable ... the idea is that the market will reward the people who do things well [00:51:33]. And if the same debate is raised regarding health issues, that is, ‘for you to go to the hospital and be treated, you have to have been a good patient’ ... people say ‘no, health is a different type of right’ ... [Constitutionalist Dante 00:52:40].

In short, paradoxically, the AUH is a human right and violates human rights. The AUH program represents a human right to social security and a decent living standard formally protected by constitutional and international human rights laws. The AUH should certainly not be conditioned as a tool to combat poverty and as a human right. Nevertheless, it remains conditional, and its constitutionality has not been contested in courts.

⁴⁰ CESCR, *General Comment No. 19*, *supra* note 35. ICESCR, *supra* note 26 at article 9.

⁴¹ Human rights are universal, inalienable, indivisible. The universality of human rights is encompassed in the words of Article 1 of the *Universal Declaration of Human Rights*: “All human beings are born free and equal in dignity and rights.” *Universal Declaration of Human Rights*, *supra* note 24. Article 5 of the *Vienna Declaration and Programme of Action* states that “all human rights are universal, interdependent, and interrelated. The international community must treat human rights globally in a fair and equitable manner, on equal terms, and with the same emphasis.” The World Conference on Human Rights in Vienna, *Vienna Declaration and Programme of Action* (25 June 1993).

⁴² Could States require an individual to fulfil specific actions to fulfill their own human rights obligations? I agree with Etchichury (2018) that even if instruments such as the 1948 *American Declaration of the Rights and Duties of Man* refers to obligations and duties, “duties are not conditions to enjoy rights. Even under this American Declaration, a person does not have to fulfill his or her duties to exercise any of the rights included in the text.” A full answer to this issue is beyond the scope of this work. Horacio Javier Etchichury, “Planned Differences: Argentina’s Universal Child Allowance from a Human Rights Perspective” (2018) 7 *Ius Humani*, *Revista de Derecho* 199 at 208, 209.

8.4 All Legal Roads Lead to Constitutional Law

Constitutional law is a crucial legal regimen in understanding the AUH institution and any other set of norms because the legal system recognizes the federal Constitution as the supreme law.⁴³ All other norms and regulations in Argentina must abide by the Constitution, enacted in 1853 and reformed in 1994.⁴⁴ In conformity with the theory of constitutional supremacy and formalism sustained by legal centralism, the legal supremacy in the institution of the AUH will look like an adaptation of Hans Kelsen's traditional normative pyramid,⁴⁵ as depicted by the constitutional expert I interviewed, Dante.

The Constitution and the treaties have the highest hierarchy. And then comes Law 24,714 and the DNU [Decree of Necessity and Urgency] that modified it by incorporating the AUH, DNU 1602/2009. And the latest DNU from last year, 840/2020, is the one that eliminates the limit on the number of children and shortens the period of residency for foreigners. All those have the same hierarchy. The law passed in Congress and the DNU have the same legal hierarchy in our system. Then, there are regulatory decrees... that are the competency of the Executive Power and that are, without a doubt, of lower hierarchy; that is, they cannot contradict the law or, in this case, the DNU. One of those is Decree 614/2013, which is the one that established this idea that mothers would be paid the AUH [00:32:57] ... [In a] pyramid, I would place the Constitution and treaties on top; then Law 24,714 and modifying DNUs; and below, presidential decrees, and at last, ANSES

⁴³ Argentina has a federal system, which means that federal and provincial laws coexist. The jurisdiction of federal legislation is limited to the following areas in conformity with the Constitution: civil, commercial, penal, mining, labour and social security, customs, direct taxes, and international relations. Provincial governments legislate in all other areas. National Constitution, *supra* note 20 at articles 121 and 126.

⁴⁴ Etchichury, "Planned Differences," *supra* note 42 at 206.

⁴⁵ The Kelsenian pyramid or the pyramid of the legal hierarchy is the graphic representation of the legal system through a pyramid segmented into various strata or levels. It represents a vertical relationship between the different legal norms, as understood by the Austrian jurist and philosopher Hans Kelsen (1881-1973), from the positivist doctrine. See Hans Kelsen, Adolf Merkl Zu Seinem Siebzigsten Geburtstag, 10 Österreichische Zeitschrift für Öffentliches Recht 228 (1960).

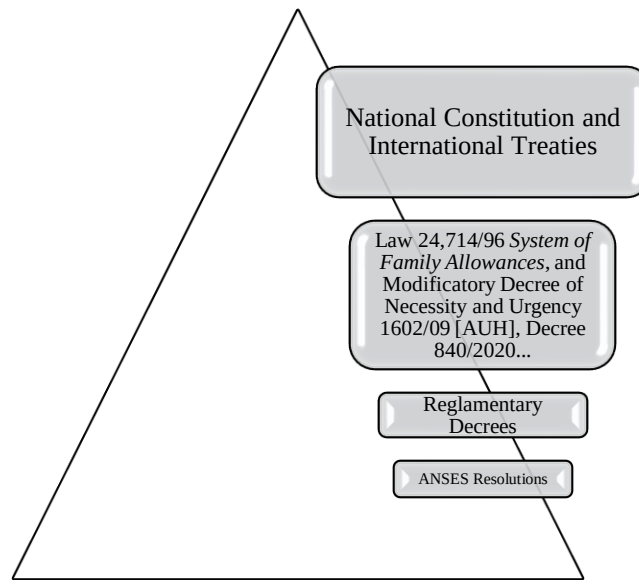


Figure 81: Pyramid of constitutional supremacy according to legal centralism – formal laws. Source: author.

In practice, however, data showed the above pyramid is rarely recognized since pointing toward the “unconstitutionality” of the AUH is frowned upon, as expert Dante explains.

There is a historical subordination of social rights in the field of law. Except for labour law, which does have an academic, political, judicial tradition and insertion in Argentina, and to a certain extent, old-age pensions, the rest of the social rights, such as housing and even health ... [social rights] have always had a role in that definition of social rights as ‘programmatic,’ which was the dominant definition until the end of the 1990s. [The AUH] has been evaluated for its financial viability, technical or political sustainability, and political acceptability. It has been studied from other disciplines ... not as a constitutional right ... Social policies have always, historically, been the area of government discretion. So, this is evaluated as everything governments do discretionally: did it turn out well, badly, expensive, or cheap? Does it have flaws and unintended effects? It has been evaluated from many lenses but not from the lenses of the law. The AUH ... became a topic of political debate. Some people opposed the implementation of the AUH initially, but when five or six years passed, and there was a change of presidential mandate in 2015, all the candidates with any chance of winning understood it must continue. And then, it was kind of uncomfortable to raise that [its unconstitutionality], right? Those who favour it and

believe that the AUH means ‘progress’ (I also consider it progressive) felt that pointing out this ‘unconstitutionality’ was feeding the opposite discourse. It was not at all a discourse based on constitutional issues. Much of the opposition’s discourse is based on the idea that the AUH should not exist and that there should be something else [Constitutionalist Dante 00:26:51].

In addition to the above-described reluctance to focus on the AUH’s unconstitutionality, constitutional law remained alien to most informants because recipient women lack the resources and legal literacy to access legal representation and remedies. State constitutional law rarely has any weight in the lives of recipient women. Valverde (2009) would explain this as a case of “bad” legal pluralism: interlegality that happens when rights protections gained at one scale – human rights and constitutional – are invisible at other scales – administrative law and access to social rights.⁴⁶ For instance, paraphrasing Valverde, the sophisticated Argentine constitutional rights regimen has done nothing to undermine the administration’s “quasi-medieval micro-management” of social policies and recipients’ “harmless conduct.”⁴⁷ Valverde’s point is that we should not assume superb principles and programs will effectively guide everyday governance when State-scale constitutional rights are not in harmony with other rules, including low-level regulations.

In fact, the conditions attached to the AUH are not admissible under Argentina’s human rights obligations and the rights granted by Argentine constitutional law, visually arranged by expert Dante at the top of the pyramid. In Argentina’s legal culture, human rights matters are inevitably constitutional matters because most international human rights covenants have

⁴⁶ Mariana Valverde, “Jurisdiction and Scale: Legal ‘Technicalities’ as Resources for Theory” (2009) 18:2 Social Legal Studies 139 at 142.

⁴⁷ *Ibid* at 141.

constitutional rank.⁴⁸ The comprehensive constitutional reform of 1994 extended the range of human rights by endowing human rights treaties⁴⁹ with constitutional rank and declaring Argentina's international commitment.⁵⁰ Any right included in these covenants has the highest legal status in the hierarchy of Argentine domestic law, as portrayed in the above pyramid. This also means that action or omission of the State that violates human rights covenants is unconstitutional and opens the path for claims before domestic and international tribunals.⁵¹

Social rights expert Etchichury (2018) explains that international human rights law must “be harmonized with the rest of the Constitution since all these elements share an equal rank.”⁵² Thus, the AUH could be challenged based on lack of “reasonableness” – Article 28, Argentine Constitution – and violation of the principles of “real equality and non-discrimination” – Articles 16 and 75.23, Argentine Constitution – due to the imposition of conditions.⁵³ Argentina's Constitution adopts “reasonableness” as a guiding principle in Article 28: “the principles, guarantees, and rights recognized ... shall not be modified by the laws that regulate their enforcement.” Argentina's Supreme Court has interpreted “reasonable” as regulations proportionate to explicit and legitimate objectives.⁵⁴ AUH withdrawal inflicts an unreasonable burden on the right to social security; thus, the imposition of conditions is unreasonable.⁵⁵

⁴⁸ The most relevant treaty in this area is the ICESCR, overseen by the UN Committee on Economic, Social and Cultural Rights [CESCR]. In 2013, the ICESCR's Optional Protocol – that Argentina had ratified in 2011 – came into force, allowing for individual claims to be filed before the CESCR against Argentina. United Nations Office of the High Commissioner, online < <http://www.ohchr.org/EN/countries/LACRegion/Pages/ARIndex.aspx>>.

⁴⁹ Article 75.22, National Constitution, *supra* note 20.

⁵⁰ For human rights treaties to be incorporated into the legal framework, they must be voted by two-thirds of the members of each legislative House. The removal of treaties that have constitutional rank also requires supermajority votes in both houses of Congress. National Constitution, *supra* note 2 at article 75.22.

⁵¹ Etchichury, “Planned Differences,” *supra* note 42 at 208.

⁵² The National Constitution and incorporated international human rights treaties constitute what Argentine legal academics known as “the federal constitutional block.” Germán José Bidart Campos, *Tratado Elemental del Derecho Constitucional Argentino (vol. I-A)* (Buenos Aires: Ediar, 2000).

⁵³ Etchichury, “Planned Differences,” *supra* note 42 at 209.

⁵⁴ Germán José Bidart Campos, *Teoría General de los Derechos Humanos* (Buenos Aires: Astrea, 1991) at 407.

⁵⁵ Etchichury, “Planned Differences,” *supra* note 42 at 209.

The right to equal treatment and the principle of “real equality” are also granted by Articles 16 and 75.23 of Argentina’s Constitution.⁵⁶ Article 16 establishes that all inhabitants are “equal before the law” and that equality “is the basis of taxation and public burdens.” Article 75.23 allows Congress “to legislate and promote positive measures guaranteeing true equal opportunities and treatment.”⁵⁷ Nevertheless, the AUH violates the rights to equality and non-discrimination: there is an unjustified difference in treatment between recipients of *Family Allowances* and recipients of the AUH. Formal workers, who receive the *Family Allowances*, are not required to certify school and medical conditions, whereas informal workers must do so to receive the AUH.⁵⁸ Thus, I agree with Etchichury (2018) that the conditionalities of the AUH may be subject to judicial and constitutional challenges.

However, in practice, and despite formal laws, the AUH has not been declared unconstitutional, and it is unlikely to be, not only because in Argentina, class actions are not admissible and court rulings have only *inter-partes* – not *erga omnes* – effects,⁵⁹ but also because those who commend the AUH would not dare to question its unconstitutionality in courts as they are aware that poor people rely on the stipend for their survival.

Besides international liability, human rights violations might also be challenged before domestic fora. In conformity with formal laws, any recipient could file an *Amparo* petition in cases of AUH suspension or cancellation, invoking the right to equal treatment.⁶⁰ Article 43 of

⁵⁶ María Angélica Gelli, *Constitución de la Nación Argentina. Comentada y Concordada*, 3rd Ed (Buenos Aires: La Ley, 2005) at 181-204.

⁵⁷ The ICESCR has constitutional rank in Argentina and establishes in its article 22: “the rights enunciated in the present Covenant will be exercised without discrimination of any kind.” ICESCR, *supra* note 26 at article 22.

⁵⁸ See section 7.5.7, “Formal-Labour-Centric” Approach.

⁵⁹ *Inter-partes* means between the parties, meaning that the ruling would be enforceable only between the parties, whereas *erga omnes* means towards all, meaning the ruling will be enforced towards all.

⁶⁰ Social security policies discriminate against migrants in Argentina, and the AUH is no exception. When I describe the cases regarding social security plans/programs/pensions that have captured the attention of the Supreme Court of Justice in section 8.4.1.2, it is clear that most were interposed by migrants who could not access social security due

Argentina's Constitution establishes a well-known quick relief subsidiary action, the "*Amparo*" action, that any recipient mother could file against any violation of their constitutional rights when no other appropriate remedy exists. Judges can subject any law or provision to constitutional review, strike it down, and declare it inapplicable *to the specific case*.

[a]ny person shall file a prompt and summary proceeding regarding constitutional guarantees, provided there is no other legal remedy, against any act or omission of public authorities or individuals which currently or imminently may damage, limit, modify or threaten rights and guarantees recognized by this Constitution, treaties, or laws, with open arbitrariness or illegality. In such a case, the judge may declare that the act or omission is based on an unconstitutional rule.⁶¹

None of the informant women interviewed utilized the *Amparo* action route; recipients lacked the resources to engage in legal proceedings. As Falk Moore (1973) explained, the ways in which State-law affects human behaviour are often exaggerated, while the ways in which more spontaneous rules affect behaviour are often underestimated.⁶² The informal law or ideological code that frames it as politically incorrect, unjust, and plain inappropriate to question the constitutionality of the AUH judicially also prevails over what the formal laws offer as available tools for contestation. Before concluding this section, I would like to note that I do not intend to

to discriminatory residence requirements. The recently passed Decree 840/20, article 14ter, (a) changed the AUH residency requirement from three to two years: foreign-born children must have been legal residents at least for the past two years. Such a requirement is unconstitutional and violates Argentina's international human rights commitments. Argentina's *Migration Law* recognizes equal rights and treatment for nationals and foreigners, and actions that facilitate migrants' access to essential social services in health, education, justice, work, employment, and social security. Law 25,871/04, online < http://www.migraciones.gov.ar/pdf_varios/residencias/ley_25871.pdf> at articles 6 to 13.

⁶¹ Article 43 of the National Constitution regulates four types of actions: the individual *Amparo*, the collective *Amparo*, the *Habeas Corpus*, and the *Habeas Data*. The *Amparo* action is also contemplated in article 44 of the *American Convention of Human Rights – Pact of San José de Costa Rica* –, ratified by Argentina. National Constitution, *supra* note 20.

⁶² Sally Falk Moore, "Law and Social Change: The Semi-Autonomous Social Field as an Appropriate Subject of Study" (1973) 7:4 *Law and Society Review* 719.

idolize constitutionalism as a “governance apparatus.”⁶³ Such romanticization would imply the neglect of the constitution’s fundamental principles of colonial legacy through which Western externally imposed manifestations of a political and economic order are engraved into Argentina’s legal framework, which has problematic implications for Indigenous peoples’ self-determination.⁶⁴

Delineating the legal cartographic maps that regulate the AUH would not be complete without a brief commentary of key legal rulings related to the AUH, to which I now turn.

8.4.1 Constitutional Rulings Related to AUH Recipients

8.4.1.1 Judicialization?

In the last three decades in Argentina, social issues have been increasingly addressed using the rights language.⁶⁵ Judicialization relies on courts tackling public policy questions.⁶⁶ It is associated with expanding the “legal field” to address political questions until then reserved for the executive and legislative branches of government.⁶⁷

According to Arcidiácono (2019), the trend toward judicialization is palpable in social policy in Argentina.⁶⁸ For instance, the author explains that in 2002, there were 194 *Amparo*

⁶³ Mariana Valverde, *Laws Dream of a Common Knowledge* (Princeton: Princeton University Press, 2003).

⁶⁴ Upendra Baxi, “Modelling ‘Optimal’ Constitutional Design for Government Structures. Some Debutant Remarks,” in Khilnani, Raghavan & Thiruvengadam, eds, 23 *Comparative Constitutionalism in South Asia* (2013).

⁶⁵ According to Arcidiácono (2019), myriad factors converge to explain the increase in legal claims related to social rights in Argentina, such as the process of democratization and the consequent restoration of the rule of law; deterioration of economic and social conditions due to structural adjustment plans; the absence of adequate policies; and the constitutional reform that expanded the umbrella of protected rights guaranteed by the State, among others. Pilar Arcidiácono, “‘La Hermanita Menor.’ Concepciones Dominantes sobre la Seguridad Social no Contributiva en Expedientes Judiciales” (2019) 12 *Revista Estado y Políticas Públicas* ISSN 2310-550X 149 at 157.

⁶⁶ “Judicialization” reintroduces the classic debates about constitutional division of powers. Luciano Nosetto, “Reflexiones Teóricas sobre la Judicialización de la Política Argentina” (2014) 23 *Documentos y Aportes en Administración Pública y Gestión Estatal* at 93.

⁶⁷ See Nosetto, “Reflexiones Teóricas,” *supra* note 66. Lisa Hilbink, “An Exception to Chilean Exceptionalism?” in Susan Eckstein & Timothy Wickham Crowley, eds, *What justice? Whose justice? Fighting for Fairness in Latin America* (Berkeley: University of California Press, 2003) 64. Pierre Bourdieu, “La Fuerza del Derecho. Elementos para una Sociología del Campo Jurídico,” in *Poder, Derecho y Clases Sociales* (Bilbao: Desclée de Brouwer, 2000) at 165.

⁶⁸ According to Salanueva & González (2011), “judicialization” meant that individuals used to being on the “other side” of the bench as perpetrators of crimes were able to claim their rights. Olga Salanueva & Manuela González, eds, *Los Pobres y el Acceso a la Justicia* (La Plata: Editorial de la Universidad Nacional de La Plata, 2011).

actions filed at the closing of the *Heads of Households* Program, the predecessor of the AUH.⁶⁹ Furthermore, lawsuits in the field of social security prompted the creation of the Federal Justice of Social Security in 1996.⁷⁰ Over the years, the forum was overwhelmed by the marked increase in litigation. The courts became the “entry table” for obtaining social security payments, particularly those related to health benefits claims⁷¹ and schooling.⁷² In the Autonomous City of Buenos Aires (CABA), the phenomenon of judicialization was especially marked.⁷³

By contrast, this process of “judicialization” seems perplexing from the standpoint of the informant women from Chaco I interviewed, as their experience does not show that they resort to litigation. Quite the contrary, evident structural deficits impeded women’s access to justice, such as lack of legal aid and access to legal representation, legal illiteracy, lack of access to childcare, and lack of transportation. Before analyzing key constitutional rulings related to non-contributory social policy in Argentina, it is therefore essential to remember that resorting to tribunals to resolve grievances was rare – if not almost inexistent – among the women I interviewed. Only one recipient woman, Leonor, mentioned taking her grievances to ANSES and the judiciary.

⁶⁹ Pilar Arcidiácono, Carolina Fairstein & Gabriela Kletzel, “El ‘Enfoque de Derechos’ en Políticas Sociales y la Experiencia de Judicialización del Programa *Jefes y Jefas de Hogar Desocupados*: ¿Por la Buena Senda?” in Laura Pautassi & Victor Abramovich, eds, *La Revisión Judicial de las Políticas Sociales* (Buenos Aires: Del Puerto, 2009) 139.

⁷⁰ Pilar Arcidiácono & Gustavo Gamallo, “Sobre la Judicialización de Conflictos Sociales en Argentina” (2021) Serie de Debates 4 DSPP, online <<https://www.dspp.com.ar/wp-content/uploads/DSPP-Debates04.pdf>> at 5.

⁷¹ An estimated 44% of lawsuits initiated in the Federal Civil and Commercial Jurisdiction in 2019 were appeals related to the protection of health benefits. The Judicial sphere is becoming the “entry table for social security,” as known in judicial jargon. Silvina Andrea Bracamonte & José Luis Cassinerio, “La Judicialización del Derecho a la Salud” (2020) 112 Research Paper, Ginebra, South Centre.

⁷² *Ibid.* Gabriel Brener, Gustavo Galli & Marcela Martínez, eds, *Judicialización de las Relaciones Escolares* (Buenos Aires: Noveduc, 2019).

⁷³ Arcidiácono & Gamallo, “Sobre la Judicialización,” *supra* note 70 at 5.

8.4.1.2 Key Rulings of the Argentine Supreme Court of Justice Regarding Non-Contributory Programs

In Argentina's continental law system, there is no rule of precedent.⁷⁴ The traditional sources of law are codes, statutes, contracts, jurisprudence, equity, *usos y costumbres*,⁷⁵ general principles of law, and doctrine (scholarship).⁷⁶ The last two are considered interpretative instruments. The highest jurisdictional instance is the Supreme Court of Justice, the ultimate body of the judicial branch.⁷⁷ It guarantees the effective exercise of constitutional rights and is the ultimate interpreter of the Constitution and controller of the powers of the State.⁷⁸

I will now turn to five judicial cases of non-contributory programs that captured the attention of the Supreme Court.⁷⁹ All the cases that caught the attention of the Supreme Court – except the most recent one – do not explicitly deal with the AUH but instead focus on “non-contributory social security programs,” more broadly speaking.⁸⁰ To the four cases accessed by Arcidiácono (2019) and her research team, I add one more case whereby the Supreme Court of Justice (2020) decided whether mothers deprived of liberty had the right to receive the AUH.

⁷⁴ Judicial decisions, in principle, only affect the parties. However, plenary sentences are also binding on the lower courts that previously decided on the matter. Courts of appeal issue plenary sentences in order to unify jurisprudence on specific subject, *ex-officio* or *ex-parte*.

⁷⁵ In Argentina's legal system, custom is a source of law when the law expressly refers to it and when there is no directly applicable legal provision.

⁷⁶ Imerio Jorge Catenacci, *Introducción al Derecho* (Buenos Aires: Editorial Astrea, 2006) at 281, 282.

⁷⁷ The lower levels of the Judicial Power are composed of a system of federal and provincial courts.

⁷⁸ Germán José Bidart Campos, *Manual de la Constitución Reformada, Tomo 1* (Buenos Aires: Ediar, 1998) at 31.

⁷⁹ Of course, there have been a number of *Amparos* at the level of lower tribunals who have ruled on issues related to the AUH. Any matters related to the AUH or social security in principle activate the *federal* competence and jurisdiction and will be heard by federal tribunals as seated in each province and/or the federal capital of Argentina. Of the five cases included, four were analyzed in detail by Pilar Arcidiácono and her research team (2019). Their work is precious because having access to court records is challenging in Argentina. Legal files are important because Argentina's judicial procedures are mainly written legal processes. Even though final resolutions of the Supreme Court are published online, the entirety of the legal file (*expediente judicial*) is not. Arcidiácono's research team faced several difficulties accessing files while doing fieldwork: requesting the files to be “unarchived” could be done only on Thursdays and arose suspicion on judicial actors. Once the files were obtained, many of them were illegible because of humidity. Arcidiácono, ““La Hermanita Menor,”” *supra* note 65 at 151, 152. This account allows us to see how access to justice is restricted even at the level of the Supreme Court itself.

⁸⁰ By contrast, there is massive litigation in the field of old-age pensions. Arcidiácono, ““La Hermanita Menor,”” *supra* note 65 at 151, 152.

“*Reyes Aguilera versus National State*” (2007) (hereinafter *Reyes Aguilera*)⁸¹ is one of the most cited cases.⁸² Daniela Reyes Aguilera, a girl of Bolivian nationality with cerebral palsy, was born in 1998 and became a resident of Argentina in 1999. Her parents applied for a non-contributory disability pension that the National Commission of Welfare Pensions [*Comisión Nacional de Pensiones Asistenciales*] refused for not demonstrating the minimum residence of twenty years required by Decree 432/97.⁸³ In 2003, Daniela’s parents filed an *Amparo* action invoking the unconstitutionality of the residency requirement.⁸⁴ The Supreme Court ordered the Argentine State to grant them the disability pension in its ruling.⁸⁵

In “*Álvez, María Cristina versus National Executive Power*” (2002), the Supreme Court pronounced the non-incompatibility of two benefits, admitting an *Amparo* claim and allowing for *ex-gratia*⁸⁶ pensions because it was not proven that the plaintiff’s income was incompatible with *ex-gratia* pensions.⁸⁷ In “*Lifschitz, Graciela B. and others versus National State*” (1998),⁸⁸ the Supreme Tribunal ruled on an *Amparo* action filed by the parents of Lucas Nicolás Rigüero, a seventeen-year-old boy with cerebral paralysis. The Supreme Court required the lower courts to order the defendant – the State – to provide special educational assistance; a subsidy was ordered

⁸¹ “*Reyes Aguilera, Daniela c/ Estado Nacional y otros s/ Amparos y Sumarísimos*,” Expte. N° 62999/2003.

⁸² Pilar Arcidiácono, Carolina Fairstein & Gabriela Kletzel, “El ‘Enfoque de Derechos’ en Políticas Sociales y la Experiencia de Judicialización del Programa *Jefes y Jefas de Hogar Desocupados*: ¿Por la Buena Senda?,” in Laura Pautassi & Victor Abramovich, eds, *La Revisión Judicial de las Políticas Sociales* (Buenos Aires: Del Puerto, 2009) 139, 163.

⁸³ Article 1, section (e) of annex I of Decree 432/97 on *Pensions*, online <<http://servicios.infoleg.gob.ar/infolegInternet/anexos/40000-44999/43325/norma.htm>>.

⁸⁴ Their case was managed by the Immigrant and Refugee Rights Clinic [CELS-CAREF-UBA]. Arcidiácono, ““La Hermanita Menor,”” *supra* note 65.

⁸⁵ Arcidiácono, ““La Hermanita Menor,”” *supra* note 65.

⁸⁶ Oxford Languages defines “*ex-gratia*” as a “payment given as a favor or from a sense of moral obligation rather than because of any legal requirement.”

⁸⁷ “*Álvez, María Cristina c/ Poder Ejecutivo Nacional y otros s/ Amparos y Sumarísimos*,” Expte. N° 24814/2002. Arcidiácono, ““La Hermanita Menor,”” *supra* note 65.

⁸⁸ “*Lifschitz, Graciela B. y otros c. Estado Nacional s/ Amparos y Sumarísimos*,” Expte. N° 47410/1998. Arcidiácono, ““La Hermanita Menor,”” *supra* note 65.

to be urgently granted to cover Lucas' needs.⁸⁹ In “*Fernández Machaca, Judy Vladimir versus National State*” (2011),⁹⁰ Judy Vladimir Fernández Machaca, a 33-year-old man of Bolivian nationality that lived and worked in Argentina since 1996 in various textile manufacturing workshops, suffered a work-related injury that left him unable to work and provide for his four children and wife.⁹¹ He filed an *Amparo* action against the Ministry of Social Development to declare the unconstitutionality of the twenty years of residence requisite for foreigners to access non-contributory disability pensions.⁹² The Federal Lower Court and the Federal Chamber of Social Security declared the requirement inapplicable, citing “*Reyes Aguilera*” (2007). The State filed a complaint with the Supreme Court, which was rejected.⁹³

It is important to note that in the field of non-contributory pensions, most of these *Amparo* actions were handled either by the Public Defense or by legal clinics and University-based organizations in a *pro-bono* modality. People who need to file *Amparo* actions are fighting for a small but significant amount of money, and the legal costs of the procedure exorbitantly exceed the stipend amount.⁹⁴ This was indeed the case for AUH recipient mothers: each *peso* counted.⁹⁵ Unfortunately, the rulings above did not have a collective impact nor imply a subsequent public

⁸⁹ The ruling of the Court focused on procedural aspects rather than substantive ones. Arcidiácono, “La Hermanita Menor,” *supra* note 65.

⁹⁰ “Fernández Machaca, Judy Vladimir c/ Estado Nacional - Ministerio de Desarrollo Social s/ Amparos y Sumarísimos,” Expte. N° 15513/2011. Arcidiácono, “La Hermanita Menor,” *supra* note 65.

⁹¹ He was represented by the *Consultorio Jurídico Gratuito de la Facultad de Derecho de la Universidad de Buenos Aires* [Free Legal Clinic of the Law School of the University of Buenos Aires]. Arcidiácono, “La Hermanita Menor,” *supra* note 65.

⁹² Article 1 inc. (e) of Annex I of Decree 432/97 on *Pensions*, online <<http://servicios.infoleg.gob.ar/infolegInternet/anexos/40000-44999/43325/norma.htm>>.

⁹³ Arcidiácono, “La Hermanita Menor,” *supra* note 65.

⁹⁴ *Ibid.*

⁹⁵ See section 6.4, “Not Enough but Significant Money.”

policy modification.⁹⁶ In fact, the Supreme Court emphasized that its rulings can only be interpreted concerning the circumstances of the case that motivated them.⁹⁷

8.4.1.2.1 Comment about the Nature of the “Non-Contributory” Pensions

In the four cases above – “*Reyes Aguilera*,” “*Álvez*,” “*Lipschitz*,” and “*Fernández Machaca*” – the courts used different terms to refer to “non-contributory” pensions, and all diverge from the idea of “rights” to social security.⁹⁸ This suggests that the courts do not see pensions as a “right” but as something that depends on the discretionality of the State. In “*Lipschitz*,” the claim explains that the petition’s object is an “*ex-gratia*” pension, a favour. The Supreme Court also introduced the term “subsidy” when resolving this case.⁹⁹ In “*Fernández Machaca*,” the plaintiff used the term “subsidy” and “non-contributory pension” indistinctly. In “*Álvez*,” the defendant – the State – maintained that “the nature of these *ex-gratia* pensions cannot be assimilated into contributory pensions, such as social security benefits. They do not derive from any right but simply from the will of the members of the Legislative Power (...).”¹⁰⁰ In “*Reyes Aguilera*,” the defendant – the State – explicitly asserted that there is no right at stake because the object of the dispute was an “*ex-gratia*” pension, that is, “a not justiciable act of legislative policy of the National Congress.”¹⁰¹

⁹⁶ Arcidiácono, ““La Hermanita Menor,”” *supra* note 65.

⁹⁷ Argentina’s legal system does not allow for *acciones populares* or “class actions.” Class actions mean that any person could exercise them in all cases in which there is a violation of the hierarchy of legal norms. By contrast, the affected party’s concrete, tangible, and imminent damage continues to be a *sine qua non* requisite in Argentine law.

⁹⁸ Germán J. Bidart Campos, Néstor P. Sagüés, Mario E. Chaumet, Alejandro A. Menicocci, Noemí L. Nicolau, Oscar R. Puccinelli & María Mercedes Serra, *El Amparo Constitucional, Perspectivas y Modalidades: Artículo 43 de la Constitución Nacional* (Mendoza: Ed. De Palma) at 84. In other words, an AUH recipient woman would not be legitimated to be a class representative and to bring actions in defence of her and others’ analogous rights and the patrimonial interests of an undetermined number of unidentified class members – other recipient women. A recipient woman whose rights have been violated can only resort to an *Amparo* action if she is the holder of such a right.

⁹⁹ Arcidiácono, ““La Hermanita Menor,”” *supra* note 65.

¹⁰⁰ *Ibid.*

¹⁰¹ “*Álvez*, María Cristina c/ Poder Ejecutivo Nacional,” *supra* note 87 at 51. Cited by Arcidiácono, ““La Hermanita Menor,”” *supra* note 65 at 161.

¹⁰¹ “*Reyes Aguilera*, Daniela c/ Estado Nacional,” *supra* note 81 at 45. Cited by Arcidiácono, ““La Hermanita Menor,”” *supra* note 65 at 159.

“*Reyes Aguilera*” represents the only case whereby its sentence explicitly mentions the right to social security as part of a non-contributory scheme:¹⁰²

... it is appropriate to clarify the case per article 75.22 of the National Constitution, in the light of article XVI of the American Declaration of the Rights and Duties of Mankind ... (‘... every person has the right to social security ...’), Article 25.1 of the Universal Declaration of Human Rights (‘every person [...] also has the right to social insurance in ... circumstances beyond their control’) and Article 9 of the International Covenant on Economic, Social and Cultural Right ... (which recognizes ‘the right of everyone to social security, including social insurance’), all in close combination with the right to life and the right to health.¹⁰³

Abramovich (2009) explained that some favourable votes of the Supreme Court of Justice Judges – specifically, Judges Fayt and Zaffaroni – based their arguments on the right to life more than on other social rights that the petitioners had raised in their claims.¹⁰⁴ Others pointed out that, in “*Fernández Machaca*,” the Supreme Court of Justice did not cite nor analyze *General Comment No 19: The Right to Social Security (Article 9 of the Covenant)* of the Committee on Economic, Social, and Cultural Rights (2007).¹⁰⁵ Arcidiácono et al. (2009) argued that the Court generally refers to food security to substantiate its arguments and that this approach is typical of the Social Security jurisdiction linked to the jurisprudence on the predecessor *Unemployed Heads of Household* program.¹⁰⁶

¹⁰² Arcidiácono, ““La Hermanita Menor,”” *supra* note 65.

¹⁰³ Supreme Court, “*Reyes Aguilera, Daniela c/ Estado Nacional y otros s/Amparos y Sumarísimos*”, Expte. N° 62999/2003. R. 350. XLI. Recurso de Hecho, online <https://www.cels.org.ar/common/documentos/Reyes_Aguilera.pdf> at 11 para 3.

¹⁰⁴ Víctor Abramovich, “El Rol de la Justicia en la Articulación de Políticas y Derechos Sociales,” in Víctor Abramovich & Laura Pautassi, eds, *La Revisión Judicial de las Políticas Sociales* (Buenos Aires: Del Puerto, 2009).

¹⁰⁵ A pertinent passage from *General Comment No. 19* reads “all persons should be covered by the social security system, especially individuals belonging to the most disadvantaged and marginalized groups, without discrimination on any of the grounds prohibited under article 2, para. 2 of the Covenant. In order to ensure universal coverage, non-contributory schemes will be necessary.” CESCR, *General Comment No. 19*, *supra* note 35.

¹⁰⁶ Arcidiácono, Fairstein & Kletzel, *supra* note 69.

From the cases that captured the attention of the Supreme Court, it is clear that judicial actors associate non-contributory programs with the discretionality of the public authorities, not with the rights discourse. Simultaneously, when the courts referred to social rights – namely, food security and the right to food –, the arguments presented were underdeveloped or absent.¹⁰⁷ Thus, non-contributory programs are assigned a residual character in the jurisprudence of the Argentine Supreme Court. Moreover, none of the above cases contributed to modifying or improving public policies in favour of marginalized groups. Indeed, in the Argentine formal justice system, a casuistic, individualistic logic operates, as Wendy Brown (1995) brilliantly put it, “convert[ing] social problems into matters of individualized, de-historicized injury and entitlement.”¹⁰⁸ This approach privatizes and depoliticizes social security claims by reinserting them into the purview of judicial institutions under the rubric of discretionality.

8.4.1.2.2 “Internas de la Unidad N° 31 SPF y otros s/ Habeas Corpus”¹⁰⁹

Besides the four cases included above, I have identified one other relevant case: “*Inmates of Unit 31 et al. re Habeas Corpus Action*,” interposed by women in prison with their children who asked to receive the AUH or *Family Allowances* programs. In 2020, the Supreme Court of Justice ruled favouring women deprived of liberty in Unit 31 of the SPF [*Sistema Penitenciario Federal, Federal Penitentiary System*] and recognizing their right to receive such programs.¹¹⁰

¹⁰⁷ Arcidiácono, ““La Hermanita Menor,”” *supra* note 65.

¹⁰⁸ Wendy Brown, *States of Injury: Power and Freedom in Late Modernity* (Princeton, NJ: Princeton University Press, 1995) at 124.

¹⁰⁹ “Internas de la Unidad N° 31 SPF y otros s/ Habeas Corpus,” FLP 58330/2014/1/1/RH1. Recurso de Hecho Deducido por la Administración Nacional de la Seguridad Social en la Causa ‘Internas de la Unidad N° 31 SPF y otros s/ Habeas Corpus’ para Decidir sobre su Procedencia” (2020), online <[https://repositorio.mpd.gov.ar/documentos/Internas%20de%20la%20Unidad%20N%C2%B0%2031%20del%20SPF%20\(causa%20N%C2%B0%2058330\).pdf](https://repositorio.mpd.gov.ar/documentos/Internas%20de%20la%20Unidad%20N%C2%B0%2031%20del%20SPF%20(causa%20N%C2%B0%2058330).pdf)>.

¹¹⁰ The Supreme Court unanimously confirmed the ruling of the Federal Criminal Cassation Chamber. The latter had heard the *Habeas Corpus* action filed by the Penitentiary Prosecutor and ordered that the women deprived of liberty in Unit 31 of the SPF receive *Family Allowances* and *Pregnancy Allowances* that had been denied to them by ANSES. The National Penitentiary Office and the Official Defender’s Office promoted the cause. The federal justice of La

The Supreme Court referred to several rights of constitutional hierarchy related to the right to social security in its ruling.¹¹¹ However, it maintained the formal-labour-centric and child-centred approach that characterizes Argentina's social security regime. It pointed out that "the right to social security benefits granted by the State, of a comprehensive and inalienable nature, is enshrined in Article 14 *bis* of the National Constitution ... as well as in the *International Covenant on Economic, Social and Cultural Rights*."¹¹² Article 14 *bis* established that "[t]he State shall grant the benefits of social security, which shall be of an integral nature and may not be waived."¹¹³ However, these provisions refer to the rights of waged workers.¹¹⁴ The Supreme Court also pointed out that "prison labour constitutes, without a doubt, one of the forms of human labour that, as such, enjoys constitutional protection."¹¹⁵ Unfortunately, the Court missed an opportunity to declare that women's social reproductive tasks are also a form of human labour and deserve constitutional protection, regardless of whether women are in prison.

Plata first rejected the *Habeas Corpus*. However, the appeal admitted it on the grounds that the refusal to recognize the "benefits" constituted an illegitimate aggravation of detention and that the *Family Allowances* and AUH programs do not exclude women deprived of liberty or their children. The ANSES appealed this ruling, but the Chamber of Cassation ruled in favour of the inmate mothers. "Internas de la Unidad N° 31 SPF y otros s/ Habeas Corpus," *supra* note 109.

¹¹¹ The Supreme Court stressed that "entering a prison does not deprive people of the protection of the laws and, first of all, of the National Constitution, so that any situation of deprivation of liberty imposes on the judge or official who authorizes it the duty of guaranteeing the fulfillment of the constitutional norms, the international treaties ratified by the Argentine Republic, and that the rights of the detainee are not affected by the measure in question." "Internas de la Unidad N° 31 SPF y otros s/ Habeas Corpus," *supra* note 109 at 5, 6.

¹¹² Translation is mine. "Internas de la Unidad N° 31 SPF y otros s/ Habeas Corpus," *supra* note 109 at 6.

¹¹³ Article 14 *bis* was incorporated in the 1957 constitutional reform, including workers' rights, union rights, and social security rights. It protects workers' "against arbitrary dismissal," guarantees "equal pay for equal work" and the unions' right to strike," and "participation in the profits of enterprises, with control of production and collaboration in management." Article 14 *bis*, National Constitution, *supra* note 20.

¹¹⁴ In fact, Legal Counsel Ignacio suggested that *Family Allowances* are related to Contract Labour Law, but the AUH is not. Contract Labour Law is known to regulate the aspect of Social Security within labour law. Ignacio states, "so it is a labour right, the right of the worker to receive *Family Allowances*. I am not referring specifically to the AUH, because it is not designed for workers... Within the labour rights of the Labour Contract Law and the National Constitution, a right enshrined is the benefit and the contributions that an employer must make to the social security system. So, pension benefits are closely related to labour law" [Ignacio 01:33:58].

¹¹⁵ Translation is mine. "Internas de la Unidad N° 31 SPF y otros s/ Habeas Corpus," *supra* note 109 at 36.

The focus of the Court also appears to be on children and the wellbeing of pregnant and lactating women in their instrumental role concerning children.¹¹⁶ The Supreme Court referred to the “institutional violence” suffered by inmate women; it cited the *Law for the Integral Protection of Women*¹¹⁷ and related regulations to explain that “the status of freedom-deprived women cannot be understood as the denial or loss of social plans, subsidies, services or any other benefit to which they have the right to access.”¹¹⁸ Unfortunately, the Court stills refers to the AUH and Allowances as “plans, subsidies, benefits” instead of describing the AUH as a right.

This ruling illustrates the formal-labour-centric ruling relations that operate in a regimen that prioritizes formal work at the expense of invisibilizing women’s social reproductive work. It reinforces the “contributory versus non-contributory” and the “deserving versus undeserving” antinomy,¹¹⁹ referring to poor mothers deprived of liberty, who are framed as particularly unworthy of help, contemptible, and well beyond the ethical and political limits of tolerability of social security policies in Argentina. Indeed, inmate mothers receiving the AUH exceeded what was acceptable to most informants. Recipient mother Isabel summarizes the prevalent narrative among recipients: “... the AUH is excellent...the only thing I am against is giving money to inmates; that is what I stand against” [Isabel 01:11:31].

8.4.1.3 Note About Social Security Jurisdiction: Federal Jurisdiction

¹¹⁶ In conformity to the *International Convention on the Rights of the Child*, the Court also emphasized that States must take “all appropriate measures to guarantee that the child is protected against all forms of discrimination or punishment due to their condition, activities (...) or belief of their parents.” It added that children’s “best interests” must be respected, adopting all the necessary legislative and administrative measures necessary for their wellbeing. Translation is mine. “Internas de la Unidad N° 31 SPF y otros s/ Habeas Corpus,” *supra* note 109 at 10.

¹¹⁷ See section 8.6.3, “Law 26,485/2009. Comprehensive Law on the Prevention, Punishment, and Elimination of Violence against Women in their Interpersonal Relations.”

¹¹⁸ Translation is mine. “Internas de la Unidad N° 31 SPF y otros s/ Habeas Corpus,” *supra* note 109 at 9.

¹¹⁹ See section 7.5.7, “Formal-Labour-Centric” Approach.”

I am always talking about the national legal aspect because we [ANSES] are a national organism. We are governed by federal law [ANSES Legal Counsel Ignacio 01:32:36].

In 1996, Law 24,655 created the Social Security Federal Court of First Instance.¹²⁰ In the current regimen, ANSES administrative resolutions are challenged before the Social Security Federal Courts of First Instance in the Federal Capital and before the federal courts based in the provinces within the expiration period provided in Article 25, subsection (a) of Law 19,549/72 – 90 judicial business days. Presidencia Roque Sáenz Peña has one Federal Tribunal [*Juzgado Federal*], the second in the province of Chaco. It is located in the city's central core, right above the Argentine Post branch, where some recipient women wait to cash the AUH stipend. In Chaco, there are currently two federal tribunals only in the capital, Resistencia, and one in Presidencia Roque Sáenz Peña. Recipient women in the province of Chaco who want to challenge administrative resolutions related to social security would have to eventually access Federal Court buildings, which do not offer child-friendly spaces. Moreover, women living in marginal neighbourhoods struggle to find affordable and safe transportation to the courthouse.

8.5 Administrative Law & the AUH

Administrative law is another legal regimen authoritatively interacting within the institution of the AUH: it establishes the duties and principles guiding the conduct of the administration; it sets the rights and obligations of AUH recipients in their relation to administrative entities; and it provides for the remedies available to those who seek to challenge an administrative decision taken by the

¹²⁰ It states that “the resolutions of the National Social Security Administration may be challenged before the Federal Courts of First Instance of the Federal Capital and before the federal courts based in the provinces ... which will be processed by the rules of the summary process established in the Civil and Commercial Procedural Code of the Nation, with the modifications introduced in this law.” Article 15 of Law 24,463, online <<http://servicios.infoleg.gob.ar/infolegInternet/verNorma.do?id=16102>>.

ANSES or by any other relevant administrative entity, such as schools and hospitals.¹²¹ Law 19,549/72 on *Administrative Procedures*¹²² regulates the administrative function and the relations between the administration and the administered in Argentina.

AUH recipient women in their relationship with ANSES are legally positioned as the “*administradas*” (the “administered”), a term I will use thereupon. As such, the *administradas* have rights consecrated in the legal regimen of administrative law. Nevertheless, administrative law was not mentioned nor known to informant women. It would surprise most recipient women that a formal legal regimen such as administrative law protects their rights within the administrative function and regulates and limits the administration’s prerogatives. Only ANSES bureaucrats and law experts mentioned administrative law as a critical regimen in regulating AUH work, specifically, as a regimen that coordinates and moulds the administrative function in its procedural aspects. I asked ANSES Legal Counsel Ignacio which legal regimes he relies on while doing AUH work, and he explained:

... several legal regimes are related to the AUH because the AUH is a benefit that has a lot to do with access to much legislation... it is related to the claims process contemplated in the *Law on Administrative Procedures of the Nation*... It is also related to the Integrated Pension System, which is a federal law that is the one that brings together the whole Argentine pension system¹²³ [ANSES bureaucrat Ignacio 01:32:36].

¹²¹ “It must be stressed that currently there is no universally accepted definition of administrative law that would prevail in the theory of administrative law and have an equal meaning in different countries and different legal systems.” Audrius Bakaveckas, “Comparative Analysis Definitions of Administrative Law” (AURA: Alfred University Research & Archives, 2014), online <<https://demo.dspace.direct.org/bitstream/handle/10673/508/Admin%20law.pdf?sequence=1&isAllowed=y>>.

¹²² Law 19,549/72 on *Administrative Procedures*, online <<http://servicios.infoleg.gob.ar/infolegInternet/anexos/100000-104999/100070/norma.htm>>.

¹²³ See section 7.4.1, “Inter-Textual Relations and The SIPA as a “Crossed” System.”

No universally acknowledged delineation of the field of administrative law exists,¹²⁴ though it usually includes governments' exercise of power in areas such as social security, planning, education, and housing.¹²⁵ Administrative law, as a branch of public law, is the most closely related to constitutional law. As administrative law expert Gordillo (2013) puts it, "while the constitutional field is mainly static, the administrative one is dynamic; in the first, there is ... boundaries-setting, while in the second, there is the expression of a concrete activity and subsequent collision against the predetermined limits."¹²⁶ Administrative law deals with "the exercise of the administrative function,"¹²⁷ regulating the activities carried out by administrative, legislative, and jurisdictional bodies, Congress' non-materially-legislative activity, and non-materially-jurisdictional activities of independent bodies.¹²⁸

Reimann & Zimmermann (2006) mention that in continental legal traditions – such as Argentina's – administrative law refers to the powers and organization of the executive bodies of the State.¹²⁹ In common law, administrative law is synonymous with "administrative litigation" or "judicial review" of the administrative function. In this study, the broader continental definition is adopted: administrative law establishes the rules governing how the administration is authorized

¹²⁴ However, some authors refer to the emergence of "global constitutional law," a field still in its infancy. See Benedict Kingsbury, Nico Krisch & Richard Stewart, "The Emergence of Global Administrative Law" (2005) 68:15 *Law & Contemporary Problems*.

¹²⁵ Jonathan Law & Elizabeth A. Martin, *Dictionary of Law*, 6th Ed (Great Britain: Oxford University Press, 2006) at 15.

¹²⁶ Agustín Alberto Gordillo, *Tratado de Derecho Administrativo y Obras Selectas: Teoría General Del Derecho Administrativo*, 1st Ed (Buenos Aires: Fundación de Derecho Administrativo, 2013) at 120.

¹²⁷ *Ibid* at 115.

¹²⁸ *Ibid* at 115. Bakaveckas (2014) explains that "The majority of countries recognize administrative law as one of the central branches of law, and various definitions of this branch are formed in the modern literature on administrative law...However, the majority of these definitions emphasize the subject-matter and method of legal regulation of administrative law...Such a formulation of a definition is typical of the representatives of the states of the continental legal system, whereas in the countries of the Anglo-Saxon legal system, especially Great Britain, the conception of administrative law is usually related to the implementation of public administration authority and functions as well as the control of the legitimacy of this implementation." Bakaveckas, *supra* note 121 at 236.

¹²⁹ Mathias Reimann & Reinhard Zimmermann, *The Oxford Handbook of Comparative Law* (New York: Oxford University Press Inc, 2006) at 1261.

to work, controlled, and made accountable; the rules governing the remedies – administrative or judicial – available when the administration fails; and protects the balance of power between the State and the individual.¹³⁰

A central critical concern of administrative law beyond the organization and faculties of the public administration is its tensions with individual rights. In this sense, I agree with Gordillo (2013) that administrative law should protect people's rights against the exercise of an abusive or illegal administrative function. In Argentina, it is a discipline obsessed with studying public administration. Instead, I believe we should focus on its transcendental function of visibilizing “the conscious and constant search for a balance between the individual and the State” and the protection of the first from the latter.¹³¹

8.5.1 The Administradas and their Rights

AUH Recipient women assume the role of *administradas* in their relationship with ANSES and other State entities. These State administrative agencies are essential vehicles for the implementation of governmental policies. As I explained elsewhere in this work, the ANSES is a decentralized organism of public administration known as an “autonomous entity.”¹³²

Understanding how the legal system endows recipient women with specific rights when facing the public administration is crucial; namely, the *administradas*' right to petition, to receive a prompt response from the administration, to know the grounds of an administrative decision, to a prompt resolution, and a good administration.¹³³ Indeed, I agree with Nieto García (1986) that the administrative regime's cornerstone is the administrative rights of the *administradas*, who have

¹³⁰ Reimann & Zimmermann, *supra* note 129.

¹³¹ Gordillo, “Tratado de Derecho Administrativo y Obras Selectas,” *supra* note 126 at 112.

¹³² See section 4.2.3.7, “The ANSES.”

¹³³ María Pamela Tenreiro, *Técnicas de Tutela Frente a la Inactividad Administrativa*, 1st Ed (Córdoba: Academia Nacional de Derecho y Ciencias Sociales de Córdoba, 2012) at 46, 64.

the right to assume that the administration will perform according to its legal obligations.¹³⁴ Given its significance, I will critically explicate *administradas*’ rights below.

8.5.1.1 *Administradas*’ Right to Petition

The right to petition involves an *administrada*’s faculty to address the public authority, requesting something from State agents.¹³⁵ It is expressly recognized in Article 14 of the Constitution¹³⁶ and Article 24 of the *American Declaration of the Rights and Duties of Man*.¹³⁷ According to Article 1, subsection f, of *Law of Administrative Procedures*, *administradas* have the right to be heard, produce evidence, and receive a well-founded decision.¹³⁸ The administration must consider the arguments upon which the *administrada* presents her claims, as long as they are conducive to resolving her claim.¹³⁹

The subsequent administration’s duty to resolve the issues raised by individuals is also established in the principle of “obligatory competence” of Article 3 of the *Law on Administrative Procedures*, which states that “the exercise of the competence of the administrative bodies ... constitutes an obligation ... and cannot be postponed unless the delegation or substitution is

¹³⁴ Alejandro Nieto García, *Estudios Históricos sobre Administración y Derecho Administrativo* (Madrid: Instituto Nacional de Administración Pública) at 153.

¹³⁵ Mario A.R. Midón, *Manual de Derecho Constitucional Argentino*, 2nd Ed (Buenos Aires: La Ley, 2004) at 331.

¹³⁶ Article 14: “All the inhabitants of the Nation are entitled to the following rights, in accordance with the laws that regulate their exercise, namely: to work and perform any lawful industry; to navigate and trade; to petition the authorities; to enter, remain in, travel through, and leave the Argentine territory; to publish their ideas through the press without prior censorship; to make use and dispose of their property; to associate for useful purposes; to freely profess their religion; to teach and to learn.” National Constitution, *supra* note 20.

¹³⁷ “Article XXIV. Every person has the right to submit respectful petitions to any competent authority, for reasons of either general or private interest, and the right to obtain a prompt decision thereon.” OAS, *American Declaration of the Rights and Duties of Man*, *supra* note 32.

¹³⁸ Article 1, (f) of the *Law of Administrative Procedures* enumerates the rights of due process, to be heard, to offer and produce evidence, and to get a response from the administration. Law 19,549/72, *supra* note 122.

¹³⁹ The principle to petition the authorities is related to the right to due process, which is in turn related to the right to a defence enshrined in article 18 of the Constitution. It is also safeguarded by the principle of adequate judicial protection recognized in articles 8 and 25 of the *American Convention on Human Rights*; in articles 2.3 and 14 of the ICCPR, and in article 10 of the *Universal Declaration of Human Rights*. All covenants and treaties above have constitutional hierarchy in Argentina. Article 25, *Universal Declaration of Human Rights*, *supra* note 24. OAS, *American Convention on Human Rights*, *supra* note 21.

expressly authorized (...).¹⁴⁰ The administration's duty to resolve is also regulated by the administrative procedure's principles as specified by Law 19,549/72: expeditiousness, economy, simplicity, efficiency, and informalism in administrative procedures.¹⁴¹ The basic principles of administrative law, which are ultimately what bureaucrats and State operators need to be guided by, demand that the function and response of the administration be rational, fair, and timely.

8.5.1.2 Administradas' Right to a Prompt Response

The administration's response to the *administrada* should not exceed the deadlines set by the applicable legal framework. Article 24 of *The American Declaration of the Rights and Duties of Man* establishes that "every person has the right to present respectful petitions ... and ...to have a prompt resolution."¹⁴² This international norm directly operates in the Argentine legal system and adds a temporary element to the *administradas'* right to a response.

Consequently, the administration *must* resolve an *administrada's* request expeditiously.¹⁴³ If the administration fails to do so, such omission entails negligence contrary to the principle of inalienability of its competence and the public service-oriented nature of its functions.¹⁴⁴ Some authors argue that not every request made by the *administradas* to the administration generates an obligation to respond. For example, Lisa (2006) explains that it is unreasonable to expect the administration to resolve any request explicitly.¹⁴⁵ Midón (2004), on the other hand, explains that public authorities must respond in all cases because any petition opens an instance of communication between those who govern and those who are governed.¹⁴⁶ I agree with Midón's

¹⁴⁰ Law 19,549/72, *supra* note 122 at article 3.

¹⁴¹ *Ibid* at article 1.

¹⁴² OAS, *American Declaration of the Rights and Duties of Man*, *supra* note 32.

¹⁴³ Law 19,549/72, *supra* note 122 at articles 3 and 7 (c).

¹⁴⁴ Tenreiro, *supra* note 133 at 57.

¹⁴⁵ Federico José Lisa, "Agotamiento de la Instancia Administrativa y el Silencio Administrativo frente al Derecho del Administrado a Obtener una Resolución Expresa," in *El Derecho Administrativo* (Ediciones RAP, 2006) at 199.

¹⁴⁶ Midón, *supra* note 135 at 331.

opinion; the guiding principle should be “*in dubio pro administrada*,” which means that in case of doubt, the administration should act by prioritizing the claims of the *administradas* given the power differential between the State and the individual, particularly, marginalized individuals such as AUH recipient mothers.

8.5.1.3 Administradas’ Right to Know the Reasons for an Administrative Decision

In addition to obtaining an expeditious response, the *administradas* have the right to know the reasons that determine the administrative decision. Gordillo (1995) explains that individuals have a fundamental right to have their requests resolved in a substantiated manner.¹⁴⁷ A well-grounded decision must establish the factual and legal reasons (*de jure* and *de facto* reasons) taken upon which the administrative authority arrived at a decision. The administrative file must document the reasons and factual antecedents that motivate the decision.¹⁴⁸

8.5.1.4 Administradas’ Right to a Good Administration

Finally, the *administradas* have the right to a good administration. Good administration is an implicit – not listed – right.¹⁴⁹ Rodríguez-Arana Muñoz (2006) explains that a good administration is a human right. This means that the focus of administrative law and the administration must be the person, their rights, and their freedoms.¹⁵⁰

¹⁴⁷ Agustín Alberto Gordillo, “La Sentencia en el Amparo por Mora: Alcances, Recursos, LL, 1995-D, 311, Nota al Fallo Bustos, Antonio M. c. Estado Nacional - Jefe del Estado Mayor Gral. del Ejército-, CN Fed. CA, Sala III” at 307.

¹⁴⁸ Gelli, *supra* note 56 at 294.

¹⁴⁹ “Article 33: The declarations, rights and guarantees which the Constitution enumerates shall not be construed as a denial of other rights and guarantees not enumerated therein, but arising from the principle of sovereignty of the people and from the republican form of government.” National Constitution, *supra* note 20.

¹⁵⁰ Jaime Rodríguez-Arana Muñoz, *El Buen Gobierno y la Buena Administración de Instituciones Públicas*, 1st Ed (Madrid: Aranzadi, 2006) at 11.

8.5.2 Legal Techniques to Protect the Rights of the *Administradas*: Administrative Protection and Judicial Protection

The *administradas* may resort to different mechanisms to counteract the inactivity of the administration, avoiding the violation of their right to due process. The legal protection of the *administradas* may occur in the administrative forum via motion of “challenge” and “complaint” to an act of the administration. ANSES bureaucrat Ignacio explains,

In the administrative field...social security is also related to the procedural part of administrative law, which is another matter, isn't it? Because in reality, when a person is going to make a claim, they can do it in the administrative phase, but they can also go to court to make a claim for a procedure, but for this, they will have to abide by the procedure regulated by the *Law on Administrative Procedures*, which is regulated there [Ignacio 01:35:14].

This procedure is regulated in the national regimen by Decree-Law 19,549/72 and by the rules of administrative procedure. The purpose of these recourses is to:

promote the control of the legitimacy and convenience of administrative bodies' acts, allowing the latter to review the criteria and revoke any errors which they may have occurred; produce a conciliatory stage prior to the lawsuit, which warns the administration about the nature and scope of the rights or interests at stake and allows to better defend the public interest...¹⁵¹

In this case, the inspection of an administrative activity or decision may be *ex-officio* (by revocation or *revocación*) or at the concerned party's request – *ex-parte* – through an administrative recourse (clarification, revocation, hierarchical, elevation, review).¹⁵² The legal protection of the *administradas* can also be made effective in court through a judicial remedy

¹⁵¹ Translation is mine. Fernando R. García Pullés, *The Exhaustion of the Administrative Route* (Buenos Aires, La Ley, 1993) at 1044.

¹⁵² Translation is mine, from the Spanish: “aclaratoria, revocatoria, jerárquico, alzada y revisión.”

which entails the jurisdictional control of the administrative activity.¹⁵³ The judicial protection of the *administradas* against the irregular or abusive exercise of the administrative function is one of the essential pillars of administrative law.¹⁵⁴

In the Argentine legal system, disputes between the *administrada* and the administration are ultimately resolved by the Judicial Power.¹⁵⁵ The *administradas* can challenge acts of the administration that have contravened a legal norm, are arbitrary, deviant, or made in bad faith, among others. The legislation – Article 7 of Law 19,549 /72 – establishes the legal prohibition of administrative deviation of power and disproportionality, typifying them as vices of the administrative act.¹⁵⁶ Additionally, a judge deciding on administrative matters must be cautious to protect the rights of the *administrada* against the administration. This consideration is vital because “the judges of these courts would seem to forget that such jurisdiction is implemented not to protect the State against the individual, but the individual against the State.”¹⁵⁷ According to the Argentine division of powers, the judge’s role is thus fundamental to counterweight the acts of the public administration.¹⁵⁸ However, judges must protect the administered above the administration.¹⁵⁹ In short, recipient women as *administradas* will always have judicial protection against the illegal or abusive exercise of the administrative function by State agents, at least on paper.

8.5.3 What Would an Administrada Do to Protect and Claim her Rights?

Resorting to a judicial remedy to challenge an administrative action is essential to protect the *administradas*’ rights. However, a recipient woman must first exhaust the administrative route to

¹⁵³ This sphere of justice is known as “*contencioso administrativo*” (contentious administrative justice), administrative justice, administrative jurisdiction, or administrative litigation.

¹⁵⁴ Gordillo, “Tratado de Derecho Administrativo y Obras Selectas,” *supra* note 126 at 112.

¹⁵⁵ *Ibid* at 112.

¹⁵⁶ Law 19,549/72, *supra* note 122 at article 7.

¹⁵⁷ Gordillo, “Tratado de Derecho Administrativo y Obras Selectas,” *supra* note 126 at 113.

¹⁵⁸ *Ibid* 114.

¹⁵⁹ *Ibid* at 114-115.

access the judicial path to challenge any administrative decision. This condition is known as “the obligation to exhaust the administrative jurisdiction,” to which I now turn.

8.5.3.1 Obligation To Exhaust the Administrative Jurisdiction in the Social Security Jurisdiction

Article 30 of the *Administrative Procedure Law* 19,549/72 – modified by Law 25,344 – provides that: “the national State or its autarkic entities may not be sued without prior administrative claim addressed to the Ministry or Secretary of the Presidency or higher authority of the autarkic entity...”¹⁶⁰ When an *administrada* initiates a lawsuit in the Social Security jurisdiction, the defendant is the ANSES, a decentralized entity of the State. The judicial instance will not be authorized if the administrative route is not exhausted.

The administrative stage consists of a prior administrative claim that must be initiated by the *administrada*, together with her legal counsel, which will refer to the same facts and rights that will be invoked in the eventual litigation at the judicial stage. Once the administrative claim has been presented, the defendant – the State – has a maximum period of ninety administrative business days to answer it in administrative headquarters issuing an administrative resolution, granting, or denying the claim made by the *administrada*.

However, it is common that ANSES fails to issue a resolution after the ninety administrative business days. In this case, the *administrada* must present a “prompt dispatch” [*pronto despacho*] so that the ANSES responds within forty-five administrative working days. If ANSES does not answer the prompt dispatch, its silence will be interpreted as a denial of the claim presented by the *administrada*, and she will thus be enabled to file her claim at the judicial

¹⁶⁰ Law 19,549/72, *supra* note 122 at article 30.

forum.¹⁶¹ The *administrada* then has ninety judicial working days to present the claim to start a judicial process.¹⁶² Once the *administrada* presents the claim, the judge will report it to the Attorney General, thus authorizing the judicial instance.

If ANSES does not issue the administrative resolution within the deadlines detailed above, Article 28 of the *Administrative Procedures Law* applies. The *administrada* is then entitled to present an *Amparo* for delay of the administration in court.¹⁶³ The administration's silence is regulated in Article 10 of the Administrative Procedure Act: it ought to be interpreted as an unfavourable response.¹⁶⁴

For cases where there is urgency in obtaining a judicial decision, the *administradas* can resort to the *Amparo* remedy, which guarantees a rapid and straightforward recourse to defend constitutionally protected rights. Article 43 of the National Constitution allows the *Amparo* if no other more suitable judicial remedy exists.¹⁶⁵ The Supreme Court, in the case “*Neuquén para el*

¹⁶¹ Law 19,549/72, *supra* note 122 at article 10.

¹⁶² *Ibid* at article 25. At the administrative stage, time is counted in administrative business days, and at the judicial stage, in judicial business days. An *administrada*'s claim must comply with the requirements established in the Civil and Commercial Code of Procedures: must fully notify the concerned parties, providing a copy of the administrative claim previously made, a copy of the administrative refusal resolution (if applicable), evidence of notification of the administrative body's resolution, and any other documentary evidence.

¹⁶³ This *Amparo* for delay is provided for in article 28 of the *Administrative Procedures Law*, which establishes: “whoever is a party to an administrative file may judicially request the release of a prompt dispatch order. Said order shall be applicable when the administrative authority has allowed the established deadlines to expire and if these do not exist, if a period exceeding what is reasonable has elapsed without issuing the opinion or the resolution of mere procedure or merits required by the interested party. Once the petition has been submitted, the judge will determine its origin, taking into account the circumstances of the case, and if it deems it pertinent, it will require the intervening administrative authority to report on the causes of the alleged delay within the period set for it. The judge's decision will be final. Once the request has been answered, or the term has expired without it having been solved, the pertinent object about the claim will be resolved, issuing the order, if applicable, so that the responsible administrative authority dispatches the actions within the reasonable period of time established according to the nature and complexity of the opinion or pending procedures.” Law 19,549/72, *supra* note 122.

¹⁶⁴ In the case “*Villarreal Clara Baudilia versus Anses re Reajuste por Movilidad*” (2001), the Supreme Court emphasized that the silence of the Administration enables judicial channels to the individual because it would otherwise violate the individual's rights to access constitutional protection. Supreme Court of Justice, “*Villarreal Clara Baudilia versus Anses re Reajuste por Movilidad*” (2001) V30XXXV 8 20011218, online <<http://www.saij.gob.ar/corte-suprema-justicia-nacion-federal-ciudad-autonoma-buenos-aires-villarreal-clara-baudilia-anses-reajuste-movilidad-fa01000198-2001-04-24/123456789-891-0001-0ots-eupmocsollaf?>>.

¹⁶⁵ National Constitution, *supra* note 20 at article 23.

Mundo” [“*Neuquén for the World* ”], stated that in order for the *Amparo* route to be authorized, the administrative route must first be exhausted in administrative headquarters.¹⁶⁶ However, in “*Granillo Fernández, Héctor Manuel versus National University of La Plata re Amparo*” (2007),¹⁶⁷ the Court held that when there are no inalienable rights [*derechos personalísimos*] at stake, the administrative route ought to be exhausted.¹⁶⁸ However, prior exhaustion of the administrative route is not necessary in cases of inalienable personal rights (such as rights to health and life) because their typical urgency makes it unreasonable.¹⁶⁹ Therefore, according to the Supreme Court of Justice, an *administrada* would only be able to access the *Amparo* action to protect her rights when her *derechos personalísimos* are violated or at risk. In a case whereby the right to life is not directly related to the right to health, the *Amparo* action without previous exhaustion of the administrative route will not proceed.

8.5.3.2 Comment About the Requirement to Exhaust Administrative Route

In my opinion, the obligation to exhaust the administrative route to attempt to protect an individual’s rights is an excessive prerogative of the State. I have to disagree with Monti (2013), who argues that the “alleged” opposition between the exhaustion of the administrative route and adequate judicial protection is “reasonably regulated.” Monti also explains that there are so many exceptions to the rule of exhaustion that it becomes an exception rather than the rule.¹⁷⁰

¹⁶⁶ Supreme Court of Justice, “*Neuquén para el Mundo versus Neuquén, Province et al. re Amparo*,” 3 November 1998, 3/XI/98.

¹⁶⁷ “*Granillo Fernández, Héctor Manuel versus National University of La Plata re Amparo*,” 10 April 2007 S.C. G. 606, L. XLVI, online <https://www.mpf.gov.ar/dictámenes/2011/LMonti/septiembre/Granillo_Fernandez_Hector_G_606_L_XLVI.pdf>.

¹⁶⁸ *Ibid.*

¹⁶⁹ “*María, Flavia Judith versus Instituto de Obra Social of the Province of Entre Ríos and the Provincial State*,” 30 October 2007, M. 2648. XLI. RHE, Judgment 330: 4647, online <<https://sjconsulta.csjn.gov.ar/sjconsulta/documentos/verDocumentoByIdLinksJSP.html?idDocumento=6349351&cache=1648861023419>>.

¹⁷⁰ Laura Monti, “*Agotamiento de la Vía Administrativa y Tutela Judicial Efectiva*,” in Edgardo Tobías Acuña et al., eds, *Estudios de Derecho Público*, 1st Ed (Buenos Aires: Asociación de Docentes - Facultad de Derecho y Ciencias Sociales, UBA, 2013) 317 at 325.

I believe that the rule of the exhaustion of the administrative route before filing a judicial claim is unnecessary and burdensome for the *administrada*. It constitutes yet another structural deficit a poor woman would have to handle to guarantee the adequate protection of her rights and access to justice; it is useless ritualism that creates needless delays for the adequate judicial protection of the individual. By contrast, Monti (2013) explains that this rule would allow the administration to correct its errors, thus avoiding being subjected to trial, with the inconvenience and costs it would generate for both parties.¹⁷¹ Going to trial indeed generates expenses for both *administrada* and the administration. However, the price of the administration being cut some slack should not be paid by the *administrada* seeking to protect her rights. Moreover, the decision to exhaust the administrative path first or resort to the judicial route should be made by the *administrada*, whose constitutional rights and interests are at stake. In case of doubt, the benefit should be conceded to the *administrada*, who is in a weaker position regarding the State.

Monti (2013) explains that the individual plays the role of “collaborator”¹⁷² in the administrative procedure, propelling the State to act legally. I think an *administrada* that suffers violence from the State should not be burdened to “collaborate” with the State who is inflicting such violence. When a State entity such as the ANSES or public hospital acts illegally and illegitimately by subjecting a recipient woman to abuse, it is perverse that such an entity would expect its victim to “collaborate” with the State in fulfilling the function that it is failing to accomplish in the first place: to serve and protect the *administrada*. Thus, it should be the *administrada*’s right to decide the best path – administrative or judicial.

¹⁷¹ Monti, *supra* note 170 at 318.

¹⁷² *Ibid.*

8.5.3.3 Nannying the State

Rodríguez Prado (2013) explains that administrative non-compliance reaches in Argentina such high levels that they generate violence toward the *administrada*.¹⁷³ There are many deficits the *administradas* will have to face due to systematic administrative practices: an abysm between administrative law in the books and administrative law in practice. For example, the principles of *ex officio* impulse from the administration are rarely implemented.¹⁷⁴ This principle established in Article 1st subsection (a) of the *Administrative Procedure Law* means that the administration must be proactive and expeditious in promoting actions to comply with its duties. However, the administrative practice is far from this principle.¹⁷⁵ Instead, the *administrada* will have to be the promoter of the administrative procedure, repeatedly appearing before the administrative entity, requesting actions, and pushing for a rapid resolution. The *administrada* who insists, calls by phone, and shows up at the agency will obtain more significant results, if any.¹⁷⁶ As Gordillo (2006) summarized, “patience and, above all, perseverance will have to be developed to prevent possible abuses from being repeated and perpetuated.”¹⁷⁷

The informal law of “being patient, being resilient” is critical during the administrative procedure in practice;¹⁷⁸ they will require a recipient mother to, once again, be persistent.¹⁷⁹ Moreover, poor mothers who approached the ANSES and were not taken seriously sometimes came back in the company of a woman with more power – in the form of knowledge, academic degrees, prestige, reputation, and authority – than recipient women, such power being appraised

¹⁷³ In this section, I largely rely on the work of Julieta Rodríguez Prado, “La Violencia del Procedimiento Administrativo en la Práctica,” Chapter XVIII in Agustín Gordillo, ed, *Tratado de Derecho Administrativo y Obras Selectas*, t. 7, *El Derecho Administrativo en la Práctica*, 1st Ed (Buenos Aires: FDA, 2013) at 323.

¹⁷⁴ *Ibid.*

¹⁷⁵ *Ibid* at 385-386.

¹⁷⁶ *Ibid.*

¹⁷⁷ Agustín Gordillo, *Tratado de Derecho Administrativo*, t. II, 8th Ed (Buenos Aires: FDA, 2006) Chapter X at X-3.

¹⁷⁸ See section 6.14, “The Rule of Avoiding Retaliation at all Costs.”

¹⁷⁹ *Ibid.*

and recognized by the bureaucrat in question. Activist Lola explains how a recipient mother was denied access to the AUH at the ANSES office; the bureaucrat told her that she could not get the AUH if she got child support from her children's father. The mother in question met Lola at the shelter where Lola volunteered and asked her to accompany her to the ANSES office.

I accompanied [a woman] to the [ANSES] office; the person who served us was friendlier [than when recipient women attended alone], and it was possible to review her situation. When a recipient is accompanied by another person that arrives 'with the law in hand' to tell them 'well, there is a problem with the law here,' their discourse *obviously* changes. But there is always the issue that most women do not have legal counselling access. And that even when women have access to someone who gives them legal advice, they arrive at the offices or the instances where they should be served, and since they are not sufficiently... I do not know if the word is 'empowered' because, in reality, they could be 'empowered,' but society does not recognize them as valid subjects to exercise rights. Then, many times, even when they have received good legal counselling, they arrive at the offices ...and they [bureaucrats] keep saying 'no' [Activist Lola 00:01:43].

The *administrada* will have to insist, be proactive, and "nanny" the State if she is to ever obtain a response from the administration. Gordillo (2006) explained that "the soft, kind, respectful, but insistent and intense reiteration of the request, of the arguments, so that the claim can be resolved, and the physical permanency of the [*administrada*] facing the bureaucrat as long as needed, often end up prevailing over the resistance of the bureaucrat."¹⁸⁰ The virtue of "patience" was described as frustration and resignation in the accounts of recipient women: they understood the system was structured in such a rigid and unjust way that the best strategy was acceptance, playing along with the norms, and resorting to the help of more privileged women.¹⁸¹

¹⁸⁰ Gordillo, "Tratado de Derecho Administrativo," *supra* note 177 at Chapter X, 10.

¹⁸¹ See section 6.14, "The Rule of Avoiding Retaliation at all Costs."

“Material truth” is another principle that obliges the administration to investigate what *really* happened.¹⁸² In practice, the administration is disinterested in procuring material truth. In the account of ANSES bureaucrats, there is not much to be done if addressing the principle of material truth contravenes an administrative procedure or exceeds the capacity of the technocrat.¹⁸³ In reality, data showed that the administration tends to systematically reject recourses, complaints, claims, and requests without thoroughly investigating the administration’s questions raised by the *administrada*. Gender expert and activist Lola explained that:

Women who can access the AUH are not always correctly informed. When they approach the ANSES or some other agency, they are often not correctly or entirely informed by the administration ... The information they give you will depend on whom you got to serve you; so for example, a case of a woman X who is going to request the AUH and they said ‘no, ma’am, because your husband gives you child support, so you are not entitled to the AUH.’ In reality, it does not depend on that but on the social condition in which both parents are ... [Activist Lola 00:01:39].

As mentioned above, Law 19,549/72 provides for the different remedies that *administradas* have the right to file against an administrative act that affects them.¹⁸⁴ However, practice is far from theory. Most remedies do not have favourable reception in the administration.¹⁸⁵ Based on available evidence, Canosa (1998) argued that the administration rejects 99,9% of the hierarchical resources interposed in administrative jurisdiction.¹⁸⁶ Moreover, administrative agents generally

¹⁸² Juan C. Cassagne, “Principios Generales del Procedimiento Administrativo” (1998) in “Procedimiento Administrativo,” Conference organized by the Universidad Austral, Administration Sciences at 17. Cited by Rodríguez Prado, *supra* note 173 at 386.

¹⁸³ See section 7.5.1, “Accountability Circuits: Making Sense of Bureaucrats’ Agency.”

¹⁸⁴ See section 8.5.2, “Legal Techniques to Protect the Rights of the Administradas: Administrative Protection and Judicial Protection.”

¹⁸⁵ Rodríguez Prado, *supra* note 173 at 324.

¹⁸⁶ Armando N. Canosa, “Los Recursos,” Obra Colectiva Procedimiento Administrativo, Conference organized by Austral University, Sciences of Administration, in “Los Recursos” (1998) Universidad Austral, Procedimiento Administrativo at 97-105.

do not depart from the opinions of their Legal Services departments or resolutions that tend not to recognize clerical errors.

Additionally, administrative bodies often fail to comply with the deadlines set by regulations.¹⁸⁷ For example, if the administration issues a decree to resolve a hierarchal remedy promoted by an *administrada*, the text will be passed through an innumerable number of bureaucrats.¹⁸⁸ The signing of a simple resolution may sometimes take more than a year *if* the file is not misplaced or gets lost in this bureaucratic labyrinth.¹⁸⁹

Rodríguez Prado (2013) argued that most of the personnel of the administration in Argentina do not have the minimum knowledge essential for the proper fulfillment of the tasks at hand.¹⁹⁰ Ignorance of the regulations is so pervasive that even in cases where people's lives are at risk because administrative appeals suspend the execution of the resolution, sometimes for years.¹⁹¹ Victims of violence are left at the mercy of a government that does little to amend their situation. Data confirmed this: it was unsettling that social security bureaucrats who hold considerable power in the institution of the ANSES, for example, did not know about current regulations affecting recipients' lives.¹⁹²

Poor women who seek justice in the administrative jurisdiction generally do not have legal knowledge about the deadlines stipulated by the law by which the administration must abide.¹⁹³ Many *administradas* attend without legal counsel or representation. In this context, individuals must tolerate lengthy delays in resolving their claims, which in many cases, are rejected. In

¹⁸⁷ Gordillo, "Tratado de Derecho Administrativo," *supra* note 177 at Chapter X, at X-7.

¹⁸⁸ Rodríguez Prado, *supra* note 173 at 325.

¹⁸⁹ *Ibid* at 325.

¹⁹⁰ *Ibid* at 326.

¹⁹¹ Rodríguez Prado, *supra* note 173 at 326.

¹⁹² See section 7.7, "The Gap Between Formal Laws and Bureaucrats' Practices & Institutional Objectification of Recipient Women."

¹⁹³ Rodríguez Prado, *supra* note 173 at 325.

addition, there are few cases where an individual will continue the process and seek the judicial path. Their situation is a double-edged sword, whereby an *administrada* will face the dilemma of complying with potential arbitrariness imposed by the administration or accruing considerably higher expenses she cannot afford when seeking the judicial route to resolve her claim.

According to Law 27,275/2016 on *The Right to Access Public Information*, the *administradas* have the right to know and use the information held or produced by the three powers of the State – Executive, Legislative, and Judicial –, which includes the right to search, seek, ask for, give, analyze, and distribute public information.¹⁹⁴ Public information refers to the data generated, obtained, transformed, controlled, or cared for by State agencies, including the public administration. An *administrada* can ask the administration – by written or electronic means – to give them access to information, and the administration has fifteen days to resolve. If the request is denied or ignored, the *administrada* can file a claim with the *Agency for Access to Public Information*¹⁹⁵ or in court. None of the AUH recipient mothers I interviewed in this study knew about their right to access public information and the legislation that protects such rights. Only academic informants knew about this law and had used it to ask ANSES for information electronically for research purposes.

Recipient women have minimal trust relations with the State and show deep distrust towards the public sphere, including politicians, the administration, the government, lawyers, and judges. They have a lack of confidence in the ability of the legal system to secure their basic needs. They know “the system is already like that.”¹⁹⁶ They learn this in their daily experiences when

¹⁹⁴ Law 27,275/2016 on *The Right to Access Public Information*, online <<https://www.argentina.gob.ar/normativa/nacional/ley-27275-265949/texto>>.

¹⁹⁵ *The Access to Public Information Agency* has thirty days to resolve the claim. Agencia de Acceso a la Información Pública, online <<https://www.argentina.gob.ar/servicio/reclamar-por-incumplimiento-de-una-solicitud-de-acceso-la-informacion-publica>>.

¹⁹⁶ See section 6.6, “Mothers Experiencing Violence While Accessing the AUH.”

they suffer violence from the State. They believe that law and those embedded in its workings that act in its name should not be trusted because “anyone can rat you out.”¹⁹⁷

It is no wonder why informant recipient women I interviewed did not complain or challenge the administration in a culture of lack of access to justice, lack of enforcement and implementation, and legal impunity. Recipient women know they need to strategize to preserve their limited resources: they cannot access legal representation or afford litigation, cannot wait years to have a simple administrative claim solved, and do not want to risk retaliation from bureaucrats. In a small city where people know each other personally, challenging the administration to claim one’s rights often comes with high costs: bureaucrats, who have more power than welfare recipients, may seek reprisal, obstaculizing poor women’s already limited access to justice, and entailing a high social cost regarding their reputation in the community. Those women who complain are regarded as “problematic” or “confrontational”: they are known as the “troublemakers” [*quilomberos*]. The social cost will be exceptionally high for poor mothers because they are seen as deviants and as challenging the rules of obedient and serene femininity if they complain and challenge the administration.¹⁹⁸

8.6 Legal Framework for the Protection of Women’s Rights in Argentina

Besides being formally protected by constitutional – *ergo*, international human rights – and administrative law, recipient women who suffer violence and abuse by the administration are – in theory – protected by a robust VAW formal legal framework. Recipient women seldom identified the abuse they suffered in completing conditionalities as “violence against women.”¹⁹⁹ Due to this

¹⁹⁷ See section 6.14, “The Rule of Avoiding Retaliation at all Costs.”

¹⁹⁸ See section 6.9, “Civil Registry: Identity, Surveillance and the Rule of Being a “Responsible Mother”

¹⁹⁹ The exception was Leonor, who identified and named the administrative violence exerted against AUH recipients. Lilen was a victim of intimate partner violence; for that reason, she could identify what she lived as “gender violence,” but she did not frame what happens to her as an AUH recipient as “violence.”

reason, coupled with a lack of knowledge and legal illiteracy, recipient women did not refer to or identify the legal framework that protects women against violence in Argentina.

If recipient women are unaware of the existence of regulations for their protection, there is little chance that they will know the means to make those rights effective.²⁰⁰ None of the bureaucrats, operators, frontline workers, and State-workers I interviewed identified the VAW legal framework as relevant to the situation of AUH recipient women. Only activists and experts in gender-based issues could pinpoint this legal framework and suggested that I investigate the VAW Statute provisions for a clear and comprehensive understanding of “institutional” and “obstetric” violence.

In this subsection, I trace a map of the legislation’s cartographic – formal – laws that address VAW. The central takeaway from this subsection is that Argentina has a very progressive and generous repertoire of legal provisions that address women’s rights and gender-based violence; however, there is a massive deficit concerning adequate access to legal rights for marginalized peoples. In fact, Argentina is a highly formalistic society with low legal enforcement and implementation levels.²⁰¹ International Human Rights Treaties Monitoring Committees have consistently stressed Argentina’s problems to guarantee access to rights effectively.²⁰² Indeed, the

²⁰⁰ In this context, legal literacy is key. Indeed, identifying the existence of a problem as an issue of justice requires a degree of legal literacy and awareness of the existence of rights in society.

²⁰¹ According to the World Justice Project [WJP] Rule of Law Index, Argentina has a relatively solid performance in the category of “fundamental rights” – and index of 0.69 – since, in theory, it grants a full range of rights and protection mechanisms. However, it operates poorly on “regulatory enforcement” – an index of 0.50 – because legislation is not effectively applied. It also performs poorly on “absence of corruption” – an index of 0.58. Finally, the WJP Rule of Law Index rates Argentina’s Civil Justice Index at 0.57 and Criminal Justice at a concerning 0.42. WJP Rule of Law Index, Argentina Overall Rule of Law Score Over Time, 2015- 2021, online <<https://worldjusticeproject.org/rule-of-law-index/country/Argentina>>.

²⁰² For example, the CEDAW Committee Concluding Observations to Argentina stated “The Committee ... is concerned about the institutional, procedural and practical deficits faced by women in gaining access to justice, such as: (a) Discriminatory stereotyping, judicial bias and limited knowledge of women’s rights among the judiciary and the police; (b) Use of mediation in cases of gender-based violence against women; (c) Limited access to legal aid and to interpreters of indigenous languages; (d) Long distances to courts in rural and remote areas; (e) Women’s limited access to information about their rights under the Convention, as well as about legal remedies available to women

legislation in force is not accessible to informant women. It is difficult for these mothers to access free legal services and incompatible with their work, responsibilities, and limited time and resources. This is concerning and problematic as, in my opinion, one of the most critical questions in the struggle for gender equality is whether the laws can effectively be accessed and translated into people's lives.

8.6.1 Gender in the Argentine Constitution

Argentina's 1994 constitutional reform included three key provisions regarding gender equality: equal pay for equal work (Article 14 *bis*), a constitutional electoral quota (Article 37),²⁰³ and affirmative action whereby Congress can "legislate and promote positive measures guaranteeing true equality of opportunity and treatment" (Article 75.23).²⁰⁴ Argentina's 1994 Constitutional Reform included fundamental stipulations of the *United Nations Convention on the Elimination of All Forms of Discrimination against Women* or CEDAW (article 75.22). This inclusion was critical because it helped put women's rights on the agenda and provided individuals and organizations with the lexicon to seek implementation of women's rights in domestic courts.²⁰⁵

who are victims of gender-based violence, including marital rape." Committee on the Elimination of Discrimination against Women, *Concluding Observations on the Seventh Periodic Report of Argentina* (18 November 2016) CEDAW/C/ARG/CO/7 16-20836 5/18, online < <https://www.refworld.org/docid/583862e94.html> > at 4.

²⁰³ Affirmative action has been crucial in the fight for gender equality in Argentina. Argentina was the first country to pass a statutory candidate quota law in 1991: Law 24,012, replaced by Law 27,412 in 2017. It mandated that at least thirty percent of political parties' nominees for the national legislature be women. It proved effective, with women currently holding thirty-five to forty percent of the House of Representatives and the Senate seats. Jennifer M. Piscopo, World Politics Review, "Legal Protections for Women Exist in Argentina. Enforcement is the Problem" (14 November 2016), online <<https://www.worldpoliticsreview.com/trend-lines/20445/legal-protections-for-women-exist-in-argentina-enforcement-is-the-problem>>.

²⁰⁴ It is important to emphasize that Argentina's constitutional law obliges its Executive, Legislative, and Judicial Branches to be initiative-taking in defending human rights, not merely to refrain from violating those rights. Andrea F. Noguera, "Argentina's Path to Legalizing Abortion: A Comparative Analysis of Ireland, the United States and Argentina" (2019) 25:2 Southwestern Journal of International Law 356 at 369.

²⁰⁵ Beatriz Kohen, "The Effectiveness of Legal Strategies in Argentina," in Jane S. Jaquette, ed, *Feminist Agendas and Democracy in Latin America* (Durham: Duke University Press, 2009) at 95.

Constitutional rights allow making rights-based claims and settling them in the judicial system.²⁰⁶ Lamentably, gender discrimination cases are uncommon in Argentina, suggesting a weak relation between constitutional provisions and judicial results.²⁰⁷ The causal model behind the use of constitutional provisions in Argentina is that litigation based on constitutional rights is circulated as an official public record and promotes the mobilization of social and political organizations, capturing the attention of the press.²⁰⁸ Judges might point out that Congress must modify and pass legislation, which may lead to legislation adjustments.²⁰⁹

Another vital legislation affecting AUH recipients is the *Domestic Workers Law* – Law 26,844 – passed in 2013; many recipient mothers receive the AUH and are domestic workers.²¹⁰ Recipient AUH mothers’ rights are also consecrated in several legal instruments that protect them against discrimination, such as Argentina’s *Anti-Discrimination Act* – Law 23,592/88 –; Article 1 prohibits discrimination against employees based on sex, race, nationality, religion, marital status, political or trade union ideas, age, disability, or physical appearance.²¹¹

8.6.2 Gender-Based Violence Legal Framework

The formal legal instruments that aim to protect women against violence in Argentina are extensive. Argentina ratified the *Inter- American Convention on the Prevention, Punishment, and*

²⁰⁶ Lambert & Scribner (2021) conducted empirical research and found that “in Argentina, advocates use the constitution to legitimise their claims, and the language of constitutional rights and equality is frequently used in debates, the text of the Law, and court decisions.” Priscilla Lambert & Druscilla Scribner, “Constitutions and Gender Equality in Chile and Argentina” (2021) 13 *Journal of Politics in Latin America* 219 at 235.

²⁰⁷ *Ibid* at 236.

²⁰⁸ *Ibid*.

²⁰⁹ *Ibid*.

²¹⁰ This law conferred rights to domestic workers that other workers enjoyed under Labour Contract Law. Labour relationships are regulated by the *National Employment Law* 20,744 and its amendments. Employment Contract Regimen, online < <http://servicios.infoleg.gob.ar/infolegInternet/anexos/25000-29999/25552/texact.htm>>.

²¹¹ *Anti-Discrimination Act*, Law 23,592/88, online <<http://servicios.infoleg.gob.ar/infolegInternet/anexos/20000-24999/20465/texact.htm>>. Judiciary decisions on employment discrimination cases reflect constitutional provisions that refer to equality. Two decisions are significant because they impose affirmative action remedies on private actors: *Fundación Mujeres en Igualdad v. Freddo S.A* (2002) – a landmark discrimination case involving discriminatory hiring practices based on gender – and *Mirtha Graciela and others v. Taldelva SRL and others / Amparo* (2014) – involving a woman from Salta Province who reported she was denied a job position because of her gender.

Eradication of Violence against Women (Belém do Pará Convention) in 1996 and is thus obligated to introduce measures to eliminate, limit, and monitor VAW. According to *Belém do Pará*, Article 7, States are responsible for preventing and punishing VAW and must take necessary measures.

The States Parties condemn all forms of violence against women and agree to pursue, by all appropriate means and without delay, policies to prevent, punish and eradicate such violence and undertake to:

- a. Refrain from engaging in any act or practice of violence against women and to ensure that their authorities, officials, personnel, agents, and institutions act in conformity with this obligation;
- b. Apply due diligence to prevent, investigate and impose penalties for violence against women;
- c. ... adopt appropriate administrative measures where necessary; ...
- e. Take all appropriate measures ... to modify legal or customary practices which sustain the persistence and tolerance of violence against women;
- f. Establish fair and effective legal procedures for women who have been subjected to violence which include, among others, protective measures, a timely hearing, and effective access to such procedures;
- g. Establish the necessary legal and administrative mechanisms to ensure that women subjected to violence have effective access to restitution, reparations or other just and effective remedies ...

Article 8 of *Belém do Pará* adds that States Parties “agree to undertake progressively specific measures.”²¹² Article 9 adds that the States Parties shall take particular consideration of

²¹² “... including programs: a. to promote awareness and observance of the right of women to be free from violence ... ; b. to modify social and cultural patterns of conduct ... which are based on ... stereotyped roles for men and women which legitimize or exacerbate violence against women; c. to promote the education and training of all those involved in the administration of justice, police and other law enforcement officers as well as other personnel responsible for implementing policies for the prevention, punishment and eradication of violence against women; d. to provide appropriate specialized services for women who have been subjected to violence, through public and private sector agencies, including shelters, counseling services for all family members where appropriate, and care and custody of the affected children: e. to ... support ... education designed to raise the awareness ... of ... remedies for violence against women; f. to provide women who are subjected to violence access to effective readjustment and

“the vulnerability of women to violence by reason of ... their race or ethnic background or their status as migrants, refugees or displaced persons,” circumstances and conditions such as being “pregnant” or ... “disabled, of minor age, elderly, socioeconomically disadvantaged ...”²¹³ My findings showed that the Argentine State violates almost all clauses above: it fails to observe the right of women to be free from violence; stereotypes AUH recipient women and fails to eradicate cultural patterns of conduct; inadequately trains those in the administration of justice and other State actors; does not provide appropriate specialized services for recipient women who have been subjected to administrative violence nor counselling services or care for their children; does not sufficiently raise VAW remedies awareness; it does not provide women who are subjected to violence access to effective readjustment and training programs; and fails to discourage public narratives of recipient women as “*luchonas*,” among others.

Besides the international human rights treaties with constitutional status, several other legal instruments constitute the VAW legal framework.²¹⁴ Argentina revised its penal code in 2012 and included “femicide” as homicide for gender-based reasons punishable by prison for life.²¹⁵ Another tool in the legal repertoire is the *Rights and Guarantees of Crime Victims Act* – Law 27,372 –

training programs ... ; g. to encourage the communications media to ... contribute to the eradication of violence against women ... and to... respect for the dignity of women; h. to ensure research and the gathering of statistics and other relevant information relating to the causes ... ; and i. to foster international cooperation for the exchange of ideas and experiences and the execution of programs aimed at protecting women who are subjected to violence.” Organization of American States [OAS], *The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women [Belem do Pará]* 9 June 1994 [entry into force 5 March 1995 and ratified by Argentina on 9 April 1996], online < <https://www.oas.org/juridico/english/treaties/a-61.html> > at article 8.

²¹³ *Ibid* at article 9.

²¹⁴ The 1994 *Protection from Family Violence Law* was a major landmark for the feminist movement. Kohen, *supra* note 205 at 87. However, the law has severe faults, such as absence of implementation, not being included as constitutive of the criminal law regimen, and a disappointing non-comprehensive approach to VAW. Lambert & Scribner, *supra* note 206 at 226.

²¹⁵ Argentine Criminal Code, online <<http://servicios.infoleg.gob.ar/infolegInternet/anexos/15000-19999/16546/texact.htm>> at article 80, paragraphs 1, 4, 11, 12. Massive public demonstrations against femicide and VAW occurred in 2015 and 2016 under the slogan #NiUnaMenos [*Not One Less*], increasing awareness and calling for legal reforms. María Paz Olaciregui Rodríguez, “La Violencia de Género como Responsabilidad Estatal: Aproximación al Discurso Sociopolítico, Policial y Judicial en Argentina” (2020) 41 *Acciones e Investigaciones Sociales* 201 at 220.

passed in 2017. It acknowledges victims' rights, empowering authorities to prevent, investigate, and punish crimes – including sexual and gender-based violence crimes.²¹⁶ The *Comprehensive Law on the Prevention, Punishment, and Elimination of Violence against Women in their Interpersonal Relations* – Law 26,485 – enacted in (2009) represented a significant legal advance and a feminist victory in Argentina. Given its importance, it deserves further scrutiny.

8.6.3 Law 26,485/2009. Comprehensive Law on the Prevention, Punishment, and Elimination of Violence against Women in their Interpersonal Relations

Law 26,485/2009 would broadly and generously protect recipient women's rights if effectively implemented and enforced. This Act explicitly states women's right to a life free from violence (Article 2, [b]) and identifies gender inequality as the cause of VAW (Article 2 [e]).²¹⁷ It provides solid provisions regarding victims' protection and expeditious and fair prosecutions.²¹⁸ Other objectives of the statute described in Article 2 that are relevant to this work include the State's obligation to guarantee

(d) the development of inter-institutional public policies on violence against women; (e) the elimination of socio-cultural patterns that promote and sustain gender inequality ...; (f) access to justice for women who suffer violence; (g) comprehensive assistance to women who suffer violence in State and private spheres (...).²¹⁹

²¹⁶ Article 1 establishes “the right to legal counseling, assistance, representation, protection, truth, access to justice, fair treatment, reparation, expeditiousness and all other rights consecrated in the National Constitution and international human rights treaties.” Article 4 establishes that authorities must follow the principles of “rapid intervention” in their assistance and protection to victims – “with utmost urgency” – (subsection a), and that measures “will be adopted taking into account the degree of vulnerability that [the victim] has, among other causes, due to age, gender, sexual preference or orientation, ethnicity, disability condition or others” (subsection b), aiming for the “non-revictimization: the victim will not be treated as responsible for the act suffered, and the inconvenience caused by the criminal process will be limited to what is strictly essential.” *Law on the Rights and Guarantees of Victims of Crimes*, Law 27,372, online <<https://www.mpf.gob.ar/ufep/ley-de-derechos-y-garantias-de-las-personas-victimas-de-delitos-ley-27372/>>. Translation is mine.

²¹⁷ Translation is mine. *Comprehensive Law on the Prevention, Punishment, and Elimination of Violence against Women in their Interpersonal Relations*, Law 26,485/2009, online <<https://www.argentina.gob.ar/normativa/nacional/ley-26485-152155/actualizacion>> at Title I, General Provisions.

²¹⁸ *Ibid* at Chapter II.

²¹⁹ *Ibid* at article 2. Translation is mine.

Article 4 defines violence against women as:

any gender-based conduct, action, or omission occurring in public or private ... spheres ... directly or indirectly based on an unequal power relationship that affects a woman's life, freedom, dignity, physical, psychological, sexual, economic, or pecuniary integrity, as well as her personal safety. It includes those perpetrated by the State and its agents ... [I]ndirect violence is any discriminatory conduct, action, omission, disposition, criterion, or practise that places women at a disadvantage concerning men.²²⁰

The *Argentine Integral Protection of Women's Act* provides a multidimensional view of VAW. Articles 5 and 6 are particularly illuminating because they provide a comprehensive, multidimensional, and detailed account of gender violence.²²¹

Article 5 – Types. The following types of violence against women are primarily included in the definition of the preceding article:

- 1.- Physical: violence used against the woman's body, causing pain, harm, or risk of producing them, and any other form of abuse or aggression that affects her physical integrity.
- 2.- Psychological: the one that causes emotional damage and a decrease in self-esteem, harms and disturbs full personal development, or seeks to degrade or control a person's actions, behaviours, beliefs, and decisions through threats, harassment, restriction, humiliation, dishonour, discredit, isolation, manipulation. It also includes blaming, constant surveillance, demand for obedience, submission, verbal coercion, persecution, insult, indifference, abandonment, excessive jealousy, extortion, ridicule, exploitation, limitation of the right of movement, or any other means that harm their psychological health and self-determination.

²²⁰ Law 26,485/2009, *supra* note 217 at article 4. Translation is mine.

²²¹ Translations are mine.

3.- Sexual: any action that implies abuse in all its forms, with or without genital access, of the right of women to decide voluntarily about their sexual or reproductive life through threats, coercion, use of force, or intimidation, including rape within marriage or other related or family relationships, whether or not they live together, as well as forced prostitution, exploitation, slavery, harassment, sexual abuse and trafficking in women.

4.- Economic and patrimonial: violence directed to causing damage to the economic or patrimonial resources of women through:

- a) The disturbance of the possession, holding, or ownership of their assets;
- b) The loss, theft, destruction, retention, or improper disruption in the use of objects, work instruments, personal documents, goods, values, and patrimonial rights;
- c) The limitation of the economic resources destined to satisfy their needs or deprivation of the indispensable means to live a dignified life;
- d) The limitation or control of their income and the reception of a lower salary for the same task within the same workplace.

5.- Symbolic: violence that occurs through stereotyped patterns, messages, values, icons, or signs that transmit and reproduce domination, inequality, and discrimination in social relations, naturalizing the subordination of women in society.

6.- Political: violence aimed at undermining, annulling, preventing, hindering, or restricting the political participation of women, violating the right to a political life free of violence, or the right to participate in public and political affairs under conditions of equality concerning men.

Of relevance to the lived realities of recipient women are physical, psychological, economic, symbolic, and political violence, as described above. Sexual violence is also relevant to AUH recipient women who suffered obstetric, reproductive, and intimate partner violence, such as informant Lilen. *Argentine Integral Protection of Women's Act* Article 6 explains that “modalities” are the forms in which the diverse types of violence against women are manifested in the different spheres, including the following:

- a) Domestic violence against women ...
- b) Institutional violence against women is that carried out by officials, professionals, staff, and agents belonging to any entity or public institution, which has the purpose of delaying, hindering, or preventing women from having access to public policies and exercising the rights provided in this law ...
- c) Workplace violence against women ...
- d) Violence against reproductive freedom: that which violates the right of women to decide freely and responsibly the number of pregnancies or the interval between births, per Law 25,673 on the *Creation of the National Program of Sexual Health and Responsible Procreation*.
- e) Obstetric violence: that exercised by health personnel on the body and reproductive processes of women, expressed in a dehumanized treatment, abuse of medicalization, and pathologizing of natural processes, per Law 25,929.
- f) Media violence against women: the publication or dissemination of stereotyped messages and images through any mass media, which directly or indirectly promotes the exploitation of women or their images, offends, discriminates, dishonours, humiliates, or attempts against the dignity of women, as well as the use of women, adolescents and girls in pornographic messages and images, legitimizing unequal treatment or building socio-cultural patterns that reproduce inequality or generate violence against women.
- g) Violence against women in public spaces ...
- h) Public-political violence against women ...²²²

The modalities of violence suffered by the recipient women I interviewed referred to institutional, obstetric, media, and reproductive violence. The Act states the importance of promoting and assuring access to justice for those who suffer violence.²²³ It frames access to justice broadly, not just access to the courts.²²⁴ Recipient women who suffer violence can submit an

²²² Translation is mine. Law 26,485/2009, *supra* note 217.

²²³ *Ibid* at article 2 (f).

²²⁴ *Ibid* at article 11 (5.1.a).

administrative, civil, or criminal complaint without the requirement of legal representation and before any court.²²⁵ Law 26,485/2009 increased access points to put forward a claim and granted all judges competency to hear violence cases, receive petitions, and grant preventive measures, such as restraining orders.

Legal representation is essential to the right to access justice and attain a judicial remedy.²²⁶ Law 26,485/2009 endorses establishing services to provide free of cost, focused, and holistic assistance to victims,²²⁷ irrespective of women's economic situation.²²⁸ It orders the Ministry of Justice to implement measures to facilitate access to justice for women, such as establishing and improving information centres and programs offering legal assistance and representation.²²⁹ It calls for the execution of public policies by the executive, legislative, and judicial powers at the federal and provincial levels to ensure free-of-cost, efficient, transparent, and expeditious access to the justice process.²³⁰

8.6.4 Obstetric Violence: Legal Framework

For instance, this domestic worker that cleans my house [also an AUH recipient], when they made her have so many children, they were committing violence. Violence from a husband who forced her to have children every year. Violence from a health system that never informed her ... and in fact, when she asked to have her tubes tied, they did not allow her because she was younger than thirty ... but she already had four children ... So, there is a whole chain of violence, one after another, and this does not only happen to her; it happens to many of the women in our country [Activist Lola 01:06:38].

²²⁵ Law 26,485/2009, *supra* note 217 at article 21.

²²⁶ See Inter-American Court of Human Rights, Advisory Opinion, *Exceptions to the Exhaustion of Domestic Remedies Article 46(1), 46(2)(A) and 46(2)(B) American Convention on Human Rights*, OC-11/90, 10 August 1990, online <https://www.corteidh.or.cr/docs/opiniones/seriea_11_ing.pdf>.

²²⁷ Law 26,485/2009, *supra* note 217 at articles 9 (d), 16 (a).

²²⁸ *Ibid* at article 3 (i).

²²⁹ *Ibid* at article 11 (5.a).

²³⁰ Law 26,485/2009, *supra* note 217 at articles 7 (c), 20.

No informant women recognized the abuse they suffered at the hospital²³¹ and health centres in completing AUH work as “obstetric violence.” Health personnel did not refer to nor recognize the scourge of obstetric violence. The term was mentioned by one activist (an expert on gender issues) and some scholars.²³² A broad and generous repertoire aims to protect women’s rights from obstetric violence in Argentina, explicitly incorporating international human rights standards and specific domestic legislation. The Argentine Constitution does not contain provisions regarding sexual health and reproductive rights. However, under Article 75.22, Argentina incorporated several human treaties protecting women’s reproductive rights.²³³

8.6.4.1 International Protection

Article 16 (1) (e) of the CEDAW safeguards “the basic right of all couples and individuals to decide freely and ... to attain the highest standard of sexual and reproductive health.”²³⁴ International human rights directly related to reproductive choice include the right to access family planning information,²³⁵ access to family planning methods and services,²³⁶ and freely and responsibly deciding the number and spacing of children.²³⁷

²³¹ See section 6.15, “Obstetric Violence against AUH Recipient Women.”

²³² Two scholars I interviewed mentioned the issue of obstetric violence suffered by recipients.

²³³ CEDAW, *supra* note 30. OAS, *Belem do Pará Convention*, *supra* note 212. UN Population Fund (UNFPA), *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994*, 1995, A/CONF.171/13/Rev.1, online <<https://www.refworld.org/docid/4a54bc080.html>>. United Nations, *Beijing Declaration and Platform of Action, adopted at the Fourth World Conference on Women*, 27 October 1995, online <<https://www.refworld.org/docid/3dde04324.html>>.

²³⁴ CEDAW, *supra* note 30 at article 16 (1) (e).

²³⁵ CEDAW, *supra* note 30 at article 16. *Convention on the Rights of the Child*, *supra* note 31 at article 13. *International Covenant on Civil and Political Rights*, 16 December 1966, UNTS 999 [entry into force 23 March 1976, ratified by Argentina 08 August 1986] [ICCPR] at article 19. ICESCR, *supra* note 26 at article 13.

²³⁶ CEDAW, *supra* note 30 at article 16. *Convention on the Rights of the Child*, *supra* note 31 at article 24. ICESCR, *supra* note 26 at article 12,

²³⁷ CEDAW, *supra* note 30. *Convention on the Rights of the Child*, *supra* note 31 at article 24. ICCPR, *supra* note 235 at article 17. ICESCR, *supra* note 26 at article 12.

In my perspective, the international provisions that protect women's reproductive rights do not end there.²³⁸ Other human rights also relate to their reproductive autonomy and health, including but not limited to: the right to health, which includes the right to reproductive health;²³⁹ the right to personal freedom, security, and integrity,²⁴⁰ which includes the right not to suffer torture or cruel, inhuman, or degrading treatment;²⁴¹ the right to equality and non-discrimination including in the area of life and reproductive health;²⁴² the right to life, which includes the right not to die from preventable pregnancy-related reasons;²⁴³ the right to be free of sexual and gender violence;²⁴⁴ the right to decide number of spacing out of children, reproductive self-determination, and family planning;²⁴⁵ the right to consent to marriage and equality within marriage;²⁴⁶ to decide freely and to have information about one's health and about sexual and reproductive rights, risks, efficacy of contraceptive methods, and consequences of pregnancy;²⁴⁷ the right to be free from

²³⁸ The *Millennium Development Goals* frame women's reproductive health as essential to promoting development. United Nations Sustainable Development Goals, General Assembly Resolution, *Transforming our World: the 2030 Agenda for Sustainable Development*, 25 September 2015, A/RES/70/1.

²³⁹ *Universal Declaration of Human Rights*, *supra* note 24 at article 25. ICESCR, *supra* note 26 at article 12 (1) (2). CEDAW, *supra* note 30 at article 14 (2). *Convention on the Rights of the Child*, *supra* note 31 at article 24 (1) (2).

²⁴⁰ *Universal Declaration of Human Rights*, *supra* note 24 at articles 3 and 5. ICCPR, *supra* note 235 at articles 7, 9 (1). *Convention on the Rights of the Child*, *supra* note 31 at article 37 (a).

²⁴¹ *General Recommendation 19* of the CEDAW Committee indicated that gender-based violence "impairs or nullifies the enjoyment by women of human rights" and violates the right not to be subjected to cruel, inhuman, or degrading treatment. CEDAW Committee, *General Recommendation No. 19. Violence against Women* (1992) UN Doc. A/47/38/Rev.1. C. 1.1992 at para.7. The UN Special Rapporteur on Torture explained that ill-treatment at reproductive healthcare facilities might amount to inhuman and degrading treatment. Juan E. Méndez, UN Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (12 March 2013) UN Doc. A/HRC/22/53.

²⁴² *Universal Declaration of Human Rights*, *supra* note 24 at article 2. ICCPR, *supra* note 235 at article 2 (1). ICESCR, *supra* note 26 at article 2 (2). CEDAW, *supra* note 30 at articles 1, 3, 11 (2). *Convention on the Rights of the Child*, *supra* note 31 at article 2 (1) (2) (5).

²⁴³ *Universal Declaration of Human Rights*, *supra* note 24 at article 3. ICCPR, *supra* note 235 at article 6 (1). *Convention on the Rights of the Child*, *supra* note 31 at article 6 (1) (2).

²⁴⁴ CEDAW, *supra* note 30 at articles 5, 6. *Convention on the Rights of the Child*, *supra* note 31 at articles 19 (1), 34.

²⁴⁵ CEDAW, *supra* note 30 at article 16 (1).

²⁴⁶ *Universal Declaration of Human Rights*, *supra* note 24 at article 16 (1) (2). ICCPR, *supra* note 235 at article 23 (2) (3) (4). ICESCR, *supra* note 26 at article 10 (1). CEDAW, *supra* note 30 at article 16 (1) (2).

²⁴⁷ CEDAW, *supra* note 30 at article 10.

practices and traditions that harm women and girls;²⁴⁸ and the right to benefit from scientific progress,²⁴⁹ including progress in the area of human reproduction.

The Inter-American system also protects women's reproductive rights, recognizing the right to set up a family;²⁵⁰ to decide the number and spacing of children;²⁵¹ and to access family planning information and education,²⁵² including planning methods and access to services.²⁵³ The *Belém do Pará Convention* stated the right to live free from violence based on sex or gender.²⁵⁴

The Inter-American Human Rights Protection System only addressed a limited number of cases regarding reproductive violence. Most were heard by the Inter-American Commission on Human Rights, while others reached the Inter-American Court of Human Rights.²⁵⁵ In December 2020, Argentina decriminalized abortion after decades of legislative and social debates, thanks to the mobilization of women's rights activists.²⁵⁶ In this context, the arguments made by the Inter-

²⁴⁸ CEDAW, *supra* note 30 at articles 2 (f), 5 (a). *Convention on the Rights of the Child*, *supra* note 31 at article 24 (3).

²⁴⁹ *Universal Declaration of Human Rights*, *supra* note 24 at article 27 (1). ICCPR, *supra* note 235 at article 7. ICESCR, *supra* note 26 at article 15.

²⁵⁰ OAS, *American Convention on Human Rights*, *supra* note 21 at article 17. *Protocol of San Salvador*, *supra* note 33. OAS, *American Declaration of the Rights and Duties of Man*, *supra* note 32 at article VI.

²⁵¹ OAS, *American Convention on Human Rights*, *supra* note 21 at article 11, 17. *Protocol of San Salvador*, *supra* note 33 at article 10. Article XI Organization of American States [OAS], *American Declaration of the Rights and Duties of Man* (2 May 1948).

²⁵² *Protocol of San Salvador*, *supra* note 33 at article 13. OAS, *American Declaration of the Rights and Duties of Man*, *supra* note 32 at article XI.

²⁵³ *Protocol of San Salvador*, *supra* note 33 at article XI. Organization of American States [OAS], *American Declaration of the Rights and Duties of Man* (2 May 1948).

²⁵⁴ Facio (2008) argues that gender-based violence also violates women's reproductive rights since it affects their health and reproductive and sexual autonomy. Alda Facio, *Los Derechos Reproductivos son Derechos Humanos* (San José, Costa Rica: Instituto Interamericano de Derechos Humanos, 2008), online <<https://lac.unfpa.org/sites/default/files/pub-pdf/Libro%201.%20Los%20derechos%20reproductivos-DH.pdf>> at 37.

²⁵⁵ The Inter-American Commission on Human Rights examined the principles of the *Belém do Pará Convention* in its report on the case of “*Maria da Penha Fernandes*.” It found that the State had violated the victim's rights to effective judicial guarantees and protection, as required under Articles 1.1, 8 and 25 of the American Convention and Article 7 of the Convention of *Belém do Pará*. Inter-American Commission on Human Rights, *Merits, Report 54/01, Maria Da Penha Fernandes* (Brazil) (16 April 2001) at para. 60. *González et al. (“Cotton Field”) versus Mexico*, Series C 205 (16 November 2009). Recent relevant cases include: *González Lluy et al. versus Ecuador* (1 September 2015) Series C 298 concerning negligent HIV infection; and *I.V. v. Bolivia* (30 December 2016) Series C no 329.

²⁵⁶ Law 27,610/2021 on Access to the Voluntary Interruption of Pregnancy, online <<http://servicios.infoleg.gob.ar/infolegInternet/anexos/345000-349999/346231/norma.htm>>.

American Court of Human Rights ruling in *Artavia Murillo versus Costa Rica* became a central part of the debate.²⁵⁷ In this case, the Inter-American Court declared that the right to life shall be protected, generally speaking. However, it stated that the right to prenatal life is not absolute and that an embryo could not have the same rights as a person. *Artavia Murillo versus Costa Rica* decision was frequently mentioned throughout Argentina's Congressional debates about abortion.²⁵⁸

8.6.4.2 Domestic Legislation

Argentina has two laws to combat obstetric violence: Law 25,929/2004 on *Humanized Childbirth*²⁵⁹ and Law 26,485/2009 on *the Prevention, Punishment, and Elimination of Violence against Women in their Interpersonal Relations*.²⁶⁰

In 2004, Argentina enacted Law 25,929, also known as the *Law on Humanized Birth*,²⁶¹ the first Argentine law to address childbirth.²⁶² It states that a pregnant woman has the right to be treated respectfully regarding her intimacy and cultural customs, to participate in and be informed about medical interventions, to choose freely, and to avoid invasive and unnecessary practices, among other rights.²⁶³

²⁵⁷ Lambert & Scribner, *supra* note 206 at 233, 234.

²⁵⁸ Noguera, *supra* note 204 at 379.

²⁵⁹ Law 25,929/2004 on *Humanized Childbirth*, online <https://www.argentina.gob.ar/sites/default/files/ley_25929_parto_humanizado_decreto_web_0.pdf>.

²⁶⁰ See section 8.6.3, "Law 26,485/2009. Comprehensive Law on the Prevention, Punishment, and Elimination of Violence against Women in their Interpersonal Relations."

²⁶¹ The term "obstetric violence" was coined in Latin America. Hanna Laako, "Understanding Contested Women's Rights in Development: The Latin American Campaign for the Humanisation of Birth and the Challenge of Midwifery in Mexico" (2017) 38 Third World Q 379 at 387.

²⁶² Legislation against obstetric violence was also enacted in Uruguay, some states of Mexico, and the State of Santa Catarina in Brazil. Venezuela's obstetric violence Act understands obstetric violence in the context of gender-based violence and was a pioneer in the region. Law 38,668/2007, *Organic Law on the Right of Women to a Life Free of Violence*, República Bolivariana de Venezuela, online <<https://vlexvenezuela.com/vid/ley-organica-derecho-mujeres-740020129>>.

²⁶³ Law 25,929/2004, *supra* note 259.

The *Law on Humanized Childbirth* is complemented by laws protecting women's and patients' rights. Law 25,673/2002²⁶⁴ implemented the *National Sexual Health Program* enacted by the *National Law on Patients' Rights*.²⁶⁵ The *Law on Surgical Contraception* entitles adults to tubal ligation through the healthcare system, obliging the State to provide it free of charge.²⁶⁶ The *Law on Sexual Health and Responsible Procreation* refers to CEDAW and the need to comply with treaties.²⁶⁷ These laws require the State to ensure access for all women and obligate the State to fund access to these services. Article 6 of Law 26,485/2009 on the *Integral Protection of Women* introduced a definition of obstetric violence.²⁶⁸

Obstetric violence can be exerted by any professional who provides care for women, not just by doctors. The Decree that regulates Law 26,485/2009 in its Article 6 (e) – second paragraph – identifies administrative personnel or other personnel associated with the health facility, physicians, nurses, social workers, psychologists, and obstetricians, as possible perpetrators.²⁶⁹ Obstetric violence also includes denying women access to maternal health services by action or omission, resulting from discrimination or a general inefficiency of the health care system.²⁷⁰

Argentina's obstetric violence legal framework identifies three significant ways it can occur: dehumanizing care, over-medicalization, and converting biological processes into

²⁶⁴ Law 25,673/2002 on *Creation of National Program for Sexual Health and Responsible Procreation*, within the scope of the Ministry of Health, online <<http://servicios.infoleg.gob.ar/infolegInternet/anexos/75000-79999/79831/norma.htm>>.

²⁶⁵ Law 26,529/2009, *Patients' Rights in their Relationship with Health Professionals, and Institutions*, online <<http://servicios.infoleg.gob.ar/infolegInternet/anexos/160000-164999/160432/norma.htm>>.

²⁶⁶ Law 26,130/2006, *Regime for Surgical Contraceptive Interventions. Right to Access the Practices of Fallopian Tube Ligation and Vasectomy*, online <<https://www.argentina.gob.ar/normativa/nacional/ley-26130-119260>>.

²⁶⁷ Law 25,673/2002, *supra* note 264.

²⁶⁸ See section 8.6.3, "Law 26,485/2009. Comprehensive Law on the Prevention, Punishment, and Elimination of Violence against Women in their Interpersonal Relations."

²⁶⁹ Executive Decree 1011/2010 regulating the Violence Against Women Statute, online <<http://servicios.infoleg.gob.ar/infolegInternet/anexos/165000-169999/169478/norma.htm>> at article 6 (e).

²⁷⁰ Rogelio Pérez D'Gregorio, "Obstetric Violence: A New Legal Term Introduced in Venezuela" (2010) 111: 3 *International Journal of Gynecology & Obstetrics* at 201, 202.

pathological ones.²⁷¹ The Executive Decree that regulates Law 26,485/2009 on the *Integral Protection of Women* defined dehumanized care as the “cruel, dishonourable, dismissive, humiliating or threatening treatment provided by health personnel” which causes physical or psychological harm.²⁷² In turn, Law 26,485/2009 defines physical violence in Article 5 (1) and psychological violence in Article 2 (2), which is vital in understanding the dehumanizing care of women. I agree with Vacaflor (2016) that “Argentina’s legislative decision to frame this abuse and mistreatment of women under the rubric of gender-based violence permits the identification of failures in both the healthcare system and women’s participation in society.”²⁷³ As such, pointing and naming are essential in the struggle against gender inequality.²⁷⁴

Despite the flourishing legal framework regarding obstetric violence in Argentina, none of the recipient women I interviewed recognized this violence in their narratives. Neither did health actors. Indeed, “public policies in Argentina (including laws) have not been sufficient to approach the issue of obstetric violence in its multidimensionality, leading to the failure of the implementation process.”²⁷⁵ It is also highly problematic that narratives of obstetric violence suffered by recipient women as part of the cost of complying with conditionalities imposed by the State are not part of the official stories about CCTs.

CONSAVIG²⁷⁶ was created in 2011 by the Argentine State to craft sanctions for gender violence, including obstetric violence.²⁷⁷ In 2013, CONSAVIG implemented a working group on

²⁷¹ Carlos Herrera Vacaflor, “Obstetric Violence: A New Framework for Identifying Challenges to Maternal Healthcare in Argentina” (2016) 24:47 *Reproductive Health Matters* 65 at 67.

²⁷² Executive Decree 1011/2010, *supra* note 269.

²⁷³ Herrera Vacaflor, *supra* note 271 at 65.

²⁷⁴ Rachelle Chadwick, “Breaking the Frame: Obstetric Violence and Epistemic Rupture” (2021) 35 *Agenda* 104.

²⁷⁵ Patrizia Quattrocchi, “Obstetric Violence Observatory: Contributions of Argentina to the International Debate” (2019) 38 *Medical Anthropology* 762 at 772.

²⁷⁶ CONSAVIG, National Commission for the Coordination of Actions for the Elaboration of Sanctions for Gender Violence [Comisión Nacional Coordinadora de Acciones para la Elaboración de Sanciones de Violencia de Género], online < <https://www.argentina.gob.ar/justicia/consavig> >.

²⁷⁷ Quattrocchi, *supra* note 275 at 766.

obstetric violence and began taking grievances from women. The Ombudsman Service receives complaints, supports the victims, and refers women to other entities such as the Ministries of Human Rights and Health.²⁷⁸ In 2016, the Ministry of Human Rights and Cultural Pluralism implemented a working group on obstetric violence to raise awareness and organize training and education on the topic.²⁷⁹ Denouncing the violence and going through the complaint procedure is challenging and taxing for women at the legal, bureaucratic, psychological, and emotional levels.²⁸⁰ It is no wonder recipient women did not report the abuse nor knew about available services to do so.

For most recipient women who have experienced mistreatment at the hospital, seeking legal recourse requires representation by legal counsel. In the absence of financial resources to hire private counsel on a retainer, poor women will have to look for public counsel, which is inconsistent and uncoordinated. If poor women want to access civil justice with *pro-bono* representation and avoid court fees, they will have to get a letter of poverty and undergo an archaic and stigmatizing procedure.²⁸¹ Moreover, a recipient woman seeking to recover for harm caused by obstetric violence is constrained by how the law understands claims of wrongdoing within the civil law system. As the plaintiff, she must face an arduous battle when trying to prove the existence of an injury. A successful result would also imply that judges understand the difference

²⁷⁸ The Ombudsman monitors the public Administration services and assists survivors throughout the complaints process. Quattrocchi, *supra* note 275 at 766.

²⁷⁹ *Ibid.*

²⁸⁰ *Ibid.*

²⁸¹ The Poverty Trial is a prelude to access public defence in the province of Chaco, particularly in civil and family law jurisdictions. The Poverty Trial aims to assign those who cannot afford legal counsel a stigmatizing label known as “the poor of solemnity” [solemnly poor, *pobres de solemnidad*]. The result of the Poverty Trial – if lack of resources is satisfactorily proved – is the issuing of a “*Carta de pobreza*” [letter of poverty], a judicial resolution that states that an individual has been formally declared poor. This legal institution is cumbersome and bureaucratic as it forces vulnerable individuals to access a trial to access public defence to access – ultimately – another legal procedure. *Organic Law of the Judiciary of Chaco*, online <<http://segleg.chaco.gov.ar/seglegis/servlet/hconstramindivnuevo?2021,1,1168>> at articles 56 (1) (e), 58.

between the average physical risk of standard medical procedures and injuries caused by unconsented and coerced treatment. Of course, much of the violence recipient women suffer is emotional or psychological, which remains “invisible” and poses obstacles to understanding the extent of their suffering.

8.7 Lack of Access to Justice and the AUH

Access to justice for recipient women is crucial because it allows accessing all other rights; de Sousa Santos (2006) referred to this right as a “*derecho bisagra*” [a hinge right], “a right whose denial would entail that of all others.”²⁸² Without it, the enjoyment of all other rights is impeded and remains at the level of rhetoric.

Cappeletti & Garth (1978) identified two dimensions of access to justice.²⁸³ The normative dimension refers to the equal right of all citizens to assert their legally recognized rights. The factual dimension refers to the measures to ensure accessing justice through the administrative and judicial machinery. Inspired by the work of my colleague Gloria Song,²⁸⁴ I adopt Trevor Farrow’s definition of access to justice as “access to the kind of life – and the kind of communities in which – people would like to live.”²⁸⁵ Farrow’s definition also centers around what people want for their lives based on their experiences.²⁸⁶

Access to justice is a human right guaranteed by the Argentine Constitution and international instruments such as Article 8 of the *Universal Declaration of Human Rights*; Article

²⁸² Boaventura de Sousa Santos, *De la Mano de Alicia, lo Social y lo Político en la Posmodernidad* (Bogotá, Siglo del Hombre Editores y Uniandes, 2006) at 201.

²⁸³ Mauro Cappeletti & Bryant G. Garth, *El Acceso a la Justicia: La Tendencia en el Movimiento Mundial para Hacer Efectivos los Derechos* (México: Fondo de Cultura Económica, 1978 [1996]).

²⁸⁴ See Gloria Song & Melisa Handl, “Institutional Ethnography as an Access to Justice Framework for Domestic Violence-Based Refugee Claims from Guyana” (2021) *Access to Justice in the Americas*.

²⁸⁵ Trevor C. W. Farrow, “What is Access to Justice?” (2014) 51:3 *Osgoode Hall Law Journal* 957 at 983.

²⁸⁶ This is also similar to Smith’s starting point “in the actualities of the lives of some of those involved in the institutional process.” Dorothy Smith, *Institutional Ethnography: A Sociology for People* (New York: Altamira Press, 2005) at 31.

2.3 of the ICCPR; Article XVIII of the *American Declaration of the Rights and Duties of Man*; Article 8.1 of the *American Convention on Human Rights*,²⁸⁷ and Articles 5 and 6 of the CEDAW.

²⁸⁸ Access to justice is also related to the right to petition the authorities recognized in Article 14 of the Constitution²⁸⁹ and Article 24 of the *American Declaration of the Rights and Duties of Man*.²⁹⁰

However, as Bobbio (1991) explained, in Argentina, the problem is not about enshrining rights but protecting them to prevent them from being continuously violated despite solemn declarations.²⁹¹ Discussing access to justice is incredibly frustrating because, as with other rights, access to justice is paradoxically protected by formal laws in Argentina. Understanding the lack of access to justice means admitting that in Argentina, there are formal laws that guarantee the right to access justice to, in turn, access other rights; but since there is limited or inexistent access to justice, women cannot access their right to access justice to then access their other rights. Indeed, there is a significant gap between, on the one hand, recognizing the formal equality of informants before the law and mandating the uniform application of the law that is presumed to be known by all recipient women and, on the other, ensuring that all recipient women know their rights and can activate the existing institutional mechanisms to ensure their due exercise. Access to justice

²⁸⁷ OAS, *American Convention on Human Rights*, *supra* note 21.

²⁸⁸ See Haydee Birgin & Natalia Gherardi, “El Acceso a la Justicia como un Derecho Humano Fundamental: Retos y Oportunidades para Mejorar el Ejercicio de los Derechos de las Mujeres,” in Aldo Etchegoyen, ed, *Mujer y Acceso a la Justicia, 1st Ed* (Buenos Aires: El Mono Armado, 2008).

²⁸⁹ National Constitution, *supra* note 20 at article 14.

²⁹⁰ “Article XXIV. Every person has the right to submit respectful petitions to any competent authority, for reasons of either general or private interest, and the right to obtain a prompt decision thereon.” OAS, *American Declaration of the Rights and Duties of Man*, *supra* note 32.

²⁹¹ Norberto Bobbio, *El Tiempo de los Derechos* (Madrid: Sistema, 1991) at 35.

requires more than formal proclamations: it demands that legal services are also available to those who do not have the financial means to seek them.²⁹²

Access to justice for women victims of violence improved significantly during the last decade in Argentina due to the establishment of public-funded institutions, such as legal aid offices.²⁹³ However, there are significant inequalities between what happens in the nation's capital – Buenos Aires – and what happens in the provinces, especially in marginalized provinces like Chaco. For example, in Buenos Aires, women victims of violence can claim their rights at the police stations, courts, Domestic Violence Office, the Attorney General's Office, or the *Centros de Acceso a la Justicia* [CAJ] [Justice Access Centers].²⁹⁴

The CAJs are “dependencies of the Ministry of Justice and Human Rights, distributed throughout the national territory, which provide primary and comprehensive legal care services to populations in situations of vulnerability,” created by the *National Directorate for the Promotion and Strengthening of Access to Justice*.²⁹⁵ Each CAJ is composed by a multidisciplinary team of professionals, including “lawyers, psychologists, social workers and administrative staff specially trained to provide a comprehensive response to problems related to ... gender violence ... or the AUH, just to name a few of the possible causes.”²⁹⁶ In fact, the main queries received in CAJs have

²⁹² In this sense, the 2008 “*Brasilia Rules on Access to Justice for Vulnerable People*” aim to “guarantee the conditions of effective access to justice for vulnerable people, without discrimination, encompassing the group of policies ... and support that allow these people to enjoy the services of the judicial system fully.” Section 2 establishes that causes of vulnerability include age, disability, belonging to Indigenous communities or other ethnic-cultural diversities, including people of African descent, as well as victimization, migration, being a refugee or internally displaced person, poverty, gender, sexual orientation and gender identity and deprivation of liberty. *Brasilia Rules on Access to Justice for Vulnerable People* (2008), online <<https://www.icj.org/wp-content/uploads/2018/11/Brasilia-rules-vulnerable-groups.pdf>>.

²⁹³ For a study on how legal aid offices can improve accessibility to rights, see UN Secretary-General, *Legal Empowerment of the Poor and Eradication of Poverty* (13 July 2009) Report A/64/133, online <<https://www.un.org/esa/socdev/documents/reports/Legal%20empowerment%20of%20the%20poor.pdf>>.

²⁹⁴ Centros de Acceso a la Justicia [CAJ], online <<https://www.argentina.gob.ar/justicia/afianzar/caj>>.

²⁹⁵ Ministry of Justice and Human Rights, *Acceso A La Justicia Para Todos: Acceso En Justicia 2020*, Héctor M. Chayer & Marisa A. Garsco, eds (Ciudad Autónoma de Buenos Aires: Eudeba, 2019), online <http://www.bibliotecadigital.gob.ar/files/original/2195/Eje_Acceso_-_Justicia_2020.4.pdf> at 15.

²⁹⁶ Ministry of Justice and Human Rights, *supra* note 295 at 16.

been related to “the processing of personal documentation and access to social security benefits, such as the AUH.”²⁹⁷ In 2018, 70% of inquiries received by CAJs related to access to social programs.²⁹⁸

CAJs are supposedly distributed “based on principles of ‘geographical equity,’ [which] means that are adapted according to the specific problems of each zone or region.”²⁹⁹ However, a quick search on the CAJs online search engine³⁰⁰ yielded fifty-one results for the province of Buenos Aires, and only three for the province of Chaco, even though the province of Chaco has consistently ranked among the poorest and most relegated provinces of Argentina.³⁰¹ This shows the pervasive geographical inequities throughout the territory of Argentina. In the online search engine of the CAJ, a centre of access to justice is listed for the city of Presidencia Roque Sáenz Peña, Chaco, with the address “Quinta 99, Barrio San Cayetano, Sáenz Peña.” However, none of the informants in this study referred to this centre.

In Presidencia Roque Sáenz Peña, recipient women who suffered domestic violence attend the *Comisaría de La Mujer* (Women Police Station) because they are not taken seriously in other police stations. Even though there is only one *Women Police Station* in the city, women prefer to call them in case of emergency because other *comisaría*s [police stations] disregard cases of violence against women as “private” or “insignificant” matters.

²⁹⁷ Ministry of Justice and Human Rights, *supra* note 295 at 21.

²⁹⁸ *Ibid* at 22.

²⁹⁹ *Ibid* at 16.

³⁰⁰ Centros de Acceso a la Justicia, *supra* note 294.

³⁰¹ The *Gran Resistencia* region – composed by the capital city of the province of Chaco (Resistencia) and the cities of Barraqueras, Fontana, and Puerto Vilelas – is the urban conglomerate with the highest poverty rate in Argentina: 52% of its inhabitants are poor according to an INDEC [Institute of Statistics and Census] report for the second semester of 2021. INDEC, “Incidencia de la Pobreza y la Indigencia en 31 Aglomerados Urbanos. Segundo Semestre Dde 2021” (March 2022) 6:60 Informes Técnicos, 6:4 Condiciones de Vida, online <https://www.indec.gob.ar/uploads/informesdeprensa/eph_pobreza_03_22F5E124A94B.pdf> at 10.

Women who suffer violence also find support in the “*Gender Office*” of the city. In 2017, the city of Presidencia Roque Sáenz Peña opened an *Oficina de Diversidad Sexual y Género* [Office of Sexual Diversity and Gender].³⁰² It is a dependency of the municipality in the area of human development. I interviewed two individuals who had worked for the office; they help violence survivors through psycho-social support, and they work with family law and civil law tribunals in cases of violence against women and people from the LGBTQ+ community. The *Gender Office*’s work has been vital in the community, and it is the first point of contact for women who suffer violence and do not know about the resources available or their rights. It is indeed a commendable step forward in facilitating access to justice for poor women. However, as I explain below, there is still a long way to go in the fight against VAW.

8.8 All Spin, No Delivery: Dismissing, Stereotyping, and Re-Victimizing Violence Survivors

Law 26,485/2009 is a significant advance in adopting a comprehensive and multidimensional approach in the fight against VAW in Argentina.³⁰³ It has an undeniably progressive tint and emphasizes the duties and responsibilities of the State in the struggle against violence. It is laudable that the Act also understands VAW as a cause and consequence of gender inequality.

However, it is not sufficient to merely pass a law as a declaration of intent without guaranteeing its implementation and translation into women’s lives. It defeats and contradicts the very purpose of the law itself and hinders women’s access to justice. It could be argued that the lack of or weak implementation of this law in Argentina is violent itself; it is perverse to enact legal promises in a beautifully written document and then fail to make those obligations happen in

³⁰² *Oficina de Diversidad Sexual y Género* [Office of Sexual Diversity and Gender], Municipalidad de Presidencia Roque Sáenz Peña, online <<https://saenzpena.gob.ar/inicio/oficina-de-diversidad-sexual-y-genero/>>.

³⁰³ See section 8.6.3, “Law 26,485/2009. Comprehensive Law on the Prevention, Punishment, and Elimination of Violence against Women in their Interpersonal Relations.”

practice.³⁰⁴ Indeed, adopting Law 26,482 has not been the silver bullet in the struggle against gender inequality. Its implementation has been problematic.³⁰⁵ Obstacles include lack of funding, accountability and transparency, minimal administrative capacity, failure to ensure women's access to State-provided services, and pervasive gender stereotyping within State entities, especially the judiciary.³⁰⁶

8.8.1 Dismissing and Under-Estimating VAW

Actors in the justice system in Argentina frequently do not address violence against women and girls with the seriousness and severity it needs to be addressed. An incident explained by activist Lola – an expert in gender issues and local activist who accompanies and helps poor women who suffer violence – illustrates the dismissiveness regarding VAW at the level of State institutions. Lola referred to this as “the watermelon incident.”

We were working on the case of a 17-year-old girl who had not returned home. We were going to file a complaint; we went to the X Police Station with this woman [the girls' mother]; it took an hour and a half for them to serve us. When the police officer arrived, he came in with a watermelon; he was delighted because he had conducted an operation, and they gave him a watermelon in exchange for not writing a fine. It was all so bizarre! (...) He tells us, 'look, you have to wait 24 hours to file the complaint in cases of missing persons.' I tell him, 'no, did you read the law? It has been a long time since that has not

³⁰⁴ In its *Concluding Observations* for Argentina, the Committee on the Elimination of Discrimination against Women (2010) “urges the State party to speed up the adoption and the implementation ... of the existing legislation, at the national, provincial and municipal levels, to combat all forms of violence against women, including domestic violence.” CEDAW Committee, *Concluding Observations of the Committee on the Elimination of Discrimination against Women*, CEDAW/C/ARG/CO/6 (30 July 2010), online <<https://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-ARG-CO-6.pdf>> at 5, para. 23, 24.

³⁰⁵ It took eight years to implement Law 26,485/2009 after its adoption. In 2017, the *I National Plan of Action for the Prevention, Assistance, and Eradication of Violence against Women* (2017-2019) was launched. *Plan Nacional de Acción para la Prevención, Asistencia y Erradicación de la Violencia contra las Mujeres 2017-2019*, online <https://www.argentina.gob.ar/sites/default/files/consejo_nacional_de_mujeres_plan_nacional_de_accion_contra_violencia_genero_2017_2019.pdf>.

³⁰⁶ Lambert & Scribner, *supra* note 206 at 224.

been the case.’ Do you realize that I am talking about a missing teenager, and he made me waste an hour and a half of a possible search? [Activist Lola 00:36:38].

Impunity for abusers aggravates underreporting, and violence remains unimpeded.³⁰⁷

8.8.2 Deeply Rooted Gender Bias against Violence Survivors

When women and advocates resort to the courts in Argentina, they are challenged by deep-rooted gender bias, stereotyping, and conservatism. Activist Lola explains:

Gender training is lacking in all places, especially in the justice system. Without going any further, we have some people in family court, that if you ask for their opinion, they would not like any woman to separate because it is ‘a sin,’ and they...told me to my face: ‘god is going to punish you for helping separated women’ [Lola 00:16:42].

Judicial actors and judges often fail to investigate VAW and disregard them as a “private” conflict, expecting victims to provide additional evidence and revictimizing and traumatizing women by directing the investigation as an attack on a woman’s body, sexuality, or temperament.³⁰⁸ Lola provided a detailed example of women’s re-victimization.

(...) For example, if I call Police Station X about a gender-based violence case, they ask me first: ‘what did you do to make your husband hit you,’ and so on ... A mother who is a beneficiary of the AUH that we help experienced a situation of violence; she was working in the interior of the province, she travelled to clean a house, and her ex-husband took advantage of the fact that her children had stayed with their grandmother, and he took the children. So she goes to the police station, and the first thing they tell her at police station X, which corresponds to her domicile, is: ‘well, why are you going on a trip? Don’t you

³⁰⁷ Equipo Latinoamericano de Justicia y Género [ELA], *Informe Sobre Género y Derechos Humanos en Argentina (2005-2008)* (Buenos Aires: ELA, 2009). As Liew (2020) explained, “scholars have examined how women are rendered invisible in a number of different contexts including ... women who make allegations of sexual harassment or assault, Indigenous women, and racialized women, among others.” Jamie Chai Yun Liew, “The Invisible Women: Migrant and Immigrant Sex Workers and Law Reform in Canada” (2020) 14:21 *Studies in Social Justice* 90 at 102.

³⁰⁸ Raquel Asensio, Julieta Di Corleto, Valeria Picco, Leah Tandeter & Magdalena Zold, *Discriminación de Género en las Decisiones Judiciales: Justicia Penal y Violencia de Género* (Buenos Aires: Defensoría General de la Nación, 2010) at 83-110.

have to take care of your children?’ When she told me, I gave her the *Women’s Police Station* number and told her to tell them that I referred her; they already know me ... Then the complaint was filed as it should be ... [Lola 00:34:45].

Besides lack of implementation, pervasive stereotyping of the judiciary, lack of will to investigate, and under prosecution of violence against women, weak formal and informal institutions produce compartmentalization and fragmentation in addressing gender-based violence.

8.8.3 Lack of Inter-Institutional Coordination Addressing VAW

Diverse systems and levels engage in Law 26,485/2009: judicial, administrative, and executive, at the federal, provincial, and municipal levels. The frictions between these systems are ideological, budgetary, hierarchical, and conceptual.³⁰⁹ Tensions, lack of communication, and inter-institutional un-coordination affect women who suffer violence.³¹⁰ Activist and gender expert Lola explains a problematic lack of coordination between municipal, provincial, and federal branches and between the executive and the provincial judiciary in addressing VAW.

Here in Chaco, in Sáenz Peña, we have the *Gender and Diversity Office* that works well at the municipal level ... The problem is that they do not have a link with the justice system that would force Justice to speed up the procedures. The *Women’s Police Station* works quite well ... I am not going to tell you that they are geniuses, but it works pretty well ... But all that makes no sense without Justice working; that is where things get terribly slow [Lola 00:13:00] ... The municipal *Gender and Diversity Office* does not coordinate with Justice orders, and they have situations whereby the justice system does not operate correctly [Lola 00:15:47] ... And there is a lack of training and education in these people ... Some time ago, I had a ... colleague ... who works in *Human Rights* sent me a photo of a *perimetral* [restraining order] which had just arrived and told me ‘a *perimetral* [to protect]

³⁰⁹ Olaciregui Rodríguez, *supra* note 215 at 222.

³¹⁰ *Ibid* at 220.

a colleague just arrived and she was murdered by her ex-husband last week ... We asked for it [the order] 6 months ago' [Lola 00:17:38]. State agencies themselves do not collaborate jointly with the justice system. This colleague who works for *Human Rights* in the province tells me, 'we cannot move any file in the Judiciary because they always make it clear to us that we are a totally independent human rights organization'... *Justice* is not the same as *Human Rights*. *Justice* is provincial, and *Human Rights* depends on the provincial or federal executive [Lola 00:19:34]. The '*Human Rights* people'... work with and have ties to the INADI³¹¹ and other organizations ... And they also help with judicial matters, although they do not have full access to the Judicial Power system. It is an organism that works quite well. What happens is that they have all the limitations that a body that does not have the same rank as the judiciary can have. It is dependent on the Executive [Lola 00:21:03].

The lack of coordination between different agencies and levels of government creates fragmentation. It forces women to pilgrimage to different institutions in a male-dominated legal system, another example of the multiple obstacles a recipient woman faces when she finds herself in a situation of violence.³¹²

8.8.4 Material Constraints and Lack of Access to Formal Legal Spaces

Material constraints also constitute a significant structural deficit that women who suffer violence must overcome. Activist Lola explained this in detail when I asked her about the difficulties that poor women face when addressing the violence they suffer.

The deficits have to do first with the legal spaces that often cannot be accessed. For example, if there is a victim of some type of violence, either gender-based violence or violence exerted by the State itself in the violation of any of women's rights, the answer is

³¹¹ The *National Institute Against Discrimination, Xenophobia and Racism* [Instituto Nacional contra la Discriminación, la Xenofobia y el Racismo, INADI] is a State agency under the umbrella of the Ministry of Justice and Human Rights, responsible for receiving complaints and pursuing charges against citizens accused of acts of discrimination or hatred in Argentina. INADI, online < <https://www.argentina.gob.ar/inadi> >.

³¹² See section 7.4.2, "Institutional Fragmentation."

‘go to the victim’s service desk;’ and not all people who are in a situation of poverty can access it, first because they generally have to move from one space to another, and that is not always possible. Sometimes, when women make an effort to get around, they come to file complaints, and officers say, ‘ah, today we do not work,’ ‘today we are on strike,’ or ‘today we already gave all the appointments for the day, come tomorrow.’ Especially when working with stay-at-home mothers, you realize that ‘come tomorrow’ implies that perhaps the victim will never come again. Because if today she had to leave the children with a friend, she had to pay for a bus, walk from very distant towns, and she arrives, and they say ‘no, this does not work, come tomorrow,’ ‘tomorrow,’ she will not be able to do it. Also, there is the issue of legal procedures, which are often not fast and involve much time in gender-based violence cases. And the courts ... First, there is only one court here that deals with gender-based violence, and it is the same one that deals with family issues, so imagine how congested it is with cases. I really would not want to be one of the girls who are there in the Court’s interdisciplinary [VAW] cabinet because they really must be swamped, but at the same time, and without blaming them, you report a case of gender violence, and the fastest they take to look at it is two weeks. Two weeks... in which the victim must endure the consequences of this aggression! [Lola 00:06:01].

As stated by gender expert and feminist activist Lola, the *acompañamiento* [support] for victims is crucial.³¹³ Olaciregui Rodríguez’s (2020) findings align with mine: without *acompañamiento*, complaints are not filed, processes are abandoned, and women are revictimized. In fact, reporting the violence is a fundamental but dangerous step for women in Chaco:

Those of us involved in the struggle for gender equality ... know that reporting is a giant step and that not all victims are prepared to take it. Victims of violence report when they can; what happens is that the justice [system] does not offer any safeguard or protection if there is no complaint involved ... [Lola 00:26:16].

³¹³ See section 8.5.3.3, “Nannyng the State.”

However, reporting violence can also be dangerous, as the legal process is slow, inefficient, and re-victimizes violence survivors. As Lola explains, before even offering protection to women, the Court notifies the aggressor, placing women who suffered violence in a risky and precarious situation. They may suffer retaliation from the aggressor and risk their safety.

(...) From experience, I say that the procedure [to report VAW] is dangerous [Lola 00:39:42] ... The only thing that can save you is if the violence was committed *in flagranti*³¹⁴ [Lola 00:39:54].

In sum, without support, women have to face mistreatment by State agents, suspicions about their credibility, stereotyping, and scrutinizing of their character and bodies. Without *acompañamiento*, complaints are not filed, and women are re-victimized.

³¹⁴ A legal term used to indicate that an individual has been caught in the act of committing an offence. The colloquial “caught red-handed” is the English equivalent, and “*le agarraron con las manos en la masa*” is the Spanish one.

9) In Lieu of a Conclusion:¹ From Empowerment to Emancipation

Empowerment is not an individual process, and we need to start by clarifying that because it is also taken that way in this new discourse, super ‘new age,’ just like ‘you empower yourself, and you will succeed in life,’ and it is not like that ... the change has to be social and cultural, and the powers of the State to which we are subjected have to accompany this change and accept this change. A few days ago, I accompanied a transgender person from the *Ginés Benítez* neighbourhood² who had to go to do paperwork ... This person enunciates her name as a trans person to the ANSES bureaucrat, and the operator tells her, ‘No, I need your real name because if not, the other one does not count!’ So ... I tell him, ‘you should be trained to know how to serve people who have another name that does not appear in the document and know that the real name is the one that this person is telling you.’³ The ... State agent ... had never been trained to work with trans people. So, through this story, I am trying to tell that we can all be part of the change and ‘empower’ people to demand their rights, such as the right to say their names. But in any case, if you have a State agent who has more authority than you in what you are doing and insists that things are as he says, this ‘empowerment’ is useless. So empowerment has to be social and cultural and accompanied by all the powers of the State. And if not, it does not make sense [Gender Expert Lola 00:03:12].

The excerpt above is one of the most compelling fragments in this dissertation. When I started this Ph.D. process, I was confident about using the idea of “empowerment” to understand women’s experiences with the AUH. As I went deeper into fieldwork, I realized “empowerment” was an empty term with often negative connotations for informants in Argentina. A scholar said it was “another World Bank invention,” just like “human capital accumulation.” Some informant

¹ The title of this chapter was inspired by the title of Chapter 6 in B.S. Chimni, *International Law and World Order: A Critique of Contemporary Approaches* (Sage Publications, 1993).

² Marginalized neighbourhood in the city of Presidencia Roque Sáenz Peña.

³ Law 26,743/2012 on *Gender Identity*, online <<http://servicios.infoleg.gob.ar/infolegInternet/anexos/195000-199999/197860/norma.htm>>.

recipient women laughed when asked whether the AUH had “empowered” them; others even felt embarrassed about the term “empowerment”: it was considered too ambitious and superficial. Instead of talking about “empowerment,” informants referred to the violence and other structural constraints they had to overcome to access “the kind of life they wanted to live.”⁴ Buzzwords like “empowerment” pay lip service to the idea of liberation but lack the transformative potential to debilitate the structures that make and keep some people in privilege and others marginalized.⁵

Based on conversations with informant women who receive the AUH stipend, as I detailed in part *Hooking-in*, the AUH transfer is significant for recipients. For those immersed in poverty, every *peso* counts. The AUH helps these women alleviate poverty in their households. It also means recognizing women as social policy subjects and decision-makers within their households, a crucial step in a region historically characterized by the breadwinner model in its provision of social security. However, the actual and potential “empowering” aspect of the AUH is marginal compared to the increased burdens and violence these recipient mothers face when complying with AUH conditionalities. Recipient women explicated how they faced severe difficulties verifying conditionalities and were suspended or withdrawn from the program. Mothers explained the stress, anxiety, and emotions of fear they experienced because of arbitrary suspensions.

Moreover, an informant described how her daughter’s – not their sons’ – formal education had to be sacrificed because of caregiving burdens, challenging the idea that CCTs can help overcome intergenerational stereotypical gender mandates and the perpetuation of the gendered division of labour. Suppose we pay attention to the bigger picture and not get distracted by shallow promises and palliative measures such as the AUH. In that case, we see that CCTs – rather than

⁴ Trevor C. W. Farrow, “What is Access to Justice?” (2014) 51:3 Osgoode Hall Law Journal 957 at 983.

⁵ Andrea Cornwall & Deborah Eade, eds, *Deconstructing Development Discourse: Buzzwords and Fuzzwords* (Warwickshire, UK: Practical Action Publishing & Oxfam GB, 2010).

empowering and liberating poor women – entrench and perpetuate inequalities and create new moments of violence and exclusion. To the international development advocates of CCTs who boldly proclaim that these programs are the best way to address poverty and empower women, this dissertation is a criticism and an appeal for humbleness. In practice, CCTs are cost-effective only if poor mothers' work and the violence they endure are overlooked.

Thus, instead of focusing on “empowerment,” in this dissertation, I explicated the problematic I found in this study: how the Argentine State constructs and facilitates administrative and obstetric violence against AUH recipient mothers. I explicated recipient women's experiences and narratives of administrative and obstetric violence. A structural constraint that sets the terrain for women experiencing violence is the lack of information for recipient women regarding their rights and the processes and institutions available for their exercise. Women described not knowing the AUH program's objectives, the amount of cash they should receive, and the laws, more broadly. If women are unaware of the existence of regulations in force for their protection in situations that affect them, there is little chance that they will know how to make these rights effective.

Unsurprisingly, poor women – disadvantaged in terms of prestige, power, and access to resources – are also more unprotected when requesting legal assistance to enforce their rights. Thus, structural constraints for women to find justice include the violence women suffer from the State and society at large, the substandard quality of available public services, and the inability to voice their concerns and to seek protection and remedy through administrative, judicial, or other mechanisms of redress.

Recipient women described facing other material constraints and burdens when accessing AUH-related services and different institutions such as the ANSES, the hospital, the *salitas*, the

Civil Registry, the Post Office, and banks. Namely, recipient mothers explained they had to pay for AUH-related services out of their pockets, including cyber-café related costs to obtain appointments at the ANSES and printouts of required forms. These costs are significantly burdensome for women who face poverty and dispossession daily. Recipient mothers described long hours of queuing to do AUH-related work, risking their health, wellbeing, and safety and significantly increasing their time poverty.

Typically, public institutions – such as the *Argentine Post Office*, ANSES, and courts – have limited hours of attention to the public, which are incompatible with the working day of recipient women. Moreover, recipient women must overcome many geographical difficulties that people in more affluent and better-serviced areas do not. Most relevant offices to AUH work are located downtown, far from most of the population of recipients who live primarily in marginalized neighbourhoods on the outskirts of the city. Accessing public transportation is difficult for poor women; sometimes, it does not exist in their areas, and they must walk downtown, risking being mugged or assaulted. Using bikes and motorbikes is also challenging, as these women risk being mugged while driving and thrown from their motorbikes. The streets of marginal *barrios* are unpaved; floods are expected during the rainy season, mainly because there are no drainage systems in marginalized neighbourhoods. Muddy streets are hard to navigate, and floods create serious safety risks for recipient women, including accidents and exposure to contaminated floodwater, infectious diseases, increased exposure to chemical hazards, and injuries.

Recipient women depicted diverse acts of violence they suffered while doing AUH work: they were mistreated by social security operators and other agents – such as security guards, bank and post office personnel, and health staff, among others – while trying to enroll in the program or do AUH paperwork; recipient mothers explained being dismissed by bureaucrats at the ANSES,

Civil Registry, post office, banks, and hospitals; their AUH-related concerns were dismissed, and they were treated as ignorant or infantilized. An Indigenous woman explained she was discriminated against at the ANSES and had to wait longer than non-Indigenous women. Informant women also described enduring acts of economic violence – bureaucrats at the post office retaining part of the AUH stipend when women tried to cash it – and symbolic and emotional violence – being humiliated and mocked as “*luchonas*” or irresponsible and idle mothers.

Resorting to the justice system to seek remedy for the violence women suffered was not common among recipient women. These women could not access justice nor trusted a system characterized by a lack of enforcement and transparency, impunity, and pervasive gender stereotyping in State-bureaucracies – administrative, judicial, hospital, and health and school bureaucracies, among others – and society at large. Poor mothers generally are caregivers in their families, and legal services do not provide adequate spaces for mothers waiting and caring for their children.⁶ In Argentina, poor women are users of the same legal system as men and other more privileged individuals that end up competing with them for limited resources.⁷ However, it is essential to note that even if the State could provide a lawyer for each individual, that would not

⁶ An exception is the *Office of Domestic Violence* dependent on the Supreme Court of Justice of the Nation, inaugurated on September 15th, 2008, which has a waiting room prepared for children. See Haydee Birgin & Natalia Gherardi, “El Acceso a la Justicia como un Derecho Humano Fundamental: Retos y Oportunidades para Mejorar el Ejercicio de los Derechos de las Mujeres,” in Aldo Etchegoyen, ed, *Mujer y Acceso a la Justicia*, 1st Ed (Buenos Aires: El Mono Armado, 2008).

⁷ Moreover, the focus of policies has been on provincial capitals and large cities, excluding women living in smaller towns or in the outskirts of cities where the police stations and other centres lack caring facilities. See Birgin & Gherardi, *supra* note 6.

solve the problem of access to justice but may end up in the over-judicialization⁸ of life and positioning of the State as the leading figure in the process of emancipation.⁹

Recipient women also described suffering acts of obstetric violence: they depicted how they were not heard by health actors when expressing concerns about their health and bodies; in many cases, mothers had no opportunity to give prior informed consent for health actors to perform acts on their bodies; and they faced barriers to accessing health services and contraception – specifically, tubal ligation. Furthermore, recipient women captured a reigning sense of lack of accountability: an informant mother mentioned that no one would be held accountable even if she died in the hospital due to negligence or abuse. This lack of accountability also stretched to other entities, such as the social security agency, Civil Registry, post office, and banks; recipient women knew that if something did not go the way it was supposed to go, the mistake would likely not be rectified and no agent would be deemed responsible.

Other structural deficits that informant women face are institutional corruption, impunity, and lack of trust in the law and authorities. Judicial corruption suffered by citizens translates into mistrust and fear of the administration and the judiciary. The poor believe that only wealthy people can access the “luxury” of successful litigation to claim their rights. Of course, the excessive formalism of administrative and judicial processes, the use of language that is distant and unknown

⁸ There has been a prolific literature that conceptualized the judicialization of social issues. It is defined as an overlap between politics – a non-judicial way to solve conflicts – and the judicial sphere. Andrés Scharager, “De Jueces Autoritarios y Defensores Progresistas: Activismo Judicial y Controversias Sociojurídicas en la Ejecución de una Sentencia Ambiental” (2021) 23:1 *Revista de Estudios Socio-Jurídicos* 1. “Judicialization” results in an extension of the invocation of rights in the work of civil society organizations, protests, and official discourses. Pilar Arcidiácono, & Gustavo Gamallo, “Entre la Confrontación y la Funcionalidad: Poder Ejecutivo y Poder Judicial en Torno a la Política Habitacional de la Ciudad de Buenos Aires,” in Laura Pautassi, eds, *Marginaciones Sociales en el Área Metropolitana de Buenos Aires. Acceso a la Justicia, Capacidades Estatales y Movilización Legal* (Buenos Aires: Biblos, 2014).

⁹ There have been arguments against the intervention of the judiciary in issues related to public policies, discussed in detail by Roberto Gargarella, “Justicia y Derechos Sociales: lo que no Dice el Argumento Democrático,” in Roberto Gargarella, ed, *Teoría y Crítica del Derecho Constitucional, Tomo II* (Buenos Aires: Abeledo Perrot, 2008) 965.

to most recipient women, and delays in the processes that do nothing but increase the costs involved are also difficulties that these women must face to access justice.

Complaining was not understood as an intelligent strategy to undertake, as it could easily backfire and aggravate women's already precarious situation. According to AUH recipients, the best mitigating tactic was to accept that the system is the way it is and adopt a docile and non-confrontational attitude when dealing with State operators. When the State is not a saviour or protector, when it is the abuser, and when women suffer violence from it, it is logical that recipient women will avoid resorting to the same entity that caused their suffering. Recipient women experience the State's presence – or absence thereof – deleteriously.

9.1 Understanding Limited Aspirations and Constrained Horizons of Possibilities

It is crucial to remember that poor mothers do not share the same aspirations other individuals in more privileged positions have. When I asked Indigenous recipient woman Anahí what she would like for her children, she concisely and powerfully replied: “life” [*“la vida,”* Anahí 00:17:40]. She added: “my life dreams are over since they [police] killed them [my sons]; I used to dream with them” [Anahí 00:02:34].¹⁰ Everything now Anahí dreams of for the rest of her life is to keep her other children alive, and the AUH helps her do so. “Recipient women and I do not handle the same rules of existence or boundaries of possibilities,” I wrote in my fieldwork notes. In hindsight, I now realize that I have internalized cultural codes such as “claim your rights” or “fight to defend your rights” because it was easier for me since I could afford to access remedial mechanisms and had the privilege of dreaming beyond mere survival. To make a point about having privilege,

¹⁰ When Anahí explained she had lost two children whom police officers murdered, she used the terms “*me los mataron*” [Anahí 00:01:27; 00:01:42], which could be translated as “they killed them.” However, her choice of words is peculiar because she also used the reflexive pronoun “me” [*to me*]. The way Anahí chose her words was very illustrative indeed: the police took her children's lives. They also did something irreparable to Anahí herself: they robbed a part of her life that could never be returned. Instead, that space is now filled with profound anguish. Anahí's children lost their lives; Anahí lost her children; and her children were – in her own words – her “life” [Anahí 00:02:15].

activist and gender expert Lola described the social mandate of motherhood in Argentina and explained, “the role of women for our culture is the one that cares, that gives herself totally” [Lola 00:48:35]. Lola pointed out that becoming a mother at an early age is not very frowned upon among the “*humildes*” [the poor] [Gender expert Lola 00:51:10].

Once, we were at a panel, and a woman commented, ‘Miss, I have nine children; I am 32 years old.’ At that time, I was twenty-nine, and she told me: ‘I was never going to have a doctorate like you’ ... I do not hold a doctorate, but she thought I did. She said, ‘I was not going to have a doctorate like you; even if I did not have many children, I am still poor, so I would not be able to do anything but be a mom.’ And it was like the toughest thing I have heard; she thinks she has no other way out. And well, poverty means that she does not get many other options, so from her view, what she can have are children ... Maybe ... I could wait because I can have another future, but she still would not have another future. So she has children [Lola 00:55:50].

Aspirations and the horizons of possibility are constrained for poor recipient mothers.

9.2 Beyond Individualistic Approaches

Individualistic perspectives, such as those contained in ideas of “liberal” empowerment, often do not account for the structures that constrain the lives of the poor. The notions of empowering poor women within contemporary international development policy are liberal and thus individualistic, concerned with benefiting individual women so they can achieve outcomes in their self-interest,¹¹ such as accruing opportunities to tap on their entrepreneurial potential, and thus increasing their spending power and maximizing the efficiency of the economy.¹² These notions of empowering poor women are consistent with a liberal atomistic focus on individual growth that frames the

¹¹ Cecília M.B. Sardenberg, “Liberal vs. Liberating Empowerment: A Latin American Feminist Perspective on Conceptualizing Women’s Empowerment” (2008) 39:6 IDS Bulletin Institute of Development Studies.

¹² Andrea Cornwall & Althea-Maria Rivas, “From ‘Gender Equality’ and ‘Women’s Empowerment’ to Global Justice: Reclaiming the Transformative Agenda for Gender and Development” (2015) 36:2 Third World Quarterly 396 at 396-397.

solution to poverty in terms of investing in women because of their “inherent” abilities to lift their communities out of poverty.¹³ Individualistic liberal approaches assume that we can eradicate poverty by helping individual women take part in open markets and economically empowering themselves, an approach that, in turn, assumes that poverty is a problem of the individual who lacks access to resources. Such an individualistic approach is more soothing than focusing on complex concerns such as patriarchal oppression¹⁴ and structural issues such as the distribution of wealth and the division of labour.¹⁵

Individualistic approaches to poverty are superficial and unidimensional, if not simply mistaken. Based on my study’s findings and experience, I understand that humans are not free-standing entities but are constrained by structural factors. The dispossessed, such as AUH recipient mothers, do not have access to what is assumed to be universally available to all individuals but is, in fact, only accessible to some. This understanding of structural violence and constraints sheds light on the liberal idea of the autonomous, self-actualizing, rational individual that lies behind the notion of human capital accumulation, a paradigm backed by neoliberal doctrines that impact the lives of poor mothers who receive CCT programs in their everyday practices.

Based on my findings and experience, I also understand my privilege in the socio-economic landscape since the more opportunities and options available to a person, the simpler it is to fulfill social expectations and obtain social esteem and prestige. For example, I never had to leave my daughter alone at home during my workday. I never had to choose which meal of the day I could afford and sacrifice the rest of the meals. I was never in a position to be judged as a bad mother

¹³ Jorge Romano, “Empoderamento: Recuperando a Questão do Poder no Combate à Pobreza” (“Empowerment: Recovering the Question of Power in Combating Poverty”), in J. Romano & M. Antunes, eds, *Empoderamento e Direitos no Combate à Pobreza* (Rio de Janeiro: ActionAid, 2002).

¹⁴ Sarah Mosedale, “Assessing Women’s Empowerment: Towards a Conceptual Framework” (2005) 17:2 *Journal of International Development* 243 at 252.

¹⁵ Nancy Fraser, “From Redistribution to Recognition? Dilemmas of Justice in a ‘Postsocialist’ Age,” in *Justice Interruptus* (New York: Routledge, 1997) at 68.

because my daughter was not wearing “appropriate” footwear because I did not have to struggle to afford a pair of sneakers or boots for my daughter. It is easier to judge the behaviour and decisions of those with a more constrained world of resources, opportunities, and possibilities; they can make fewer manoeuvres, make limited choices, and thus may not live up to social standards of acceptability and appropriateness.

Rather than individualistic approaches, a more sophisticated view understands the causes of poverty as caused by historical processes and patterns accumulated from many people’s actions beyond one individual’s control. Not individualizing poverty as a problem of a specific individual and her “choices” sheds light on the importance of not individualizing the behaviour of operators and bureaucrats and understanding such behaviour as part of the broader system that promotes certain attitudes while dissuading others. Of course, this does not mean that individuals have no responsibility and hold no liability; instead, it means that their behaviour is restrained or favoured according to multiple compounding systematic factors of privilege and oppression.

In *Activating*, I explained the experience of social security operators, other State agents, and key informants. Talking to operators to understand their experiences and work allowed me to map out ruling relations beyond the local to understand administrative and obstetric violence against AUH recipient mothers – the problematic identified in this IE. I showed a disjuncture between women’s and bureaucrats’ experiences, revealing how ruling relations organize violence against AUH recipients through fragmentation, invisibilization, rationalization, minimization, and objectification of women’s experiences.

While operators understand the system as inter-institutional and practical, recipient women experienced it as problematically fragmented. As well, technocrats often resisted framing the AUH as a CCT program. Operators’ authoritative institutional discourses minimized the hurdles

recipients had to overcome to fulfil the conditions, reified the “employment” centric characteristics of Argentina’s social security system, and claimed that poverty is “genderless.” I identified AUH translocal ruling relations as illustrated in the work of the World Bank; these relations of ruling prioritize the paradigms of incomplete altruism, mothers as less irresponsible than fathers, and the focus on quantitative data that influences AUH titularity. I showed how women’s visceral experiences with the AUH in their everyday/evernight lives get stripped of their complexity and made to fit into simplified institutional categories. I explained how recipient women are thus treated as objects of institutional intervention rather than as subjects who are experts in their own lives.

The violence women suffered cannot be solely attributed to operators, even though some operators might be responsible for exerting abuse over recipient women. In this work, however, I was not invested in individualizing and focusing on the criminalization of behaviour. I instead was interested in a broader perspective, focused on understanding the system and structural conditions that allow that violence to proliferate. In fact, most operators, technocrats, and key informants I interviewed showed compassion and understanding of poor people’s precarious living conditions, restricted access to resources, and limited opportunities. Nevertheless, the great majority of recipient women described interactions with State agents in which they suffered administrative and obstetric violence: women described how they were mistreated, humiliated, neglected, and discriminated against based on their skin colour, Indigeneity, appearance, and mothering practices; they suffered economic abuse and emotional, psychological, and symbolic violence; and they were infantilized and underwent medical procedures without their prior informed consent.

The socio-economic privilege of most operators – who have more power, education, and access to resources – over recipient women does not mean that there is a coherent conspiracy of

the more powerful to maintain a particular socio-economic and political order. Instead, there is a systematic level of acceptance of the system, a comfort in maintaining the status quo, and limitations from institutional constraints. There is only so much these operators – whose institutional actions are part and parcel of accountability circles – can do to change the system. If operators dismissed the demands of recipient women, they would likely not encounter resistance from them nor be criticized by their superiors. Both State agents and recipients had internalized a feeling of dealing with unthreatening citizens. An “unquestioned common sense”¹⁶ might lead operators to behave as they do. This “common sense” would lead them to normalize the experience of the least powerful and not to understand the experiences that recipient women go through as “violence.” Indeed, the difficulties AUH recipient women face might seem like an exaggeration when we look through the a-contextual and detached lenses of privilege and comfort.

I visualize the AUH institution employing a metaphor Foucault used to compare France’s legal system to Jean Tinguely’s structures:

One of those immense pieces of machinery, full of impossible cog-wheels, belts which turn nothing and wry gear-systems: all these things which ‘don’t work’ and ultimately serve to make the thing ‘work.’ Even the stupidities, the failures, the absurdities, the ‘weak links’ of the existing order of things are capable of a positive utility within the strategic field.¹⁷

This IE of the AUH – the first ever produced – focused on a problematic, which means that the attention is on the harmful workings of power from a critical perspective rather than on its positive utilities. I want to add that this colossal machinery, the AUH, too often – but not always – does not work in favour and benefit of poor recipient mothers but ultimately allows us to see

¹⁶ John Beattie, Jim Phillips & James Muir, “Symposium on Property, Authority and the Criminal Law” (2006) *Legal History* 10 at 31.

¹⁷ Michel Foucault, *Le Monde* Interview (21 October 1978), in Colin Gordon, ed, *Power/Knowledge: Selected Interviews and other Writings by Michel Foucault, 1972-1977* (New York, Toronto: The Harvester Press, 1980) at 257.

how relations of ruling work by substituting the interests of the ruled with the priorities of the ruling. In fact, the AUH frequently does not work for women as it facilitates the exertion of violence against them, increases their burdens, and invisibilizes their work. However, this invisibilization ultimately works for the institutional priorities of the ANSES, the State, the World Bank, international development institutions – and broader capitalist relations with their liberal ethos –, which ultimately benefit from obscuring this violence: they rely on women’s subordinate positions and simultaneously appropriate women’s labour, work that is essential for the reproduction of humankind. These institutions’ priorities displace the focus of attention from disempowering structures to the “inclusion of the poor” into the (unequal) system in conformity to their deservingness, and they ultimately responsabilize women for pulling their families out of poverty. I agree with Cookson (2016) in that, drawing from the experience of CCTs recipient mothers, “social inclusion is non-performative,” which is a sophisticated way of saying they “pay lip service” to the idea of inclusion or they “do not walk the talk.”

9.3 Illuminating our Understanding of VAW

This dissertation also illuminated the way to understand the violence that women suffer in our societies, specifically administrative and obstetric violence. In understanding violence as a broad notion, I followed the lead of ethnographers who depicted the everyday, normalized, structural, and multifaceted aspects of violence as a continuum: violence begets violence.¹⁸ Bourgois (2008) explained that:

¹⁸ Johan Galtung, “Violence, Peace, Peace Research” (1969) 6:3 *Journal of Peace Research*. Paul Farmer, *Pathologies of Power* (Berkeley: University of California Press, 2005). Scheper-Hughes & Philippe Bourgois, eds, *Violence in War and Peace: An Anthology* (Malden, MA: Blackwell Publishing, 2004). Nancy Scheper-Hughes, *Death without Weeping. The Violence of Everyday Life in Brazil* (Oakland, CA: University of California Press, 1993). Nancy Scheper-Hughes, “Small Wars and Invisible Genocides” (1996) 43:5 *Soc. Sci. Med.* 889. Nancy Scheper-Hughes, “Specificities: Peace-Time Crimes” (1997) 3:3 *Social Identities* 471. Rita Laura Segato, “La Argamasa Jerárquica: Violencia Moral, Reproducción del Mundo y Eficacia Simbólica del Derecho” (2003) 332 *Série Antropologia* (Brasília, Distrito Federal, Brazil), online <<http://repositorio.ciem.ucr.ac.cr/jspui/handle/123456789/150>>. Nancy

... in the neoliberal era, violence takes on particular salience, as it flows along its continuum and produces more of itself in overlapping but misrecognized forms with a directionality. And ... we need to understand the weighted directionality of the flow or else we participate in symbolic violence.¹⁹

In this work, I detailed the “weighted directionality of the flow” of “overlapping but misrecognized forms” of violence recipient women suffer while doing AUH work, namely, administrative and obstetric violence. I also pointed out the reiteration and perpetuation of violence against AUH recipients at the institutional level, which makes us participate in symbolic violence, as Bourgois (2008) pointed out. Indeed, women suffered violence while doing AUH work, and recipient women’s experiences of violence remain invisibilized and neglected in institutional discourses, including the law. There is also violence in obscuring and minimizing the violence recipient mothers suffer. When women suffer violence and seek justice mechanisms for remedy, and instead encounter more violence as State agents and society at large minimize and dismiss their claims, women are re-victimized and suffer a reiteration of institutional violence.

I learnt from my findings that when recipient women suffer administrative and obstetric violence, it is not because each individual victim has triggered a series of unfortunate events that constitute an accidental tragedy. The violence suffered by women is not just sexual, physical, or quantifiable. It affects the status of women in society and the resources available to these women; this means that violence is related to both the maladies of misrecognition and misdistribution.

Fraser, “From Redistribution to Recognition,” *supra* note 15. Nancy Fraser, “Feminist Politics in the Age of Recognition: A Two-Dimensional Approach to Gender Justice” (2007) 1:1 Studies in Social Justice.

¹⁹ Philippe Bourgois, “Neoliberal Lumpen Abuse in the 2000s: A 25 Year Ethnographic Retrospective on Violence in the Americas,” Democracy and Development, Princeton Lecture, (4 March 2008), online < http://ceas.iscte.pt/ethnografeast/papers/philippe_bourgois.pdf > at 10.

Broader structures are involved, which are not “natural;” these are constructed relationally and benefit some at the expense of many. Violence is thus a systematically construed harm. Consequently, responses to VAW should go beyond characterizing women as individual “victims” of masculinity gone berserk and training State forces to “protect” them. This work helped us interrogate who gets to live a life free of violence and who does not, why, and how.

9.4 The Law as a Messy and Contested Terrain of Living and Knowing

A crucial part of this dissertation focused on the relationships between the institution of the AUH, its recipients, and the law. Law plays a vital role because it negotiates conflicts, performs as an authoritative and expressive State-enacted discourse that establishes rights, responsibilities, and social narratives, codifies and legitimizes women’s status in society, reflects social beliefs about gender relations, and simultaneously contributes to the construction of attitudes and dogmas.²⁰ I was educated and trained in Western civil – and, to some extent, Common – law tradition, underpinned by its universality, and by its liberal and objectivity dogmas based on notions of rational choice, individualism, and abstraction.²¹ This understanding of the law is also related to the idea of the legal sphere as an autonomous sphere, which relies on the conceptual separation between the social sciences and the law.

Nevertheless, I join the growing number of scholars in Argentina, Canada, and elsewhere who highlight the direct relation between law and social practice and reject the paradigm of law as an autonomous, universal, rational, and coherent system. Instead, I adopted legal pluralism and used tools borrowed from the social sciences, IE, and SRF, to understand the law. I started with a

²⁰ I see the law as constitutive and constituting of gender identities. The law is an authoritative discourse, and it is privileged because it is regarded as “neutral.” Carol Smart, *Feminism and the Power of Law* (London: Routledge, 1989).

²¹ Miriam Bak-McKenna & Maj Grasten, “Law and Gender in Translation” (2021) 47:2 Australian Feminist Law Journal 143 at 154.

non-essentialist, a non-preconceived idea of the law, and focused on its embodied effects on people and not merely on its discursive constructions.

I learnt from my research that the law is a site of struggle and that there is contestation over its meaning and control over political language, interests, and resources. The law is fragmented, complex, and sometimes contradictory. It cannot be limited to State-enacted formal laws; informal laws substantially impact people's lives. I see the law as symbolic but also about the possession and distribution of resources and power in our societies. This study helped me understand that the law is violent in its objectifying epistemology, in how it silences particular perspectives – such as AUH recipient mothers' views – but is also meaning-creating, as it creates visions of possibilities. My findings also pointed towards the coercive aspects of the law as an instrument of domination, but the law is more than domination because informants believed in its potential as an emancipatory language. The law strives for justice but cannot be entirely just if not premised on the reconstruction of economic, social, and political power at every level. I thus see the law as necessary but not sufficient for liberation.

The law is a complex site of contingent contestation. My findings showed the complex role of the law. At times, it is characterized by the absence of women's concerns from the legal textual account – such as in the AUH Decree 1602/09. Other times, it is saturated with generous formal protections for women, such as in the Argentine legal framework that, on paper, shields women against violence and in their role as *administradas* but fails to launch in practice, such as human rights, constitutional administrative, and VAW laws detailed in section *Extending*.

Rose & Valverde (1998) explained the “hybridity of the legal complex” as “it is composed of elements with very diverse histories and logics,” progressively permeated by a diversity of non-

legal knowledge and expertise.²² Formal law was not the only logic and often had no privilege over other discourses nor capacity to prevent and punish VAW. In this dissertation, I described a disjuncture between recipient women's experiences and formal laws and between bureaucrats' knowledge and formal laws that regulate their work formally. Operators were often not aware of changes in legislation or about the existence of legislation regarding female titularity or institutional and obstetric violence. I thus added my voice to those of socio-legal feminists, who have warned us about the limits of law reform due to its neglect of structural power differentials.²³

In this study, I described informal laws (rules from below) that significantly impact recipient women's lives. The way I organized the analytical chapters was not arbitrary; I started with women's accounts and finished with the identification of legal regimes because I wanted to connect the everyday actualities of recipient women with legalistic understandings of rights from the bottom up. I was interested in understanding the law that comes from below, from the ground.

I agree with socio-legal scholars Silbey & Sarat (1987), who suggest that law cannot be separated from life practices of living and knowing.²⁴ The authors resort to the metaphor of a choir of whales. Groups of whales sing specific songs that eventually evolve into entirely different melodies. This melodic evolution occurs because each whale can independently input its innovative alteration of the musical notes to the central structure of the melody, modifying the song gradually and almost imperceptibly. With time, as whales progressively alter the base melody, it is possible to see how the song moulds and is moulded by the singing of the whales so that "individual whales transform the very totality of the whale song which has given and continues

²² Nikolas Rose & Mariana Valverde, "Governed by Law?" (1998) 7:4 *Social & Legal Studies* 541 at 543.

²³ Martha A. Fineman, "The Vulnerable Subject and the Responsive State" (2010) 60:2 *Emory Law Journal* 251.

²⁴ Susan Silbey & Austin Sarat, "Critical Traditions in Law and Society Research" (1987) 21 *Law & Society Review* 165 at 173.

to give shape and general direction to their individual action.”²⁵ This vivid and unusual metaphor refers to the from-the-ground-up perspective of the laws that shape and are being shaped by practices of living and knowing.

I described rules that come from below, such as the rule to avoid retaliation from bureaucrats that prevailed among AUH recipient women. A typical informal law among recipients was: “you must be patient, you must endure, you must not make yourself ‘hated’ by the bureaucrats.” Another norm was the one that referred to using contacts and networks who work within an institution to facilitate enrolment in the AUH process or paperwork completion; rules of responsible mothering that referred to compliance, cleanliness, and prioritization of children’s clothing and education; and the rule of not criticizing the AUH program nor focusing in its unconstitutionality (prevalent among progressive scholars and advocates of the program).

Nevertheless, I have not argued that rules from below are necessarily better than State-enacted formal laws. In fact, they can be oppressive and clash with State norms that could protect recipient women. For example, when women had relatives working at the ANSES or a friend that owed them a favour and resorted to those contacts to facilitate their AUH-related paperwork and avoid waiting in line, it frustrated the strategies and opportunities of those women who did not have a family member or friend working inside the organization. Thus, in the site I studied, I did not necessarily encounter ease, synchronization, or harmony in the formation of the law as depicted in the metaphor of harmonically singing whales. Instead, I found a cacophony, a site of fragmented, complex, overlapping, and sometimes contradictory norms.

9.5 Law as Domination, Law as Hope

²⁵ Patricia Ewick & Susan Silbey, *The Common Place of Law: Stories from Everyday Life* (Chicago: The University of Chicago Press, 1998) at 44.

I also noted this fragmented and contested aspect of the law when my findings allowed me to understand it as not just about domination because informants also understood it as a discourse of possibility that allows for a world of rights and wrongs and provides a vocabulary in the search for justice. For example, an Indigenous mother I interviewed talked about people inherently and justly “having rights” but the State failing to “give” the right to people, that is, to make those rights a reality [Anahí 00:16:57]. As Constable (2018) put it, we should not equate the law only to positive law and command because “law” also means the institution of a commonplace devoted to pursuing justice. Sylvestre (2007) explained that “law has important political consequences and tremendous symbolic power, for as long as agents believe in it and remain caught up into it.”²⁶

Indeed, in Argentina, civil society organizations, activists, and lawyers increasingly use litigation²⁷ strategically to achieve political objectives often linked to defending vulnerable populations’ economic, social, and cultural rights.²⁸ Activists in Argentina use constitutional provisions in debates to help their efforts and legitimize their claims in court proceedings.²⁹ This represents an opportunity for women’s organizations to channel their various claims through the law to promote structural changes in the desired direction. Indeed, this use of the law differs from

²⁶ Marie-Eve Sylvestre, “Policing Disorder and Criminalizing the Homeless in Montreal and Rio de Janeiro: A Critique of the Justifications of Repression in Law and Practice” (2007) Unpublished S. J. D. Dissertation (Cambridge, MA: Harvard Law School) at 395.

²⁷ Some informants referred to activist-lawyers as “*anfíbios*” [amphibians], a term they used to describe lawyers that has “one foot in tribunals and another one in the mud,” meaning they work on the field. Manzo calls them “alternative,” and Carlet (2015), “populares” [of the people]. Carlet explains that these “amphibian” lawyers combine their legal expertise with activism for the protection of human rights. Manzo adds that they “politize the legal claim,” “humanize the client,” and use the law strategically or counter-hegemonically with political goals. Mariana A. Manzo, “Identidades Profesionales: El Lugar que Ocupa el Derecho y la Política en el Ejercicio Profesional de los Abogados Activistas en Argentina” (2016) 7:15 *Direito e Práxis* 175. Flávia Carlet, “Advocacia Popular: Práticas Jurídicas Contra-Hegemônicas no Acesso ao Direito e à Justiça no Brasil” (2015) 6:10 *Direito e Práxis* 377. Andrés Scharager, “Judicialización y Política en un Proceso de Relocalización: Estrategias y Discurso de la Defensa Pública de Buenos Aires” (2019) 10:2 *Revista Direito e Práxis* 846.

²⁸ Scharager, *supra* note 8. Catalina Smulovitz, “La Política por Otros Medios. Judicialización y Movilización Legal en la Argentina” (2008) 48 *Desarrollo Económico* 287.

²⁹ Priscilla Lambert & Druscilla Scribner, “Constitutions and Gender Equality in Chile and Argentina” (2021) 13 *Journal of Politics in Latin America* 219 at 235.

being pulled by the legal and judicial machinery in cases imposed upon them in situations where they suffer violence. Thus, the law is one of those structural factors that constraint the lives of the poor, and simultaneously, it can be used by those who are marginalized as an instrument to resist, either by using it counter-hegemonically to achieve social justice ends or by resorting to informal laws that relate to mitigation, survival, and adaptation strategies, such as the norm to avoid bureaucratic retaliation.

The law would thus end up being used as an interpretive instrument, a horizon of aspirations of the actors, and a compass with which they conduct themselves in the face of conflict.³⁰ Indeed, the law can sometimes be a tool of dominance, a coercive force of the State, and a means for the powerful to use to protect their interests. However, the findings from this study allowed me to arrive at a more nuanced conception of the law because informants also understood it as an instrument for change. In its multiple manifestations, the law is a powerful transmitter of symbolic messages that can make unjust situations visible and denaturalize them. Although the law is often the illustration of a dynamic of forces in society that sustain the status quo, it can also be used to combat the state of affairs when identified as unjust. Law is a vital tool for constructing symbolic and material situations that are more favourable to the marginalized. Thus, it is vital to recognize the importance of the law for some people who use it and understand it as an instrument for change. As Baxi (2008) eloquently put it, for

the hundreds of millions of the ‘wretched of the earth,’ human rights enunciations matter, if at all, as and when they provide, even if contingently, shields against torture and tyranny, deprivation and destitution, pauperization, and powerlessness, de-sexualization and degradation.³¹

³⁰ Scharager, *supra* note 8.

³¹ Upendra Baxi, *The Future of Human Rights*, 3rd Ed (New Delhi: Oxford University Press, 2008) at 7.

I had arrived on the field with a standpoint that problematized the human rights discourse. On paper and from the standpoint of legal pragmatics, human rights might seem to be working well. These rights have been developed as a rules-based regimen that provides legalized forms of dispute resolutions and a complex system of multilateral treaties that enact and incorporate through their domestic law, such as in Argentina's case. As the story goes, human rights law offers necessary legal guarantees for protecting the wellbeing and choices of people as counter-hegemonic order that guards against the ills of neoliberalism through the enactment of socio-economic rights and a focus on development with a human face. A more complete picture about the reach of legality arises when we start to think about who gets to live a safe life, against which ills, and whose lives and aspirations are valued and whose are not.

However, this study's findings allowed me to show different facets of the law, problematizing my pre-conceived problematizations of the law. On the one hand, it can mean domination, coloniality, and erasure, as the State "imposes its interpretations and its appropriations (of physical and symbolic power),"³² reproducing structures of colonial domination and unequal distribution of power, an aspect of the law intensely problematized within legal sociology and anthropology.³³ The law is an authoritative instrument of epistemic power,³⁴ attempts to homogenize narratives and standardize experiences,³⁵ maintains the division between the private and the public and the gender division of labour, emphasizes legal strategies as the most relevant

³² Elizabeth Mertz, "Legal Language: Pragmatics, Poetics, and Social Power" (1994) 23:1 Annual Review of Anthropology 435 at 441.

³³ Laura Nader, "The Anthropological Study of Law" (1965) 67:6 American Anthropologist 3. Jean Comaroff, *Body of Power, Spirit of Resistance: The Culture and History of a South African People* (Chicago: University of Chicago Press, 1985). Rosemary J. Coombe, "The Properties of Culture and the Politics of Possessing Identity: Native Claims in the Cultural Appropriation Controversy" (1993) 6:2 Canadian Journal of Law & Jurisprudence 249.

³⁴ Bak-McKenna & Grasten, *supra* note 21.

³⁵ Ziya Umut Türem & Andrea Ballesterio, "Regulatory Translations: Expertise and Affect in Global Legal Fields" (2014) 21:1 Indiana Journal of Global Legal Studies 1 at 23.

discourse for social justice and obscures other “emancipatory vocabularies,”³⁶ focuses on the enlargement of the legal apparatus rather than actual alleviation, positions the State at the heart of the emancipatory process³⁷ narrowing the frame of options that might serve humanity, and promotes specific problematic ideas such as the European-centric view of the supposed objectivity, rationality, neutrality, and universal validity of its claims.³⁸ On the other hand, the law can also provide a space and vocabulary for resistance that challenges hegemonic power structures and through which change can occur. Indeed, the law provides a public space for truth testing through disclosures and dialogue concerning contested events. It facilitates dialogue by considering, rejecting, or incorporating diverse viewpoints, encouraging listening and deliberation. It is a way for the destitute and marginalized to voice their concerns.

I argued that the best way to address VAW – specifically obstetric and administrative violence but not excluding other types of VAW – is thinking about it in terms of a broader continuum related to structures of inequality, and thus, prevention and the transformation of the socio-economic system are the best ways to address such violence. Because VAW is multifaceted and complex, strategies to combat it must also be multifaceted and complex: we must address it on several fronts. For example, such strategies should involve education, legal literacy, and training State agents to be more aware of gender stereotypes and stigmas. One of the fronts in the fight against VAW also involves the “punishment” of VAW acts, including the violence perpetrated by State agents and representatives.³⁹ In this dissertation, I did not focus on the

³⁶ Ratna Kapur, “Revisioning the Role of Law in Women’s Human Rights Struggles” in Saladin Meckled-García & Basak Çali, eds, *The Legalization of Human Rights: Multidisciplinary Perspectives on Human Rights and Human Rights Law* (London: Routledge, 2005) at 98-99.

³⁷ *Ibid.*

³⁸ Bak-McKenna & Grasten, *supra* note 21 at 159.

³⁹ Organization of American States [OAS], *The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women [Belem do Pará]* 9 June 1994, [entry into force 5 March 1995 and ratified by Argentina on 9 April 1996], online < <https://www.oas.org/juridico/english/treaties/a-61.html>>.

prosecution of VAW. Generally speaking, I am in favour of less rather than more criminalization for various reasons: it tends to backfire to oppress already marginalized communities who are over-represented in the criminal law system; punishment is triggered once the harm has already been produced; and it distracts us from addressing complex structural issues rather than individualizing the harm as a problem of “masculinity gone berserk.” However, it does not mean that punishing and seeking accountability for acts of VAW, including those perpetrated by the State through its representatives and agents, is not important. Quite the contrary, accessing and seeking justice is significant for survivors.

DeGuzman (2011) argued that international courts should prioritize prosecuting gender crimes.⁴⁰ The most traditionally cited justifications for the prosecutory use of the law are retribution, deterrence, restorative justice, and expressivist theories.⁴¹ Retribution focuses on the level of blameworthiness of the perpetrator but fails to explain the – socially constructed, not naturally given – level of gravity socially assigned to a “harm,” which will impact the defendant’s culpability.⁴² As long as women’s experiences of violence remain underestimated in our societies, legal considerations of the gravity of violent acts done to women will also be neglected. Based on a simplistic economic formula, the deterrence paradigm ⁴³ assumes that the “rational” decision to commit a crime of VAW depends on the punishment’s severity and arrest likelihood. This view fails to explain why a society assigns greater importance to investigating certain crimes but not VAW.⁴⁴ Restorative justice theories involve victims and offenders healing harm collaboratively. However, as I hinted before, criminal law comes into action once the harm has been produced and

⁴⁰ Margaret M. deGuzman, “Giving Priority to Sex Crime Prosecutions: The Philosophical Foundations of a Feminist Agenda” (2011) 11 International Criminal Law Review 515 at 528.

⁴¹ *Ibid* at 520.

⁴² *Ibid* at 521.

⁴³ *Ibid* at 523-524.

⁴⁴ *Ibid* at 523-524.

restoring it is impossible. However, a restorative approach is helpful for reparations, record building,⁴⁵ facilitating the healing for survivors and dialogue, and combating the socio-cultural stigma VAW acts carry.⁴⁶

This study's findings, as expressed through informants' narratives, point towards expressive theories of law, which are the most complex and convincing, in my opinion.⁴⁷ This notion relates to law's "legal meanings" as socially constructed and as a communicative practice that "foreground[s] dynamics and hierarchies of representation, knowledge and power."⁴⁸ Law has a "messaging" function that conveys respect or lack thereof for essential values. It thus serves as an instrument for social change, allowing for normative evolution, and thus, it is a "significant promise for social justice."⁴⁹ Thus, the investigation and sanctioning of VAW must be enforced because acts of VAW encapsulate discriminatory disrespect for AUH mothers and have distributional consequences, affecting the resources these women can access.

9.6 Beyond Law Reform

Finally, I would like to emphasize that it would be naïve to believe that law reform and the human rights discourse are the ultimate languages of liberation. The human rights paradigm dazzles us with its promises of liberation⁵⁰ but ultimately cannot change capitalism's structures. Legal recognition of women's rights is not a standalone solution. As Carol Smart (1994) warned, there

⁴⁵ Antonio Cassese, "On the Current Trends Towards Criminal Prosecution and Punishment of Breaches of International Humanitarian Law" (1998) 9 Eur. J. Int'l L. at 2-5.

⁴⁶ DeGuzman, *supra* note 40 at 527.

⁴⁷ Cass R. Sunstein, "On the Expressive Function of Law" (1996) 144 University of Pennsylvania Law Review at 2021.

⁴⁸ Bak-McKenna & Grasten, *supra* note 21 at 145.

⁴⁹ Doris Buss, "Performing Legal Order: Some Feminist Thoughts on International Criminal Law" (2011) 11 International Criminal Law Review 409 at 412.

⁵⁰ "In truth that which you call freedom is the strongest/of these chains, though its links glitter in the sun/and dazzle your eyes." Kahlil Gibran, "On Freedom," in Suheil Bushrui, ed, *The Prophet* (London: OneWorld Publications, 2012). Cited by Ratna Kapur, *Gender, Alterity and Human Rights: Freedom in a Fishbowl* (Edward Elgar Publishing Ltd, 2018) at Chapter 1.

has been an increasing awareness of how insufficient and disappointing the victory in efforts to reform the laws is.⁵¹ In this sense, I also agree with Sylvestre (2007) that law reform is insufficient because cultural practices significantly affect it.⁵² However, this is not to say the law is not important and to outright discount its value; such would be an utterly arrogant and dismissive posture, as informants believe in the rights discourse and its emancipatory potential; it gave them hope and it provided them with a language they could use to frame their claims. However, I agree with Fucito (2003) that the factors and conditions that will allow everyone to access and achieve justice are beyond those permitted by the structures of capitalism.⁵³ In the fight against poverty, marginalization, inequality, and lack of access to justice, one of the best ways to address these social ills and build the poor's capacity to resist capitalist exploitation is to push for decommodification of social services toward universal forms of social protection.

9.7 Creating Cracks in the System

How can we improve the lives of AUH recipients? How can we create more cracks in the system? Lenin's question, "What is to be done?" is never effortlessly answered. I have drawn some ideas from fieldwork that could be useful for policymakers, political groups, or organizations to improve the lives of recipient women. Of course, this dissertation is in the form of a critique and not of prescription. Thus, I will only sketch them as general suggestions, which require more comprehensive debates and further investigation and are beyond this dissertation's boundaries. Namely, I suggest: removing the conditionalities of the AUH program; struggling for decommodification of social services focusing on the supply side of providing universal and essential services; socializing reproductive labour (that is, placing care as central to the agenda);

⁵¹ Carol Smart, *Law, Crime and Sexuality. Essays in Feminism* (London: Thousand Oaks; Nueva Deli: Sage Publications, 1994) at 146.

⁵² Sylvestre, *supra* note 26.

⁵³ Felipe Fucito, *Sociología del Derecho, 2nd Ed* (Editorial Universidad, 2003) at 289.

struggling for resources to be produced and managed collectively; strengthening civil society organizations and unions; fighting for Indigenous communities self-determination; and enforcing and implementing the progressive VAW legal framework. I also suggest struggling with a perspective of transition on a multicity of fronts to decrease the stigmatizing edges of the AUH, improve the lives of recipients, and fight VAW, namely by: opposing privatization; providing a basic income; humanizing the wait by providing welfare recipients access to public offices and spaces with dignity and safety; ensuring free legal aid and representation for poor women; ensuring women understand the objectives of the program; creating mechanisms to report violence anonymously; embracing qualitative research to understand gender relations; training State operators in gender and diversity, GBV, prior and informed consent, and women's rights from an intersectional perspective; and investigating and persecuting acts of administrative and obstetric violence, specifically those acts of violence perpetrated by the State agents and representatives, indicating that violence is unacceptable and that perpetrators will be held accountable.

In contrast to the standardizing and abstracting effect of institutions and their authoritative texts, including the law, recipient women's experiential narratives reveal complexities, corporality, nuances, and contradiction. While it is true that institutions such as the ANSES and the health care apparatus cannot possibly capture the multiplicity and intricacy of recipient women's experiences, they should be ready and willing to listen to recipient women's voices. As Liew (2020) put it, "more work needs to be done to include voices from the margins."⁵⁴

In the narratives of the women I interviewed are many solutions for State institutions to improve access to quality social services and justice and to craft a society that values social reproductive labour.

⁵⁴ Jamie Chai Yun Liew, "The Invisible Women: Migrant and Immigrant Sex Workers and Law Reform in Canada" (2020) 14:21 *Studies in Social Justice* 90 at 104.

9.7.1 Eliminating Conditionalities

First, I suggest getting rid of AUH conditionalities. The AUH is crucial for recipients to alleviate their poverty and works as a safety net in cases of crisis and precariousness. Indeed, informants explained they “would die” (starve to death) if they stopped receiving the stipend. However, I have argued that the conditionalities are unilateral, paternalistic, unjust, unnecessary, backed by inconclusive research and flawed assumptions, in violation of recipients’ human rights, “pernicious, politically abominable, economically superfluous, and morally atrocious.”⁵⁵ Thus, I am not advocating for removing the transfers but for removing the conditions attached.

The popularity of imposing conditions to aid is not dissipating. On the contrary, conditional aid to change the behaviour of the poor is growing among governments, NGOs, humanitarian aid organizations, research entities, and philanthropists. For instance, in the Dominican Republic, *Fundación Capital* is piloting a CCT program intending to scale up, which combines education and savings in community-based banks.⁵⁶ The Managing Director of *Habitat for Humanity* proposes implementing a CCT to “empower families to build their dream home.”⁵⁷ Some others not only advocate the conditional aspect of CCTs but also suggest reducing the monetary size of the transfer to increase girls’ school attendance in Sub-Saharan Africa and make the stipend more

⁵⁵ Nicholas Freeland, “Superfluous, Pernicious, Atrocious and Abominable? The Case Against Conditional Cash Transfers” (2007) 38 3 IDS Bulletin, Institute of Development Studies.

⁵⁶ Jong Hyon Shin, Fundación Capital Dominican Republic, “Going to Scale Savings Groups, Conditional Cash Transfers, and Financial Inclusion” (September 3-5, 2014) 17th Microcredit Summit. Merida, Mexico. The SWEEP Network (17 February 2015), online <<https://seepnetwork.org/Webinar-Post/scaling-savings-conditional-cash-transfers-savings-groups>>.

⁵⁷ Rajan Samuel, The Times of India, “Conditional Cash Transfer Model Can Empower Families to Build their Dream Home through Subsidy from PMAY and CSR Grants” (5 December 2022), online <<https://timesofindia.indiatimes.com/blogs/voices/conditional-cash-transfer-model-can-empower-families-to-build-their-dream-home-through-subsidy-from-pmay-and-csr-grants/>>.

“cost-effective,” based on research conducted on Malawi’s CCT.⁵⁸ Quite the contrary, I believe the amount of the AUH stipend should be increased and be able to keep up with rampant inflation.

The findings from this study showed that recipient women substantially performed the behaviours required by the conditionality. Recipient mothers spend time and labour complying with the verification of the conditionality, even though they already assign much importance to the education of their children and spend countless hours a day helping them comply with homework, such as illustrated by Lilen, who spends more than six hours daily helping her children with schoolwork. This means that the conditionalities do not seem to have incentivized a change of behaviour and are redundant, costly, and useless. The *verification* of compliance with conditionalities costs recipient women. This compliance relied on women’s unpaid labour and increased their burdens so that poor mothers’ “free” work subsidized the cost of implementing the AUH. Verifying the conditionalities costs women many hours of work, waiting, risking their wellbeing and safety, sacrificing sleeping hours, and paying for services necessary to verify the conditionality out of their pockets (paying to get an appointment online, forms, and transportation). Recipient women described being overburdened and having no leisure time. Thus, this work found that the AUH often reifies inequalities instead of rectifying them.

The AUH increases the number of encounters of recipient women with the State and supposedly incentivizes these mothers to use public services. These services – such as health, education, and identity registration – are of low quality and difficult to access for recipient women. When recipient women tried to access these services – both to comply with the conditionality and to verify it – they experienced administrative and obstetric violence from State agents. AUH

⁵⁸ Craig McIntosh, Sarah Baird, Berk Özler, Ephraim Chirwa & Richard Garfein, “ The Impact of Cash Transfers on the Educational Attainment, Sexual Behavior, and HIV Status of Adolescent Girls in Malawi” (2007-2012) J-PAL Africa, Evaluation, online <<https://www.povertyactionlab.org/evaluation/impact-cash-transfers-educational-attainment-sexual-behavior-and-hiv-status-adolescent>>.

conditionalities are implemented in a social reality marked by inequalities and power differentials; the coercive exercise of authority allows those with more power to dictate over and subordinate those with less through mistreatment, dismissals, complaints of irresponsible motherhood, threats of suspensions and withdrawal, and retaining recipients' money. Moreover, in practice, there were no effective mechanisms of accountability, redress, and remedy of the violence women suffered. Thus, recipient mothers endured: they waited patiently, strived to accept the reality of the system, running from one institution to another, uncertain of any checks imposed upon the power of State agents, AUH requirements, how much money they are supposed to cash, about the objectives of the program, or reasons for suspension or withdrawal.

Imposing conditions on the AUH program facilitates violence against recipient women. As Cookson (2018) eloquently put it, “[c]onditions ... in the context of deep social and political inequities give the more dominant groups unchecked power over subordinate groups.”⁵⁹ Conditions are unjust and inefficient in the environment of delays in delivering social services, where the government does not have a solid administrative capacity to assist recipients who face severe challenges in accessing free-of-cost, high-quality social services. The conditionalities that refer to education make no sense in the context of relatively high school enrolment rates, as in the case of Argentina. Even when health services are officially “free,” recipient women described having limited access to health services and experiencing obstetric violence and abuse; thus, women travelled to distant places and spent their limited income on private health services to avoid bad-quality services and violence. Conditionalities drain households' resources as poor mothers seek to comply, even though they receive a meagre stipend. Finally, conditionalities are in clear violation of the indivisibility and universality of human rights and contravention of articles 22, 23

⁵⁹ Tara Patricia Cookson, *Unjust Conditions: Women's Work and the Hidden Cost of Cash Transfer Programs* (Oakland, CA: University of California Press, 2018).

and 25 of the Universal Declaration of Human Rights, which refer to the right to social security, to social protection, and to “security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood,” respectively.⁶⁰

9.7.1.1 Unconditional Cash Transfers (UCTs) and Universal Basic Income (UBI)

I, therefore, suggest removing the conditions from cash transfers, but what about providing cash without no conditions attached? Two distributive social policies that do not attach conditionalities are Unconditional Cash Transfers (UCTs) and Universal Basic Income (UBI). Both policies differ from CCT policies, and developing each deserves an entirely different dissertation. With that consideration in mind, I will briefly delineate these two policies.

Unconditional transfers provide cash to people below some poverty levels – they are targetted programs – without being premised on behavioural change requirements, unlike CCTs. Many countries, especially in Sub-Saharan Africa, have implemented UCTs because the accessibility of services, quality, and administrative capacity of the State is low.⁶¹ UCTs have been similar to CCTs in terms of effectiveness regarding increased household consumption and service uptake,⁶² and they have reduced child marriages, improved educational attendance, and prevented early pregnancies.⁶³ For instance, a UCT in Malawi has shown to be more effective than a CCT program in helping families overcome obstacles as they could decide how to spend the stipend

⁶⁰ *Universal Declaration of Human Rights*, 10 December 1948, General Assembly Resolution 217A (III), UN Doc. A/810.

⁶¹ Freeland, *supra* note 55.

⁶² Marie Gaarder, “Conditional versus Unconditional Cash: a Commentary” (2012) 4:1 *Journal of Development Effectiveness* 130.

⁶³ Evelyn L. Forget, Alexander D. Peden & Stephenson B. Strobel, “Cash Transfers, Basic Income and Community Building” (2013) 1:2 *Social Inclusion* 84.

with fewer constraints.⁶⁴ There is evidence from the cases of South Africa,⁶⁵ Marruecos,⁶⁶ and the Namibian BIG program,⁶⁷ which shows how unconditional cash transfers positively impacted the education and health of children. A systematic review of cash transfers shows that both conditional and unconditional cash transfers improved schooling rates without a statistically significant difference between both types of transfers.⁶⁸

Currently, more than one hundred countries are executing a UCT program.⁶⁹ UCTs are also increasingly changing the composition of social protection programs in humanitarian and natural-disaster response settings in recent years; in 2020, part of humanitarian assistance was distributed via United Nations-led response cash transfers, which provided US \$1.7 billion globally.⁷⁰ UCTs are preferable to CCTs as they reduce administrative costs, decrease bureaucratic abuses of power, and reduce the exploitation of women and the violence to which recipient mothers are exposed when verifying compliance with conditionalities. UCTs may also reduce the stigma of accusations of irresponsible motherhood that recipient mothers endure since there is less control over poor mothers' behaviours and, therefore, less stigmatization.

⁶⁴ Forget, *supra* note 63.

⁶⁵ Michael Samson, Ingrid van Niekerk & Kenneth Mac Quene, *Designing and Implementing Social Transfer Programmes*, 2nd Ed (UK: by Economic Policy Research Institute, 2010), online < <http://epri.org.za/wp-content/uploads/2016/07/Designing-and-Implementing-Social-Transfer-Programmes-EPRI.pdf>>.

⁶⁶ Najy Benhassine, Florencia Devoto, Esther Duflo, Pascaline Dupas & Victor Pouliquen, "Turning a Shove into a Nudge?" (2015) 7:3 *American Economic Journal: Economic Policy* 86.

⁶⁷ Jamie Peck & Nik Theodore, "On the Global Frontier of Post-Welfare Policymaking: Conditional Cash Transfers as Fast Social Policy," in Philipp Sandermann, ed, *The End of Welfare as We Know it? On the Global Frontier of Post-Welfare Policymaking: Conditional Cash Transfers as Fast Social Policy* (Verlag Barbara Budrich, 2014) at 65.

⁶⁸ Sarah Baird, Francisco H.G. Ferreira, Berk Özler & Michael Woolcock Conditional, "Unconditional and Everything in Between: A Systematic Review of the Effects of Cash Transfer Programmes on Schooling Outcomes" (2014) 6:1 *Journal of Development Effectiveness* 1.

⁶⁹ Onur Altındağ & Stephen D. O'Connell, "The Short-Lived Effects of Unconditional Cash Transfers to Refugees" (2023) 160 *Journal of Development Economics* 102942.

⁷⁰ United Nations High Commissioner for Refugees, 2021. Cited by Onur Altındağ & Stephen D. O'Connell, "The Short-Lived Effects of Unconditional Cash Transfers to Refugees" (2023) 160 *Journal of Development Economics* 102942.

UBI is a recurring cash transfer paid universally and unconditionally to all inhabitants in a jurisdiction; it requires no means-testing and attaches no conditions.⁷¹ Standing (2011) advocates establishing a UBI besides any other income received. The stipend amount would be sufficient for a person to survive while persuading individuals to participate in economic activity. This policy would primarily benefit the most marginalized, which Standing calls “the precariat.”⁷² Activists and politicians from opposite sides of the political spectrum have advocated for a UBI that is not dependent on employment conditions in the last decade.⁷³ Conservatives focus on the UBI as the least bad option to minimize dependence on the labour market, eliminating targeted welfare programs while leaving the provision of State services – such as health and education – at the hands of the market.⁷⁴ UBI advocates from the left focus on the program’s potential to achieve social rights and propose adding it to current welfare programs and the public provision of education and health services – not dismantling other social policies.⁷⁵

A UBI may reduce welfare stigma as every resident would receive the universal and unconditional transfer. The poor would use it to alleviate their poverty and as a safety net; the middle and upper classes would not consider it significant but would spend it back into the economy.⁷⁶ An example of this measure was The Ontario Basic Income Pilot (OBIP), set up in

⁷¹ Lee Soomi, “Politics of Universal and Unconditional Cash Transfer: Examining Attitudes Toward Universal Basic Income” (2021) 16:2 Basic Income Studies 191-208.

⁷² Guy Standing, “Behavioural Conditionality: Why the Nudge Must Be Stopped – An Opinion Piece” (2011) 19 Journal of Poverty and Social Justice 27.

⁷³ Milton Friedman, *Capitalism and Freedom* (Chicago: University of Chicago Press, 1962). Philippe Van Parijs, *Arguing for Basic Income: Ethical Foundations for a Radical Reform* (London: Verso, 1992). André Gorz, *Reclaiming Work: Beyond the Wage-Based Society* (Cambridge: Polity Press, 1999). Guy Standing, *Beyond the New Paternalism: Basic Security as Equality* (London: Verso, 2002). Michael Munger, “Editor’s Introduction. The Basic-Income Debate” (2015) 19:4 The Independent Review 485, online <http://www.independent.org/pdf/tir/tir_19_04_01_munger.pdf>. Andy Stern, *Raising the Floor: How a Universal Basic Income Can Renew Our Economy and Rebuild the American Dream* (Canada: Public Affairs, 2016).

⁷⁴ Munger, *supra* note 73.

⁷⁵ Laura Cecilia Porras Santanilla, “‘Viviendo del Rebusque’: A Study of How Law Affects Street Rebuscadores in Bogotá” (2018) Doctoral Dissertation, Faculty of Law, University of Ottawa.

⁷⁶ Cookson, *supra* note 59.

2017 as a short-lived experiment that ended in 2018 when the elected Conservative government cancelled it.⁷⁷ Benefits continued to be paid to recipients enrolled in the experiment until March 2019, but research activities related to the program were ended immediately. Finland implemented another often-cited basic income experiment from 2017 to 2018.⁷⁸ It consisted of a transfer of € 560 euros per month. According to data analysis, recipients had no more or fewer opportunities of finding employment and reported better wellbeing than those in the control group, including fewer health problems, reduced stress, higher ability to concentrate, more hope for the future, and more trust in their ability to make a social impact.⁷⁹

Both UCTs and UBI are more socially just programs than CCTs. They do not rely on discourses of empowerment and self-help nor discourses that rely on the labour market. They offer a solution to automation in the economy,⁸⁰ fluctuations and precarity of waged labour, humiliations attached to welfare, the technocratic and obsolete State bureaucracies, and clientelistic relations. Ferguson (2015) advocates for a distributive policy consisting of a payment framed as “a rightful allocation due to a rightful owner,”⁸¹ not as a payment for wages, for behaviour change, or a handout. Cookson (2018) agrees with Ferguson and believes that “a rightful share has compelling implications, especially if we consider it in relation to unpaid care.”⁸² The author explains that a universal income could provide the basis for a more caring society and would be a helpful

⁷⁷ Michael Mendelson, “Lessons from Ontario’s Basic Income Pilot” (2019) Maytree Report, online <<https://maytree.com/wp-content/uploads/Lessons-from-Ontario%E2%80%99s-Basic-Income-Pilot.pdf>>.

⁷⁸ Olli Kangas, Signe Jauhiainen, Miska Simanainen & Minna Ylikännö, “The Basic Income Experiment 2017-2018 in Finland. Preliminary Results” (2019) Ministry of Social Affairs and Health, Helsinki, online <https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/161361/Report_The%20Basic%20Income%20Experiment%2020172018%20in%20Finland.pdf?sequence=1&isAllowed=y>.

⁷⁹ Kangas, Jauhiainen, Simanainen & Ylikännö, *supra* note 78 at 30.

⁸⁰ Cookson, *supra* note 59.

⁸¹ James Ferguson, *Give a Man a Fish: Reflections on the New Politics of Distribution. The Lewis Henry Morgan Lectures* (Duke University Press, 2015) at 178.

⁸² Cookson, *supra* note 59.

experiment.⁸³ I understand Ferguson's (2015) and Cookson's (2018) arguments and believe that their suggestions are a step forward in the right direction; however, the proposal of a "rightful allocation [payment] due to a rightful owner"⁸⁴ is a necessary for not a sufficient measure.

As DeVore (2018) argued, individuals may be able to claim a "rightful share," but that does not mean that they can directly control over means and sites of reproduction and production. Moreover, a "rightful share" would depend on the political mood, workings of the State bureaucracy, and macroeconomic imperatives. It would not change global structures whereby a minority controls the wealth and resources.⁸⁵ In Fraser's words, and as with CCTs, the "rightful share," UTCs and the UBI – no matter how radical compared to other programs – is still an affirmative remedy for social injustices because it does not challenge the core political and economic structure.⁸⁶ They are based on the fantasy that the complete eradication of poverty is an attainable goal that can be eventually achieved through human capital investment without any transformation in the present system of accumulation and dispossession and the redistribution of wealth and power. Poverty does not exist independently of processes of violence and exploitation that allow for the accumulation of wealth in the hand of a few.

9.7.2 Towards Decommodification and the Socialization of Reproductive Labour

In this work, I highlighted the importance of decommodification of social services. Esping-Andersen (1990) defined decommodification as the degree to which we can uphold a socially acceptable standard of living independent of market participation.⁸⁷ It would increase the provision

⁸³ Cookson, *supra* note 59.

⁸⁴ Ferguson, *supra* note 81 at 178.

⁸⁵ Jonathan DeVore, "From Affirmative to Transformative Distributive Politics," in Maria Elisa Balen & Martin Fotta, eds, *Money from the Government in Latin America. Conditional Cash Transfer Programs and Rural Lives* (London: Routledge, 2018) at 198.

⁸⁶ Nancy Fraser, "From Redistribution to Recognition? Dilemmas of Justice in a 'Postsocialist' Age," in *Justice Interruptus* (New York: Routledge, 1997).

⁸⁷ Gøsta Esping-Andersen, *The Three Worlds of Welfare Capitalism* (Princeton, N.J.: Princeton University Press, 1990)

and quality of public goods, expand social protection, undermine market hegemony, raise the capacity of working classes for self-organized activity, reveal the market's actual social costs and consequences, promote social collaboration, and help take economic and social rights seriously by focusing on the supply-side of provision.⁸⁸

Another of my suggestions highlights the importance of rectifying the inequalities created by the sexual division of labour by socializing reproductive labour with emancipatory and inclusive measures that focus on the reassessment, redistribution, and reduction of the inequitable reproductive labour that women perform. Social reproduction labour must be re-imagined and reorganized beyond the hierarchies of gender, race, class, geopolitical location, and level of education, among other lines of oppression. The Covid-19 pandemic crisis explicitly showed how social reproduction labour is a critical, intense, and unrelenting problem under capitalism. There must be a re-evaluation of women's contributions, which begins with recognizing women's social reproductive work outside the labour force. That acknowledgement must promote a redistributive restructuring that considers the invisible social costs of markets and social policies and the unjust reliance on poor recipient mothers' unpaid labour.⁸⁹ In the absence of serious discussion about "the underlying structures of constraint that give these inequalities the systemic character and the persistence over time,"⁹⁰ much of the debate about "female empowerment" remains a fantasy.

⁸⁸ John Vail, "Decommodification and Egalitarian Political Economy" (2010) 38:3 *Politics & Society* 310. Zehra F. Kabasakal Arat, "Feminisms, Women's Rights, and the UN: Would Achieving Gender Equality Empower Women?" (2015) 109:4 *American Political Science Review* 674. Caren Grown & Gita Sen, *Development, Crises and Alternative Visions: Third World Perspectives* (New York: Monthly Review Press, 1987). Susan J. Spronk, "Covid-19 and Structural Inequalities: Class, Gender, Race and Water Justice," in David A. McDonald, Susan J. Spronk & Daniel Chavez, eds, *Public Water and Covid-19: Dark Clouds and Silver Linings* (Kingston, Amsterdam, Buenos Aires: Municipal Services Project, Transnational Institute and Latin American Council of Social Sciences [CLACSO]), 2020.

⁸⁹ Iris Young, "Unruly Categories: A Critique of Nancy Fraser's Dual Systems Theory" (1997) 222 *New Left Review* 147 at 159.

⁹⁰ Naila Kabeer, "Women's Economic Empowerment and Inclusive Growth: Labour Markets and Enterprise Development" (2012) SIG Working Paper, International Development Research Centre, Ottawa.

A “transformative remedy” for emancipation would change the fundamental economic structure, universalize social protection, eliminate the division of labour, and socialize social reproduction and care work. The re-socialization of practices and responsibilities of care is a key “transformative remedy” if women are to be empowered,⁹¹ and simultaneously, it is a strategy of both recognition and redistribution. As Tronto (1993) beautifully put it, “the world will look different if we move care from its current peripheral location to a place near the centre of human life.”⁹² Bhattacharya (2013) suggested that the Nordic countries – with high levels of gender equality – and their strong welfare states that balance social reproduction and other work are excellent sources of inspiration.⁹³ They offer social policies that combine productive and social reproductive work “with universal access to free health care and public education for all,” ensuing collective participation in care, a fairer distribution of labour within the household, more participation of women in the workplace, and a healthier lifestyle for all.⁹⁴

Cuts in public services, the privatization of health, education, care, and social protection services and pressures on women to economically provide for their families are significant burdens on poor women. It is essential to recognize that the Argentine State has taken commendable steps to recognize women’s unpaid carework, such as the *Comprehensive Program for the Recognition of Periods of Service for Care Work* that allows women who performed social reproduction tasks to retire.⁹⁵ Through its *Women, Genders, and Diversity Ministry*, the Argentine State works on

⁹¹ Sylvia Chant, “The ‘Feminisation of Poverty’ and the ‘Feminisation’ of Anti-Poverty Programmes: Room for Revision?” (2008) 44:2 *Journal of Development Studies* 165 at 182.

⁹² Joan C. Tronto, *Moral Boundaries: A Political Argument for an Ethic of Care* (Routledge, New York: 1993).

⁹³ Tithi Bhattacharya, “Measuring Gender Inequality” (4 November 2013) *Socialist Worker*, online <<https://socialistworker.org/2013/11/04/measuring-gender-inequality>>.

⁹⁴ *Ibid.*

⁹⁵ ANSES, “Recognition of Contributions for Caregiving Tasks,” online <<https://www.anses.gob.ar/reconocimiento-de-aportes-por-tareas-de-cuidado>>.

four pillars to recognize women's unpaid work.⁹⁶ It created an *Interministerial Roundtable on Care Policies* to plan integrated, federal, and multisectoral policies around carework, composed of fifteen national agencies and ministries, including ANSES. A *Federal Care Map* was also created, with the support of the ECLAC, which provides information on institutions that provide public, private, or community-based care. The Argentine State implemented the *National Campaign Caring in Equality* to promote awareness on the right to care and to receive care, and to sustain the formulation of public policies. The State also created the *Drafting Commission for a Preliminary Draft Law for a Comprehensive Care System with a Gender Perspective* through Resolution 309/2020,⁹⁷ comprised of care experts charged with developing a preliminary draft bill for the enactment of a *Comprehensive Care System Law* with a gender perspective. I agree with feminist academics who have argued that care is crucial for feminist thinking.⁹⁸ Care is more than feelings of mutuality, collectivity, a change of paradigm towards the wellbeing of others, emotional labour, interpersonal intelligence skills, or a cash stipend.⁹⁹ As recipient women's accounts in this dissertation have illustrated, it requires accessible, free-of-cost, and high-quality essential services such as health care and education to recognize and compensate for the work of those who care for others.

Overcoming the subjugation of reproduction to production, re-thinking the gender division of labour, and deconstructing and redevising the production-reproduction division is no small

⁹⁶ Mesa Interministerial de Políticas de Cuidado, "Hablemos de Cuidados: Nociones Básicas hacia una Política Integral de Cuidados con Perspectiva de Géneros" (July 2020), online <<https://www.argentina.gob.ar/sites/default/files/mesa-interministerial-de-politicas-de-cuidado3.pdf>>.

⁹⁷ Ministerio de las Mujeres, Géneros y Diversidad, Resolution 309/2020 RESOL-2020-309-APN-MMGYD (28 November 2020), online <<https://www.boletinoficial.gob.ar/detalleAviso/primera/236710/20201030>>.

⁹⁸ Maria Puig de la Bellacasa, *Matters of Care: Speculative Ethics in More than Human Worlds* (Minneapolis: University of Minnesota Press, 2017).

⁹⁹ *Ibid.*

feat.¹⁰⁰ However, nothing short of it could be genuinely emancipatory. Fraser (2017) explained that “this crisis will not be resolved by tinkering with social policy. The path to its resolution can only go through deep structural transformation of this social order.”¹⁰¹ It is insufficient to “empower” poor women by integrating them into existing structures. Instead of talking about “empowerment,” a more honest and meaningful notion is that of “emancipation” because it seeks to abolish the structural fundamentals of exploitation and oppression, such as patriarchal capitalism, heteronormativity, racism, and colonialism.¹⁰²

9.7.3 There is Strength in “Transition”

The change necessary to abolish the foundations of colonial hetero-patriarchal capitalism will not happen overnight. As we think about the shift from imposing conditions to cultivating conditions for decommodification, we must struggle with and think about transition. If I do not believe in abrupt and dramatic one-shot change, how can we create cracks in the system? The struggle around social reproduction also creates cracks in the system on many different fronts. Having a perspective of “transition” means that we should not eliminate the AUH program and other related social policies – they are necessary for many – but decrease its most unjust and stigmatizing characteristics progressively, given current limitations and possibilities.

There is hope despite all of the darkness. The Argentine State, through the ANSES, has implemented changes that address the stigmatizing and inequitable aspects of the AUH program – with more or less success. As I explained in this dissertation, the ANSES has implemented the

¹⁰⁰ Nancy Fraser, “Contradictions of Capital and Care” (2016) 100 *New Left Review* 99 at 117. Beverley Best, “Wages for Housework Redux: Social Reproduction and the Utopian Dialectic of the Value-form” (2021) 2:4 *Theory & Event* 896.

¹⁰¹ Nancy Fraser, “Crisis of Care? On the Social-Reproductive Contradictions of Contemporary Capitalism,” in T. Bhattacharya, ed, *Social Reproduction Theory: Remapping Class, Recentering Oppression* (Pluto Press, 2017). Melisa Handl & Susan Spronk, “Women’s Empowerment vs. Women’s Emancipation: Social Reproduction and the Contradictions of Conditional Cash Transfers” (forthcoming).

¹⁰² Fraser, “Contradictions,” *supra* note 100.

program “*El Estado en tu Barrio*,” which consists of ANSES mobile trucks that take social security workers to marginalized or distant neighbourhoods so that individuals can more easily access social security services.¹⁰³ Through Decree 840/2020, the ANSES expanded the social protection provided by the AUH in the context of the Covid-19 pandemic and made it easier for the poor to access the program.¹⁰⁴ It eliminated the maximum threshold of five children per recipient family; it reduced the residency requirement for foreign-born recipients from three to two years; it eliminated female titularity towards a more inclusive titularity – to whoever provides care for children –; and it suspended the verification of conditionalities in the context of the pandemic and considered conditionalities automatically verified for 2017 and 2018. All these changes had been suggested and intensely debated in the Argentine literature about the AUH.¹⁰⁵ Even though some have not gone far enough – such as the residency requirement for non-nationals and the suspension rather than elimination of verification of completion of conditionalities – it shows a much-welcome advancement and an expansion of social security protection in a context of crisis and uncertainty, such as the Covid-19 pandemic.

Another welcome “transitional” measure that helped reduce the stigmatizing and unjust edges of the AUH was that of expanding waiting rooms at ANSES offices with accessible seating spaces for recipients, as described by a social security agent as a measure undertaken in the office of the capital of the province of Chaco. Social security offices and other public institutions’ spaces should be child-friendly, with accessible washrooms that include changing tables and drinking water fountains. No one should have to wait under the blazing sun with temperatures of 40 °C.

¹⁰³ “*El Estado en tu Barrio*” [The State in Your Neighbourhood], online <<https://www.argentina.gob.ar/elestadoentubarrio>>.

¹⁰⁴ Decree 840/20 on *Régimen de Asignaciones Familiares, Modificación*, online <<https://www.boletinoficial.gob.ar/detalleAviso/primera/5229033/20201104?suplemento=1>>.

¹⁰⁵ See section 2), “Literature Review on Approaches to the AUH Program.”

Frontline workers should give recipients an approximate wait time or display a digital sign at the ANSES office to reduce wait time stress and improve recipients' satisfaction. There is an urgent need to humanize the waiting process, streamline the appointments system, and guarantee recipients have access to free services to make appointments and print required forms.

Most importantly, social security agents and State agents must be trained in issues of gender-based violence – in all their modalities, including administrative, obstetric, institutional, and symbolic violence – and be aware that the State has a legal responsibility to prevent and punish violence against recipient women.¹⁰⁶ There must be training for State agents to be better equipped to identify stereotypes and stigmas that hurt AUH recipients. ANSES needs to increase their efforts in informing AUH – with simple, accessible, and effective language – about the objectives of the AUH program, the rights of recipients, and the total amount of cash they should receive.

The State must ensure mechanisms of redress and access to legal aid for women who experience administrative and obstetric violence. An easy redress mechanism to *anonymously* report acts of administrative violence experienced by recipients is urgently needed. Follow-up must be taken seriously, and acts of violence against recipient women should not go underinvestigated and unpunished. The territorial inequities that characterize an unevenly developed Argentina must be considered when addressing access to justice for marginalized populations. The *Centros de Acceso a la Justicia* [CAJ] [Justice Access Centers] must be translated into a reality for all, not only those living in the capital of Argentina.¹⁰⁷

As well, cooperative production and collective organizing are critical. As shown in this study, poor mothers showed great solidarity and were eager to help one another. Some

¹⁰⁶ Organization of American States [OAS], *The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women [Belem do Pará]* 9 June 1994, [entry into force 5 March 1995 and ratified by Argentina on 9 April 1996], online < <https://www.oas.org/juridico/english/treaties/a-61.html> >.

¹⁰⁷ *Centros de Acceso a la Justicia* [CAJ], online < <https://www.argentina.gob.ar/justicia/afianzar/caj> >.

marginalized women benefited from being accompanied by a *compañera* (a comrade), generally a woman who volunteered for a collective organization with higher social and cultural capital and felt more confident in facing State agents. Recipient mothers also participated and benefited from *merenderos*, church organizations, and communal kitchens. Relying on such initiatives allowed them to develop survival strategies and to ensure a plate of food on their table, strengthening community bonds. This civil society engagement could provide a basis for getting organized, developing women's collective demands on local State bureaucracies. We should also consider raising the ability of the working classes for self-organized action. The latter would include struggling for cooperative production systems rather than promoting competitive private organizations through CCTs or microfinance and pressing for trade unions and other initiatives that aim at workplace democracy.

Most of the transitional measures I listed above focus on women's immediate and practical interests, not necessarily their strategic ones. In 1985, Molyneux differentiated between "strategic gender interests" – which seek to lessen the women's subordinate status – and "practical gender interests" – urgent interests that do not entail immediate emancipation.¹⁰⁸ Under this typology, many of the transitional measures needed by recipients focus on urgent needs of survival and subsistence, emphasizing practical interests.

I believe that we must come to terms with the fact that AUH recipient women live and survive within a landscape characterized by multiple oppressions, so it is best – if not necessary – to employ multiple tactics to create cracks in the system. Nevertheless, it must also be acknowledged and kept in mind that CCTs are problematic and reify inequalities rather than rectify them. These programs confront and concede to de Beauvoir's notion of immanence – women

¹⁰⁸ Maxine Molyneux, "Mobilization without Emancipation? Women's Interests, the State and Revolution in Nicaragua" (1985) 11:2 *Feminist Studies* 227.

seeing the world already existing beyond their power to shape it, not being at the centre of their world vision – as recipient women mobilize based on their identity as poor mothers rather than being deterred by it.¹⁰⁹ Given the weight of the challenge, a comprehensive and multifaceted approach may hold the best promise for socialist feminism to achieve the seemingly elusive goal of gender equality. It could be argued that transformative feminist achievements have been and can be motivated by women’s practical desires for a good life, which is transcendental in itself. Pratt & Rosner (2012) explain, “feminist solidarity emerges not through some abstract identification ... but through actual, unpredictable, sometimes angry or distrustful intimate relations, ... communication and collaboration.”¹¹⁰ Thus, we should not discount the importance of “transitional” measures. As Ferguson & McNally (2019) explained in an interview,

no singular movement ... will bring the capitalist heart to a full stop. But each disruption reverberates throughout its body, potentially weakening its pulse. So the political importance of the social reproduction approach lies in its capacity to show the importance of struggling on many fronts, but with an explicit anti-capitalist orientation.¹¹¹

9.7.4 Embracing Qualitative Research

Another essential suggestion that “would reverberate through capitalism’s body” is embracing qualitative research to understand CCTs and their impacts on gender relations. It also includes emphasizing the importance of international development organizations such as the World Bank more fully incorporating qualitative research into their institutional knowledge and research mechanisms. Quantitative research is important, but it cannot fully capture the complexity and

¹⁰⁹ Simone de Beauvoir, *The Second Sex* (Vintage Books, New York: 1989).

¹¹⁰ Geraldine Pratt & Victoria Rosner, *The Global and the Intimate: Feminism in Our Time* (New York: Columbia University Press, 2012).

¹¹¹ David McNally & Sue Ferguson, “Social Reproduction Beyond Intersectionality: An Interview” (31 October 2015) Viewpoint Magazine, online < <https://viewpointmag.com/2015/10/31/social-reproduction-beyond-intersectionality-an-interview-with-sue-ferguson-and-david-mcnally/>>.

nuanced character of people's lives nor the relational character of gender relations.¹¹² Qualitative and empirical research may be lengthy, labour-intensive, and time-consuming, but taking poor women's experiences seriously also means embracing research tools that allow us to understand their lives, concerns, and aspirations more adequately.¹¹³ As Matsuda (1987) explained, "adopting the perspective of those who have ... felt the falsity of the liberal promise... can assist critical scholars in the task of fathoming the phenomenology of law and defining the elements of justice."¹¹⁴

Moreover, we need to destabilize the current obsession in international development with instrumentalist approaches to poor women's life that objectify their experiences in econometric and purely quantitative terms. It should be easier to secure funding for projects "aimed at addressing the complex structural dimension of inequality not easily captured by quantifiable metrics."¹¹⁵

In the context of Argentina, more research is needed concerning the experiences of Indigenous women and Indigenous communities with the AUH and social policies more broadly. Moreover, if we are to understand the impact of the AUH better – and CCTs, more broadly speaking – on gender relations, more research is needed to account for the experience of men, non-binary people, and transgender individuals. Talking about gender equality also involves transforming oppressive gender relations and the way women and men relate to each other, rather than painting a picture of women barren of men in their lives.¹¹⁶ Some masculinities are subject to stigmatization, and we must move away from the zero-sum way of thinking that pervades

¹¹² Doris Buss, "Measurement Imperatives and Gender Politics: An Introduction" (2015) 22:3 *Social Politics* 381.

¹¹³ Buss, "Measurement Imperatives and Gender Politics," *supra* note 112.

¹¹⁴ Mari Matsuda, "Looking to the Bottom: Critical Legal Studies and Reparations" (1978) 22:2 *Harvard Civil Rights-Civil Liberties Law Review*, 323 at 324.

¹¹⁵ Buss, "Measurement Imperatives and Gender Politics," *supra* note 112 at 385.

¹¹⁶ Cornwall & Rivas, "From 'Gender Equality,'" *supra* note 12 at 407.

mainstream development rhetoric.¹¹⁷ However, the latter exceeds the boundaries and possibilities of this dissertation and constitutes a necessary and important topic for future research.

9.7.5 Enforcement and Implementation of Laws that Protect Women against Violence

Finally, the State must meet its legal obligations to prevent, punish, and eradicate gender-based violence. The violence that recipient women face must be averted, and if they fail, it should be taken seriously, investigated, prosecuted, and penalized. The State is not a neutral actor, and its inaction is not neutral either. Argentina's judicial and legislative powers do not merely require the State to avoid violating individual rights but must take a hands-on approach because Argentine constitutional law obliges the State to mould the law in conformity with international human rights standards.¹¹⁸ I explained in this work that the Argentine State has an outstanding repertoire of legal instruments protecting – on paper – women's rights. However, effective implementation, enforcement, and translation of that legal framework into real people's lives are missing. The profound inequalities and violence that recipient women experience require public policies in all institutional spheres, both at the national, provincial, and local levels, to understand and respond to territorial inequities with an intersectional perspective. The Executive must effectively implement and advance the *GBV National Action Plan* and translate it into reality. It must move from an individualistic approach to gender-based violence towards a comprehensive approach that focuses on the structural conditions that sustain it, establishing policies to create a system of early warnings, avoiding re-victimization through its interventions, producing quality data on VAW for evidence-based decision-making, and mainstreaming prevention and protection policies with an intersectoral approach and between the federal, provincial, and municipal jurisdictions.

¹¹⁷ Chant, *supra* note 91 at 182-184.

¹¹⁸ Andrea F. Noguera, "Argentina's Path to Legalizing Abortion: A Comparative Analysis of Ireland, the United States and Argentina" (2019) 25:2 *Southwestern Journal of International Law* 356 at 369.

Several programs that aim to translate the VAW legal framework into an actionable reality have been created but are yet to be implemented, even though these are limited to a focus on intimate partner violence (IPV). These measures are a commendable – even if partial – step forward, but they have no substance or meaning until they become a reality in women’s lives. Moreover, these programs tend to focus on VAW as IPV. VAW experts and psychologists that worked with survivors explained during our interviews that there is a newly created federal program, the *Acompañar* Program [*Accompanying* Program].¹¹⁹ The *Acompañar* consists of a cash transfer and support for people fleeing IPV. However, the program does not specifically refer to obstetric and administrative violence, and informants explained there was slow progress, the program was not yet implemented, and the monetary stipend was not substantial enough to allow a person to escape a situation of IPV.

There is also the *Generar* Program [*Generating* Program],¹²⁰ created at the federal level to strengthen the institutional relations between the national and subnational public sector in coordination with the National Ministry of the Interior (Intergovernmental Affairs). The program will provide financial support to create institutions specialized in gender and diversity to prevent and curb gender-based violence in the public sector, including the National Public Administration, its decentralized agencies – such as the ANSES – and State-owned enterprises, and the provinces and municipalities. Implementing this program is imperative; informants explained that a lack of

¹¹⁹ Ministerio de las Mujeres, Géneros y Diversidad, *Acompañar* Program, online <https://www.argentina.gob.ar/generos/plan_nacional_de_accion_contra_las_violencias_por_motivos_de_genero/programa-acompanar>. Even though the *Acompañar* program is limiting to the extent it refers to and applies to IPV survivors, focusing on VAW and IPV, it is still a commendable step in the fight against VAW, especially if considering that all types of violence are interwoven, cannot be isolated, and work in a continuum, feeding one another.

¹²⁰ Ministerio de las Mujeres, Géneros y Diversidad, *Generar* Program, online <

intersectoral communication creates fragmentation, poses obstacles to the prevention of VAW, and puts women's lives at risk.

Another promising measure in the struggle against VAW is the *Articular* Program [*Articulating* Program]. Its objective is to strengthen and support social organizations in formulating and implementing community projects related to GBV through the transfer of resources and technical assistance.¹²¹ The *Articular* Program is a valuable initiative to help consolidate relations between the State and social organizations, strengthening the capacity of community-based and civil society organizations and contributing to a comprehensive approach to fighting GBV and inequalities.

The Argentine State must urgently address the shortcoming of sexual and reproductive health services offered through its public health system, protecting the right to access contraception and the legal termination of pregnancy and investigating, prosecuting, and punishing cases of obstetric violence. The State needs to ensure that women who suffer obstetric violence have knowledge of their rights, access to legal advice and representation, access to remedy and compensation, and are fully psycho-socially supported. Given the still prevailing prejudice surrounding the topic of abortion and the lack of knowledge regarding the meaning and scope of obstetric violence, the State, in coordination with the Ministry of Health and the provinces' directorates of sexual and reproductive health, should carry out awareness campaigns to disseminate information on the rights of women to health care, contraception, and legal abortion. There is an urgent need for training health workers in gender and diversity, GBV, prior and informed consent, and reproductive rights from an intersectional perspective.

¹²¹ Ministerio de las Mujeres, Géneros y Diversidad, *Articular* Program, online < https://www.argentina.gob.ar/generos/plan_nacional_de_accion_contra_las_violencias_por_motivos_de_genero/programa-articular>.

Administrative personnel must be trained in gender issues and understanding VAW. Law enforcement, the judiciary, and the broader judicial systems also have a pivotal role in ending GBV, encouraging women to come forward and seek justice, and indicating that violence is unacceptable and that perpetrators will be held accountable. State agents must be trained in analyzing, preventing, and responding to GBV against women.

9.8 Levers for Emancipatory Justice

This IE project untangled how things happen, offered an institutional map of the AUH program, and traced how diverse AUH actors occupy different “levers.” These levers, in turn, provided a target for interventions in the world of the AUH regime. As I explained in the last pages, the ultimate lever that needs to be turned is the one that refers to the restructuring of the socio-economic system based on indefensible inequality that places power and resources in the hands of some to the detriment of many. There are severe dangers intrinsic in assuming that the multifaceted difficulties faced by poor women in Argentina can be quickly or cheaply solved.

Other “levers” refer to transitional measures, targets that allow policymakers, designers, evaluators, practitioners, and academics to target specific facets and junctures of the AUH program that need to be adjusted for progressive change. It is my ultimate hope that this IE of the AUH helps informants, activists, academics, and allies in civil society, the government, and international institutions to access an empirical map of institutional processes that need to be reconfigured to meet the needs of AUH recipients and their families and for creating additional cracks into the system. CCTs do not represent “progress” towards something better but are structured along a legacy of unequal distribution of resources in which power has been at its heart. As you went through these pages, I hope I made you suspicious of the supposed straightforward technicality of attaching conditions to social policies, that you challenged the idea of “empowerment,”

problematized your understanding of the law, and understood that we cannot eradicate poverty and violence against women without accounting for broader structures of inequality.

I hope that this dissertation made you think twice about what legal regimes meant to protect women say and what they do. This work showed that, when it comes to formal laws, they foster certain discourses and obliterate others behind a veil of neutrality when in fact, the law is never neutral in the interests that it safeguards or neglects, or in its effects. We must not assume that because rules have the backing of official authority as law, they necessarily encourage the only feasible or best version of emancipation. We must acknowledge and act in response to how the law reinforces neoliberal capitalism and its consequent evils when delivering socio-economic rights that do not always work contrary to the violence, alienations, exploitation, subordination, and dispossessions produced by this indefensible system.

Paraphrasing Freeman (2006), while it is true that human rights law continues to extract concessions from capitalism¹²² – human rights law being a key compromise – the implementation of human rights and other “victories” such as CCTs must be judged against the omnipresence of neoliberal capitalism under legal regulation, and not simply as an isolated and altruistic exception to it.¹²³ Law should not help construct nor facilitate women’s socio-economic oppression; it should not help increase the riches of some at the expense of the many nor permit domination by some with more power and resources. If the law that is supposed to protect women from violence fails to translate into poor women’s lives, “then it is epiphenomenal in its normative implications, naively idealistic in its normative logic, relevant to lawyers in what are often tautological exercises

¹²² Margaret Somers in Conversation with Joshua Curtis, “Socially Embedding the Market and the Role of Law” (206) Series on Economics and Law in Conversation, Laboratory for Advanced Research on the Global Economy, Centre for the Study of Human Rights, LSE, online < <https://www.lse.ac.uk/sociology/assets/documents/human-rights/HR-SO-4.pdf>>.

¹²³ Michael Freeman, “Beyond Capitalism and Socialism,” in Janet Dine & Andrew Fagan, eds, *Human Rights and Capitalism: A Multidisciplinary Perspective on Globalisation* (Edward Elgar, 2006) 3.

about legal concepts and the meanings of its words but dangerous in its use as a justification for harm.”¹²⁴

Ultimately, this dissertation aimed to be a drop in the ocean of what is needed to improve the situation of recipient mothers and identify openings and possibilities for constructing a more compassionate and fair society. As Smith would suggest, this must be done in coalition with those affected by the program to ensure that their actual embodied experiences are reflected – and not marginalized – in institutional discourses. With this dissertation, I do not hint at extraordinary hope, but I can offer one crucial message: the possibility of reconstructing the cruel world will depend on learning from people’s experiences. As well, as Lacey (1996) put it, we must always keep in mind the Marxist notion that “the deep reconstruction of the legal has to be premised on the reconstruction of economic, social, political relations: on massive changes in the configuration of social power at every level”¹²⁵ in order to attain a truly emancipatory kind of justice.¹²⁶

¹²⁴ John Linarelli, Margot E. Salomon & Muthucumaraswamy Sornarajah, *The Misery of International Law: Confrontations with Injustice in the Global Economy* (Oxford: Oxford University Press, 2018) at 273.

¹²⁵ Nicola Lacey, “Normative Reconstruction in Socio-Legal Theory” (1996) 5:2 Social & Legal Studies 131 at 151. cited by Susan B. Boyd & Debra Parkes, “Looking Back, Looking Forward: Feminist Legal Scholarship in SLS” (2017) 26:6 Social & Legal Studies 735 at 743.

¹²⁶ Martha A. Fineman, “The Vulnerable Subject and the Responsive State” (2010) 60:2 Emory Law Journal 251.

10) Bibliography

Legislation

ANSES, Resolution 393/09 (2009) online

<<http://servicios.infoleg.gob.ar/infolegInternet/verNorma.do;jsessionid=49FDCCB7A4837E0E9A93FA7E628EE5EB?id=161339>>.

Argentine Criminal Code (1984) online

<<http://servicios.infoleg.gob.ar/infolegInternet/anexos/15000-19999/16546/texact.htm>>.

Argentine National Constitution (1994) online <<http://www.biblioteca.jus.gov.ar/Argentina-Constitution.pdf>>.

AUH Decree of Necessity and Urgency 1602/09 (2009) online <

<https://www.ilo.org/dyn/travail/docs/1804/DECRETO%201602.pdf>>.

Bill 1168/2021 to Modify Law 913-B Ley Orgánica del Ministerio Publico (2021) Legislative Power of Chaco, online

<<http://segleg.chaco.gov.ar/seglegis/servlet/hconstramindivnuevo?2021,1,1168>>.

CEDAW General Recommendation No. 24: Article 12 of the Convention (Women and Health) (1999) A/54/38/Rev.1, chap. I.

CEDAW General Recommendation No. 19. Violence against Women (1992) CEDAW Committee, UN Doc. A/47/38/Rev.1. C. 1.1992.

Concluding Observations of the Committee on the Elimination of Discrimination against Women (30 July 2010) CEDAW/C/ARG/CO/6, online <

<https://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-ARG-CO-6.pdf>>.

Executive Decree 1011/2010 Regulating the Violence Against Women Statute (2010) online <

<http://servicios.infoleg.gob.ar/infolegInternet/anexos/165000-169999/169478/norma.htm>>.

Executive Decree 432/97 on Pensions (1997) online

<<http://servicios.infoleg.gob.ar/infolegInternet/anexos/40000-44999/43325/norma.htm>>.

Executive Decree 446/2011 on Asignación por Embarazo para Protección Social (2011) online

<<http://servicios.infoleg.gob.ar/infolegInternet/anexos/180000-184999/181250/norma.htm>>.

Executive Decree 897/2007 on Sustainability Guarantee Fund of the Argentine Integrated Pension System (2007) online
<<http://servicios.infoleg.gob.ar/infolegInternet/anexos/130000-134999/130056/norma.htm>>.

Executive Decree 840/20 on Régimen de Asignaciones Familiares, Modificación (2020) online <
<https://www.boletinoficial.gob.ar/detalleAviso/primera/5229033/20201104?suplemento=1>>.

Law 19,549/72 on Administrative Procedures (1972) online
<<http://servicios.infoleg.gob.ar/infolegInternet/anexos/100000-104999/100070/norma.htm>>.

Law 20,744/76 on Employment Contract Regimen (1976) online <
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/25000-29999/25552/texact.htm>>.

Law 23,056/1984 on National Food Program [Programa Alimentario Nacional] (1984) online <
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/25000-29999/28150/norma.htm>>.

Law 23,592/88, Anti-Discrimination Act (1988) online
<<http://servicios.infoleg.gob.ar/infolegInternet/anexos/20000-24999/20465/texact.htm>>.

Law 24,463/95, Solidaridad Previsional, Reforma de la Legislacion Previsonal (1995) online
<<http://servicios.infoleg.gob.ar/infolegInternet/verNorma.do?id=16102>>.

Law 24,714/1997 on Family Allowances Regime (1997) online
<<http://servicios.infoleg.gob.ar/infolegInternet/anexos/35000-39999/39880/texact.htm>>.

Law 25,326/00 on Protección de Datos Personales (2000) online
<<https://www.argentina.gob.ar/normativa/nacional/ley-25326-64790/texto>>.

Law 25,561/2002 on Public Emergency and Reform of the Exchange Regime (2002) online <
<http://servicios.infoleg.gob.ar/infolegInternet/verNorma.do?id=71477>>.

Law 25,607/02 on Dissemination of Indigenous Rights (2002) online
<<https://www.argentina.gob.ar/normativa/nacional/ley-25607-75732/texto>>.

Law 25,673/02 of the Creation of the National Program of Sexual Health and Responsible Procreation (2002) online <<https://www.argentina.gob.ar/normativa/nacional/ley-25673-79831/texto>>.

Law 25,871/04, Argentina's Migration Law (2004) online <
https://www.oas.org/dil/esp/ley_de_migraciones_argentina.pdf>.

- Law 25,929/ 2004 on Humanized Childbirth* (2004) online
<https://www.argentina.gob.ar/sites/default/files/ley_25929_parto_humanizado_decreto_web_0.pdf>.
- Law 26,061/2005 on the Comprehensive Protection for the Rights of Children and Adolescents*, (2005) online <
http://www.jus.gob.ar/media/3108870/ley_26061_proteccion_de_ni_os.pdf>.
- Law 26,122/06 on Legal Regime of Decrees of Necessity and Urgency, Legislative Delegation and Partial Enactment of Laws* (2006) online <
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/115000-119999/118261/norma.htm>>.
- Law 26,130/06, Regimen for Surgical Contraceptive Procedures, Right to Access to Tubal Ligation and Vasectomy Procedures* (2006) online
<<https://www.argentina.gob.ar/normativa/nacional/ley-26130-119260/texto>>.
- Law 26,425/2008 on Integrated Argentine Pension System* (2008) online <
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/145000-149999/148141/norma.htm>>.
- Law 26,485/2009, Comprehensive Law on the Prevention, Punishment, and Elimination of Violence against Women in their Interpersonal Relations* (2009) online
<<https://www.argentina.gob.ar/normativa/nacional/ley-26485-152155/actualizacion>>.
- Law 26,529/2009, Patients' Rights in their Relationship with Health Professionals, and Institutions* (2009) online <<http://servicios.infoleg.gob.ar/infolegInternet/anexos/160000-164999/160432/norma.htm>>.
- Law 26,743/2012 on Gender Identity* (2012) online <
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/195000-199999/197860/norma.htm>>.
- Law 26,844/2013 on Domestic Service, Special Regime of Employment Contract for the Personnel of Private Houses* (2013) online
<<http://servicios.infoleg.gob.ar/infolegInternet/anexos/210000-214999/210489/norma.htm>>.
- Law 27,160/15 on Mobility of Allowances* (2015) online
<<http://servicios.infoleg.gob.ar/infolegInternet/anexos/245000-249999/249221/norma.htm>>.
- Law 27,275/2016 on the Right to Access Public Information* (2016) online <
<https://www.argentina.gob.ar/normativa/nacional/ley-27275-265949/texto>>.

Law 27,372/17 on the Rights and Guarantees of Victims of Crimes (2017) online <<http://servicios.infoleg.gob.ar/infolegInternet/anexos/275000-279999/276819/norma.htm>>.

Law 27,610/2021 on Access to the Voluntary Interruption of Pregnancy (2021) online <<http://servicios.infoleg.gob.ar/infolegInternet/anexos/345000-349999/346231/norma.htm>>.

Law 27,611/2020 on Integral Health Care and Attention During Pregnancy and Early Infancy, online <<https://www.argentina.gob.ar/normativa/nacional/ley-27611-2020-346233>>.

Organization of American States [OAS], *The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women*, “Belem do Pará Convention” (9 June 1994) online <<https://www.oas.org/juridico/english/treaties/a-61.html>>.

Organization of American States [OAS], *Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights*, “Protocol of San Salvador” (16 November 1999) A-52.

Organization of American States [OAS], *American Convention on Human Rights*, “Pact of San José ” of Costa Rica (22 November 1969).

Organization of American States [OAS], *American Declaration of the Rights and Duties of Man* (2 May 1948).

United Nations Committee on Economic, Social and Cultural Rights [CESCR], *General Comment No. 19: The Right to Social Security (Article 9 of the Covenant)* (4 February 2008) E/C.12/GC/19.

United Nations General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination* (21 December 1965) United Nations Treaty Series 660.

United Nations General Assembly, *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families* (18 December 1990) A/RES/45/158.

United Nations General Assembly, *International Covenant on Civil and Political Rights* [ICCPR] (16 December 1966) United Nations Treaty Series 999.

United Nations General Assembly, *International Covenant on Economic, Social and Cultural Rights* [ICESCR] (16 December 1966) United Nations Treaty Series 993.

United Nations General Assembly, *Universal Declaration of Human Rights* (10 December 1948) General Assembly Resolution 217A (III) UN Doc. A/810.

United Nations General Assembly, *Convention on the Rights of the Child* (20 November 1989) United Nations Treaty Series 1577.

United Nations, *Beijing Declaration and Platform of Action, adopted at the Fourth World Conference on Women* (27 October 1995) online < <https://www.refworld.org/docid/3dde04324.html>>.

Venezuelean Law 38,668/2007, *Organic Law on the Right of Women to a Life Free of Violence, República Bolivariana de Venezuela* (2007) online < <https://vlexvenezuela.com/vid/ley-organica-derecho-mujeres-740020129>>.

Jurisprudence

“Álvez, María Cristina c/ Poder Ejecutivo Nacional y otros s/ Amparos y Sumarísimos” (2002) Expte. N° 24.814/2002.

“Fernández Machaca, Judy Vladimir c/ Estado Nacional - Ministerio de Desarrollo Social s/ Amparos y Sumarísimos” (2011) Expte. N° 15.513/2011.

“González et al. (“Cotton Field”) versus Mexico ” (2009) Series C 205.

“González Lluy et al. versus Ecuador” (2015) Series C 298 .

“Granillo Fernández, Héctor Manuel versus National University of La Plata re Amparo” (2007) S.C. G. 606, L. XLVI, online <https://www.mpf.gov.ar/dictamenes/2011/LMonti/septiembre/Granillo_Fernandez_Hector_G_606_L_XLVI.pdf>.

“I.V. v. Bolivia” (2016) Series C 329.

“Internas de la Unidad N° 31 SPF y otros s/ Habeas Corpus” (2020) FLP 58330/2014/1/1/RH1, Recurso de Hecho Deducido por la Administración Nacional de la Seguridad Social en la Causa ‘Internas de la Unidad N° 31 SPF y otros s/ Habeas Corpus’ para decidir sobre su procedencia.

“Lifschitz, Graciela B. y otros c. Estado Nacional s/Amparos y Sumarísimos” (1998) Expte. N° 47.410/1998.

“Maria da Penha v. Brazil” (2000) Case 12.051, Report No. 54/01, OEA/Ser.L/V/II.111 Doc. 20 rev.

“María, Flavia Judith versus Instituto de Obra Social of the Province of Entre Ríos and the Provincial State” (2007) M. 2648. XLI. RHE, Judgment 330: 4647, online <

<https://sjconsulta.csjn.gov.ar/sjconsulta/documentos/verDocumentoByIdLinksJSP.html?idDocumento=6349351&cache=1648861023419>>.

“Neuquén para el Mundo versus Neuquén, Province et al. re Amparo” (1998) Supreme Court of Justice 3/XI/98.

“Reyes Aguilera, Daniela c/ Estado Nacional y otros s/Amparos y Sumarísimos” (2003) Expte. N° 62,999/2003. R. 350. XLI. Recurso de Hecho.

“Villarreal Clara Baudilia versus Anses re Reajuste Por Movilidad” (2001) Supreme Court of Justice V30XXXV 8 20011218.

“X. re. Carta de Pobreza” (2021) Family Court 1 of Juan José Castelli, Expte.1542/19.
Inter-American Court of Human Rights Advisory Opinion, *Exceptions to the Exhaustion of Domestic Remedies (Article 46(1), 46(2)(A) and 46(2)(B) American Convention on Human Rights* (1990) OC-11/90, online
<https://www.corteidh.or.cr/docs/opiniones/seriea_11_ing.pdf>.

Secondary Materials

Aber, Lawrence & Laura B. Rawlings, “North-South Knowledge Sharing on Incentive-based Conditional Cash Transfer Programs” (2011) SP Discussion Paper 1101. World Bank, Washington, DC, online <<https://openknowledge.worldbank.org/handle/10986/27343>>.

Abjorensen, Norman, *Historical Dictionary of Democracy* (Rowman & Littlefield Publishers, 2019).

Abramovich, Víctor, “El Rol de la Justicia en la Articulación de Políticas y Derechos Sociales,” in Víctor Abramovich & Laura Pautassi, eds, *La Revisión Judicial de las Políticas Sociales* (Buenos Aires: Del Puerto, 2009).

Abramovich, Víctor, “Una Aproximación al Enfoque de Derechos en las Estrategias y Políticas de Desarrollo” (2006) 88 Revista de la Cepal 35.

Adams, Sue, Jenny Carryer & Jill Wilkinson, “Institutional Ethnography: An Emerging Approach to Health and Nursing Research” (2015) 31:1 Nursing Praxis in New Zealand 18.

Adato, Michelle & John F. F. Hoddinott, “Conditional Cash Transfers in the Second Decade: Current Debates and New Frontiers (Chapter 14)” Food Policy Research Institute (Baltimore/Washington, DC: Johns Hopkins University Press/International, 2010).

- Adúriz, Isidro, Victoria Arinci, Horacio Chitarroni, Elisa Trotta Gamus & Naomi Wermus, in Bernardo Kliksberg & Irene Novacovsky, eds, *El Gran Desafío: Romper la Trampa de la Desigualdad Desde la Infancia Aprendizajes de la Asignación Universal por Hijo* (Ciudad Autónoma de Buenos Aires: Biblos, 2015), online < <http://trabajosocial.sociales.uba.ar/wp-content/uploads/sites/13/2015/08/AUH-Librocompleto.pdf>>.
- Aguiló, Juan Carlos, Nicolás Lobos, Laura Neri & Ricardo Rubio, “La Asignación Universal por Hijo para Protección Social (AUH): Su Lugar en la Lucha Ideológica en la Argentina Actual” (2011), online < https://bdigital.uncu.edu.ar/objetos_digitales/5642/revista-confluencia2012-13-007-aguilo.pdf>.
- Aguirre, Rosario, “Estado de Bienestar, Ciudadanía Social y Género. El Maternalismo en las Políticas Sociales” (1997) Paper presented at the meeting of the ALFA Network “Social Citizenship of Women in Latin America,” Brussels.
- Aker, Jenny C., Rachid Boumnijel, Amanda McClelland & Niall Tierney, “Payment Mechanisms and Antipoverty Programs: Evidence from a Mobile Money Cash Transfer Experiment in Niger” (2016) 65 *Economic Development and Cultural Change* 1.
- Almirón, Adrián Alejandro, “La Ocupación del Territorio Nacional del Chaco: Empresarios, Agricultores y el Rol de los Expertos Estatales (1926-1935)” (2014) 19:1 *Anuario de Historia Regional y de las Fronteras* 139.
- Altamirano-Jiménez, Isabel, “The State Is Not a Saviour: Indigenous Law, Gender and the Neoliberal State in Oaxaca,” in Joyce Green, ed, *Making Space for Indigenous Feminism*, 2nd Ed (Halifax: Fernwood Publishing, 2017).
- Althusser, Louis, “Ideology and Ideological State Apparatuses” (1971) *Lenin and Philosophy and Other Essays* 121.
- Altındağ, Onur & Stephen D. O’Connell, “The Short-Lived Effects of Unconditional Cash Transfers to Refugees” (2023) 160 *Journal of Development Economics* 102942.
- Alvarez Agis, Emmanuel Antonio, Demian Tupac Panigo & Carlos Cañete, “El Impacto de la Asignación Universal por Hijo en Argentina: Presentación Formal de Resultados Anticipados en 2010” (2013) 15 *Centro de Estudios e Investigaciones Laborales. Empleo, Desempleo y Políticas de Empleo* 1.
- Álvarez Leguizamón, Sonia, “Gubernamentabilidad Neoliberal y Focopolítica en América Latina: los Programas de Transferencias Condicionadas: ¿Políticas de Cohesión Social con los Pobres?, in Carlos Barba Solano, *Perspectivas Críticas sobre la Cohesión Social: Desigualdad y Tentativas Fallidas de Integración en América Latina* (Buenos Aires: CLACSO, 2011).

- Ambort, Matilda L., “Desarticulaciones Institucionales de la Condicionalidad Educativa de la AUH ¿Cómo Viene? y ¿Hacia Dónde Va?” (2017) 6 Igualdad, Autonomía Personal y Derechos Sociales 117.
- Ambort, Matilde L. & Mora Straschnoy, “Burocracias Escolar y Sanitaria: ¿Facilitadores u Obstaculizadores del Acceso a la Asignación Universal por Hijo y La Asignación Por Embarazo Para La Protección Social?,” (2018) 5 Horizontes Sociológicos, Revista de la Asociación Argentina de Sociología 139.
- Ambort, Matilde L., “Asignación Universal por Hijo para la Protección Social: Alcances y Limitaciones en la Garantía de Derechos Sociales” (2014) 25:2 Revista Latinoamericana de Derechos Humanos 181.
- Amnistía Internacional Argentina, “Pueblos Originarios” (2015), online <<https://www.territorioindigena.com.ar/Pueblos-Originarios>>.
- Ancelevici, Marcos, & Jane Jenson, “Standardization for Transnational Diffusion: The Case of Truth Commissions and Conditional Cash Transfers” (2013) 7:3 International Political Sociology 294.
- Andiñach, Rosaura, “Impacto de la Asignación Universal por Hijo y el Programa Ciudadanía Porteña en el Consumo de Alimentos” (2014) Tesis de Maestría, FLACSO. Sede Académica Argentina, Buenos Aires.
- Andrea, Cornwall, & Deborah Eade, eds, *Deconstructing Development Discourse: Buzzwords and Fuzzwords* (Warwickshire, UK: Practical Action Publishing & Oxfam GB, 2010).
- Andreis, Juliana, “La Asignación Universal por Hijo y la Mujer: Entre la Asistencia, los Cuidados y los Derechos” (2016) Monograph, Facultad de Trabajo Social, Universidad de la Plata.
- Andrenacci, Luciano, *Cuestión Social y Política Social en el Gran Buenos Aires* (Buenos Aires: Ediciones Al Margen/ UNGS, 2000).
- Andrenacci, Luciano, Fernando Falappa & Daniel Lvovich, “Acerca del Estado de Bienestar en el Peronismo Clásico (1943-1955),” in Julián Bertranou, Juan Manuel Palacio & Gerardo M. Serrano, *En el País de No Me Acuerdo, (Des) Memoria Institucional e Historia de la Política Social Argentina, 1st Ed* (Buenos Aires: Prometeo Libros, 2004).
- Angel Mario, Agustin, Paula Cecilia Rosa & Ariel Oscar García, “Políticas Sociales y Mercado de Trabajo en Argentina: El Efecto de la AUH en la Informalidad Laboral” (2013) Universidad Nacional del Litoral, 1:21 Documentos y Aportes en Administración Pública y Gestión Estatal 41.

- Angelucci, Manuela & Orazio Attanasio, “Oportunidades: Program Effect on Consumption, Low Participation, and Methodological Issues” (2009) 57:3 *Economic Development and Cultural Change* 479.
- Angelucci, Manuela, Orazio Attanasio & Vincenzo Di Maro, “The Impact of ‘Oportunidades’ on Consumption, Savings and Transfers” (2012) 33:3 *Fiscal Studies* 305.
- Angie, Anthony, *Imperialism, Sovereignty and the Making of International Law* (Cambridge: Cambridge University Press, 2005).
- Ann Phoenix, Anne Woollett & Eva Lloyd, eds, *Motherhood: Meaning, Practices, Ideologies* (London: Sage, 1991).
- ANSES, “La Asignación Universal por Hijo para Protección Social en perspectiva. La Política Pública como Restauradora de Derechos” (2012) Buenos Aires, Observatorio de la Seguridad Social, online < <http://observatorio.anses.gob.ar/archivos/documentos/OBS-000255%20-%20AUH%20en%20Perspectiva.pdf>>.
- ANSES, “Recognition of Contributions for Caregiving Tasks,” online <<https://www.anses.gob.ar/reconocimiento-de-aportes-por-tareas-de-cuidado>>.
- ANSES, Dirección Estudios de la Seguridad Social, “Asignación Universal por Hijo para Protección Social (AUH): Hacia un Esquema más Inclusivo” (2021), online < <http://observatorio.anses.gob.ar/archivos/documentos/AUH%20hacia%20un%20esquema%20m%C3%A1s%20inclusivo%20Junio%202021-2.pdf>>.
- ANSES, Informe de Estadísticas de la Seguridad Social. IV Trimestre (2021) online <<https://www.anses.gob.ar/sites/default/files/archivo/2022-05/Informe%20de%20Estad%C3%ADsticas%20de%20la%20SS%20IV%20Trimestre%202021.pdf>>.
- Antonopoulos, Rania, “Expanding Social Protection in Developing Countries: A Gender Perspective” (2013) Working Paper No. 757 (Annandale-on-Hudson, NY: Levy Economics Institute of Bard College), online < https://www.levyinstitute.org/pubs/wp_757.pdf>.
- Appadurai, Arjun, “The Capacity to Aspire: Culture and the Terms of Recognition,” in V. Rao & M. Valton, eds, *Culture and Public Action* (Stanford, CA: Stanford University Press, 2004).
- Arce, Hugo, *El Territorio de las Decisiones Sanitarias* (Buenos Aires: Ed. Macchi, 1993).
- Arcidiácono, Pilar & Ángeles Bermúdez, “‘Ellas Hacen’: Programas Sociales y Exigencias a las Mujeres en Argentina” (2018) 26:2 *Rev. Estud. Fem.*

- Arcidiácono, Pilar & Gustavo Gamallo, “Entre la Confrontación y la Funcionalidad: Poder Ejecutivo y Poder Judicial en Torno a la Política Habitacional de la ciudad de Buenos Aires,” in Laura Pautassi, ed, *Marginaciones Sociales en el Área Metropolitana de Buenos Aires. Acceso a la Justicia, Capacidades Estatales y Movilización Legal* (Buenos Aires: Biblos, 2014).
- Arcidiácono, Pilar & Gustavo Gamallo, “Sobre la Judicialización de Conflictos Sociales en Argentina” (2021) Serie de Debates 4 DSPP, online <<https://www.dspp.com.ar/wp-content/uploads/DSPP-Debates04.pdf>>.
- Arcidiácono, Pilar, “‘La Hermanita Menor.’ Concepciones Dominantes sobre la Seguridad Social no Contributiva en Expedientes Judiciales” (2019) 12 Revista Estado y Políticas Públicas ISSN 2310-550X 149.
- Arcidiácono, Pilar, “La Política del Mientras Tanto: Programas Sociales Después de la Crisis 2001-2002” (2016) 13 Revista Cátedra Paralela, online <<https://rephip.unr.edu.ar/bitstream/handle/2133/8777/Campagna.pdf?sequence=3&isAllowed=y>>.
- Arcidiácono, Pilar, Carmona Barrenchea & Mora Straschnoy, “La Asignación Universal por Hijo para Protección Social: Rupturas y Continuidades, ¿Hacia un Esquema Universal?” (2011) 61 Revista Margen.
- Arcidiácono, Pilar, Carolina Fairstein & Gabriela Kletzel, “El ‘Enfoque de Derechos’ en Políticas Sociales y la Experiencia de Judicialización del Programa *Jefes y Jefas de Hogar Desocupados*: ¿Por la Buena Senda?,” in Laura Pautassi & Victor Abramovich, eds, *La Revisión Judicial de las Políticas Sociales* (Buenos Aires: Del Puerto, 2009).
- Arcidiácono, Pilar, Gustavo Gamallo & Angeles Bermúdez, *A 10 años de la Asignación Universal por Hijo: Debates sobre la Política Social no Contributiva, 1st Ed* (Ciudad Autónoma de Buenos Aires: Mario Rodolfo Filipini, 2020), online <<https://www.dspp.com.ar/wp-content/uploads/DSP-2003010-Debates-01.pdf>>.
- Arcidiácono, Pilar, Gustavo Gamallo & Mora Straschnoy, “Programas Sociales y Protección Social Contributiva en la Post-Convertibilidad” (2014) 60 Revista de Instituciones, Ideas y Mercados 57.
- Arditti, Rita, *Searching for Life: The Grandmothers of The Plaza De Mayo and the Disappeared Children of Argentina* (California: Univ. of California Press, 1999).
- Arendt, Hannah, *Eichmann in Jerusalem: A Report on the Banality of Evil* (Viking Press, 1964).
- Arendt, Hannah, *On Violence* (Penguin: London, 1970).

- Arguedas Ramírez, Gabriela, “Violencia Obstétrica. Propuesta Conceptual a Partir de la Experiencia Costarricense” (2014) 11:1 Cuadernos Intercambio sobre Centroamérica y el Caribe 1659.
- Arnold, Catherine, Tim Conway & Matthew Greenslade, “DFID Cash Transfers Literature Review” (2011) Department for International Development (DFID, London), online <<https://www.calpnetwork.org/publication/dfid-cash-transfers-literature-review/>>.
- Arruzza, Cinzia, *Dangerous Liaisons* (Merlin Press, 2013).
- Artieda, Teresa Laura, María Julia Simoni & Guillermo Vega, *III Jornadas Libro de Actas: Intercambio de la Producción Científica en Humanidades y Ciencias Sociales, 1st Ed* (Resistencia: Universidad Nacional del Nordeste, Facultad de Humanidades, 2019).
- Asensio, Raquel, Julieta Di Corleto, Valeria Picco, Leah Tandeter & Magdalena Zold, *Discriminación de Género en las Decisiones Judiciales: Justicia Penal y Violencia de Género* (Buenos Aires: Defensoría General de la Nación, 2010).
- Ashcroft, Richard E., “Personal Financial Incentives in Health Promotion: Where Do They Fit in an Ethic of Autonomy?” (2011) 14 Health Expectations 191.
- Auyero, Javier, *La Política de los Pobres* (Buenos Aires: Manantial, 2001).
- Auyero, Javier, *Patients of the State. The Politics of Waiting in Argentina* (Durham: Duke University Press, 2012).
- Auyero, Javier, *Poor People’s Politics: Peronist Survival Networks and the Legacy of Evita* (Durham: Durham: Duke University Press, 2001).
- Azaola, Elena, “La Violencia de Hoy, las Violencias de Siempre” (2012) 40:13 Desacatos 13.
- Azpiazu, Daniel & Eduardo Basualdo, “Privatizaciones en la Argentina: Genesis, Desarrollo y Principales Impactos Estructurales,” in James Petras & Henry Veltmeyer, eds, *Las Privatizaciones y la Desnacionalización de América Latina* (Buenos Aires: Universidad de Quilmes, 2004) 55.
- Bach, Ana María, *Las Voces de la Experiencia. El Viraje de la Filosofía Feminista* (Buenos Aires: Editorial Biblos 2010).
- Baird, Sarah, Craig McIntosh & Berk Ozler, “Designing Cost-Effective Cash Transfer Programs to Boost Schooling among Young Women in Sub-Saharan Africa” (2009) World Bank Policy Research Working Paper 5090 funded by the Knowledge for Change Program [KCP], online <<https://openknowledge.worldbank.org/handle/10986/4282>>.

- Baird, Sarah, Francisco H. G. Ferreira, Berk Özler & Michael Woolcock, “Relative Effectiveness of Conditional and Unconditional Cash Transfers for Schooling Outcomes in Developing Countries: A Systematic Review” (2013) 9:1 Campbell Systematic Reviews 1.
- Baird, Sarah, Francisco H.G. Ferreira, Berk Özler & Michael Woolcock Conditional, “Unconditional and Everything in Between: A Systematic Review of the Effects of Cash Transfer Programmes on Schooling Outcomes” (2014) 6:1 Journal of Development Effectiveness 1.
- Bak McKenna, Miriam, “Feminist Materialism and The Laws of Social Reproduction,” in P. O’Connell & U. Özsü, eds, *Research Handbook on Law and Marxism* (Edgar Elgar, 2021) 283.
- Bakaveckas, Audrius, “Comparative Analysis Definitions of Administrative Law” (AURA: Alfred University Research & Archives, 2014), online
<<https://demo.dspacedirect.org/bitstream/handle/10673/508/Admin%20law.pdf?sequence=1&isAllowed=y>>.
- Bakker, Isabella & Stephen Gill, “Global Political Economy and Social Reproduction,” in Isabella Bakker & Stephen Gill, eds, *Power, Production and Social Reproduction* (London: Palgrave Macmillan, 2003).
- Bakker, Isabella & Stephen Gill, “New Constitutionalism and Social Reproduction,” in Isabella Bakker and R. Silvey, eds, *Beyond States and Markets: The Challenges of Social Reproduction* (New York: Routledge, 2008) 19.
- Bakker, Isabella & Stephen Gill, *Power, Production and Social Reproduction* (London: Palgrave Macmillan, 2003).
- Bakker, Isabella, “Social Reproduction and the Constitution of a Gendered Political Economy” (2007) 12:4 New Political Economy 541.
- Bak-McKenna, Miriam & Maj Grasten, “Law and Gender in Translation” (2021) 47:2 Australian Feminist Law Journal 143.
- Balasini, Juan Ignacio & Mara Ruiz Malec, *El Rompecabezas de la Seguridad Social* (Buenos Aires, Argentina: EDUNPAZ, Editorial Universitaria, 2019).
- Balen, Maria Elisa, “Queuing in the Sun. The Salience of Implementation Practices in Recipients’ Experience of a Conditional Cash Transfer,” in Jean-Pierre Olivier de Sardan & Emmanuelle Piccoli Balen, eds, *Cash Transfers in Context: An Anthropological Perspective* (New York: Berghahn Books, 2018).

- Ballard, Richard, "Geographies of Development II: Cash Transfers and the Reinvention of Development for the Poor" (2013) 37:6 *Progress in Human Geography* 811.
- Bambra, Clare, "The Worlds of Welfare: Illusory and Gender Blind?" (2004) 3:3 *Social Policy and Society* 201.
- Bando, Rosangela G., Luis F. Lopez-Calva & Harry Anthony Patrinos, "Child Labor, School Attendance, and Indigenous Households: Evidence from Mexico" (2005) Policy Research Working Paper No. 3487. World Bank, Washington, online <<https://openknowledge.worldbank.org/handle/10986/8921>>.
- Bannerji, Himani, in B. Brenna & R. Ziadah, eds, *Revolutionary Feminisms: Conversations on Collective Action and Radical Thought* (London: Verso Books, 2020).
- Barba Solano, Carlos, "Hipótesis no Comprobadas y Espejismo en las Políticas de Transferencias Monetarias Condicionadas," in Carlos Barba Solano, ed, *Perspectivas Críticas sobre la Cohesión Social: Desigualdad y Tentativas Fallidas de Integración en América Latina* (Buenos Aires: CLACSO, 2011).
- Bárcena Ibarra, Alicia & Sonia Montañó, *Observatorio de Igualdad de Género de América Latina y el Caribe (OIG). Informe Anual 2012: Los Bonos en la Mira, Aporte y Carga para las Mujeres* (Observatorio de Igualdad de Género en América Latina y el Caribe, 2012).
- Barham, Tania, "A Healthier Start: The Effect of Conditional Cash Transfers on Neonatal and Infant Mortality in Rural Mexico" (2011) 94:1 *Journal of Development Economics* 74.
- Barham, Tania, *The Impact of the Mexican Conditional Cash Transfer on Immunization Rates*. (Berkeley, CA: Department of Agriculture and Resource Economics, University of California, Berkeley, 2005), online <<https://ibs.colorado.edu/barham/wp/CCTimmunWBfin.pdf>>.
- Barrientos, Armando & David Hulme, "Social Protection for the Poor and Poorest in Developing Countries: Reflections on a Quiet Revolution" (2009) 37:4 *Oxford Development Studies* 439.
- Barrientos, Armando, "Conditions in Antipoverty Programmes" (2011) 19:1 *Journal of Poverty and Social Justice*.
- Barrientos, Armando, Jasmine Gideon & Maxine Molyneux, "New Developments in Latin America's Social Policy" (2008) 39:5 *Development and Change* 759.
- Barry Schwartz, *The Paradox of Choice: Why More Is Less* (Eco, 2004).

- Barry, Carolina, Karina Ramacciotti & Adriana Valobra, eds, *La Fundación Eva Perón y las Mujeres: Entre la Provocación y la Inclusión* (Buenos Aires: Biblos, 2008).
- Bartlett, Katharine T., “Feminist Legal Methods,” in Katharine T. Bartlett & Rosanne Kennedy, eds, *Feminist Legal Theory Readings in Law and Gender*, 1st Ed (New York: Routledge, [1990] 2019).
- Bartlett, Katharine T., “Feminist Legal Methods” (1990) 103:4 *Harvard Law Review* 829.
- Basaglia, Franco, Nancy Scheper-Hughes & A.M. Lovell, *Psychiatry Inside Out: Selected Writings of Franco Basaglia* (Columbia University Press, 1987).
- Bassin, Donna, Margaret Honey & Meryle Mahrer Kaplan, eds, *Representations of Motherhood* (New Haven: Yale University, 1994).
- Bastagli, Francesca, “Conditionality in Public Policy Targeted to the Poor: Promoting Resilience?” (2009) 8:1 *Social Policy and Society* 127.
- Bastagli, Francesca, Jessica Hagen-Zanker, Luke Harman, Valentina Barca, Georgina Sturge, Tanja Schmidt & Luca Pellerano, “Cash Transfers: What Does the Evidence Say? A Rigorous Review of Programme Impact and the Role of Design and Implementation Features” (London: Overseas Development Institute [ODI], 2016).
- Basualdo, Eduardo, Nicolás Arceo, Mariana González & Nuria Mendizábal, “La Asignación Universal por Hijo a un Año de su Implementación” (2010) Documento de 7, Centro Cifra.
- Baxi, Upendra, “Modelling ‘Optimal’ Constitutional Design for Government Structures. Some Debutant Remarks,” in Khilnani, Raghavan & Thiruvengadam, eds, *Comparative Constitutionalism in South Asia* (2013).
- Baxi, Upendra, *The Future of Human Rights*, 3rd Ed (New Delhi: Oxford University Press, 2008).
- Beattie, John, Jim Phillips, James Muir & Douglas Hay, “Symposium on Property, Authority and the Criminal Law” (2006) 10 *Legal History*.
- Beccaria, Alejandra & Claudia Dannani, “El Sistema Previsional: Aspectos Institucionales y Protección, entre la Normalización y la Transformación (2003-2013),” in Claudia Dannani & Susana Hintze, ed, *Protecciones y Desprotecciones (II) Problemas y Debates de la Seguridad Social en Argentina* (Los Polvorines: Universidad Nacional de General Sarmiento, 2014).

- Beccaria, Luis & Fernando Groisman, *Informalidad y Pobreza en Argentina* (Buenos Aires: Universidad Nacional de General Sarmiento, 2007).
- Beccaria, Luis Alberto, Roxana del Luján Maurizio & Gustavo Vázquez, “El Estancamiento de la Tasa de Participación Económica Femenina en Argentina en los 2000” (2017) 57:221 Instituto de Desarrollo Económico y Social, Desarrollo Económico 3.
- Becker, Gary S., *Human Capital: A Theoretical and Empirical Analysis, with Special Reference to Education*, 3rd Ed (Chicago: University of Chicago Press, 1994).
- Bedford, Kate, “Holding It Together in a Crisis: Family Strengthening and Embedding Neoliberalism ” (2008) 39: 6 IDS Bulletin 60.
- Behrman, Jere R., Susan W. Parker & Petra E. Todd, “Do Conditional Cash Transfers for Schooling Generate Lasting Benefits?: A Five-Year Follow up of PROGRESA/Oportunidades” (2011) 46 J. Human Resources January 93.
- Belcher, Alice, “The Not-Mother Puzzle” (2000) 9:4 Social & Legal Studies 539.
- Bell, Kenton, “Bureaucracy” (2013) Open Education Sociology Dictionary, online <<https://sociologydictionary.org/bureaucracy/>>.
- Belton, Kristy A. & Jamie Chai Yun Liew. “The Unmaking of Citizens Shifting Borders of Belonging,” in Molly Katrina Land, Kathryn Rae Libal & Jillian Robin Chambers, eds, *Beyond Borders. The Human Rights of Non-Citizens at Home and Abroad* (Cambridge University Press, 2021).
- Belvedere, Carlos, Alejandra Martínez, Gonzalo Seid, Carlos Sabrina, Adriel Silderz, Agustina Gradin, Agustina & María Soledad Pérez Schrebler, *Para Ustedes del Otro Lado: la Producción Continúa del Orden y las Marginaciones Sociales en las Rutinas Cotidianas de ‘Hacer la Cola’ para Acceder a Servicios Públicos en la Ciudad de Buenos Aires* (Buenos Aires: Instituto de Investigaciones Gino Germani, Facultad de Ciencias Sociales, UBA, 2012).
- Benach, Joan & Carles Muntaner, *Empleo, Trabajo y Desigualdades en Salud: Una Visión Global* (Spain: Icaria, 2010).
- Benderly, Beryl Lieff, “A Bargain or a Burden? How Conditional Cash Transfer (CCT) Program Design Affects the Women Who Participate in Them” (2011) World Bank.
- Benhassine, Najy, Florencia Devoto, Esther Duflo, Pascaline Dupas & Victor Pouliquen, “Turning a Shove into a Nudge?” (2015) 7:3 American Economic Journal: Economic Policy 86.

- Benson, Peter, "Violence in War and Peace (Review)" (2005) 78:1 *Anthropological Quarterly* 289.
- Benzanson, Kate & Meg Luxton, *Social Reproduction: Feminist Political Economy Challenges Neo-Liberalism* (Montréal, Canada: McGill-Queen's University Press, 2006).
- Berenstain, Nora, "White Feminist Gaslighting" (2020) 35:4 *Hypatia* 733.
- Berg, Michelle & Louisa Seferis, "Protection Outcomes in Cash Based Interventions: A Literature Review" (2015) UNHCR and the Danish Refugee Council.
- Berlant, Lauren & Michael Warner, "Sex in Public" (1998) 24 *Intimacy* 547.
- Bernstein, Stephanie, Katherine Lippel, Eric Tucker & Leah F. Vosko, "Precarious Employment and the Law's Flaws: Identifying Regulatory Failure and Securing Effective Protection for Workers," in Leah F. Vosko, ed, *Precarious Employment: Understanding Labour Market Insecurity in Canada* (Montréal & Kingston: McGill-Queen's University Press, 2006) 203.
- Bertín, Hugo, "ANSES: de la Seguridad Social a la Protección Social, 1998-2017" (2019) 28 Documento de Trabajo. Centro de Estudios en Finanzas Públicas Instituto de Investigaciones Económicas. Facultad de Ciencias Económicas, UNLP, online <http://sedici.unlp.edu.ar/bitstream/handle/10915/121119/Documento_completo.pdf-PDFA.pdf?sequence=1&isAllowed=y>.
- Bertranou, Fabio & Roxana Maurizio "Transferencias Monetarias para Niños y Adolescentes en Argentina: Características y Cobertura de un 'Sistema' con Tres Componentes" (2012) 30 *Revista International Policy Centre for Inclusive Growth Research Brief*, Buenos Aires.
- Bertranou, Fabio M. & Carlos O. Grushka, "Beneficios Sociales y Pobreza en la Argentina: Estudio del Programa de Pensiones no Contributivas," in Fabio M. Bertranou, Carmen Solorio & Wouter van Ginnekeeds, eds, *Pensiones no Contributivas y Asistenciales. Argentina, Brasil, Chile, Costa Rica y Uruguay* (Santiago de Chile: Oficina Internacional del Trabajo, 2002) 31.
- Bertranou, Fabio, *Aportes para la Construcción de un Piso de Protección Social en Argentina. El Caso de las Asignaciones Familiares* (Buenos Aires: OIT, 2010).
- Best, Beverley, "Wages for Housework Redux: Social Reproduction and the Utopian Dialectic of the Value-form" (2021) 24:4 *Theory & Event* 896.

- Bestard, Ana María, “Asignación Universal por Hijo. Enfoque de Derechos y Marco Constitucional: ¿Por Qué Mediante Decreto de Necesidad y Urgencia?, online <<http://www.derecho.uba.ar/investigacion/investigadores/publicaciones/bestard-asignacion-universal-por-hijo-enfoque-de-derechos-y-marco-constitucional.pdf>>.
- Bestard, Ana María, Carrasco Maximiliano & Kantor Mora, “El Poder Legislativo Nacional y los Programas Sociales en el Período 2002-2009,” in Laura Pautassi & Gustavo Gamallo, eds, *¿Más Derechos, Menos Marginaciones? Políticas Sociales y Bienestar en la Argentina* (Buenos Aires: Biblos, 2012)115.
- Bezem, Pablo, “Equidad en la Distribución de la Oferta de Educación Pública en la Argentina” (2012) 91 Working Document, Centro de Implementación de Políticas Públicas para la Equidad y el Crecimiento [CIPPEC].
- Bhaskar, Roy & Mervyn Hartwig, *Enlightened Common Sense: The Philosophy of Critical Realism* (London: Routledge, 2006).
- Bhattacharya, Tithi, in Sarah Jaffe, ed, “Social Reproduction and the Pandemic, with Tithi Bhattacharya” (2019) Dissent Magazine (2 April 2020), online <https://www.dissentmagazine.org/online_articles/social-reproduction-and-the-pandemic-with-tithi-bhattacharya>.
- Bhattacharya, Tithi, “Explaining Gender Violence in the Neoliberal Era” (2013-2014) 91 International Socialist Review, online <<https://isreview.org/issue/91/explaining-gender-violence-neoliberal-era/index.html>>.
- Bhattacharya, Tithi, “Measuring Gender Inequality” (4 November 2013) *Socialist Worker*, online <<https://socialistworker.org/2013/11/04/measuring-gender-inequality>>.
- Bhattacharya, Tithi, ed, *Social Reproduction Theory: Remapping Class, Recentering Oppression* (Pluto, 2017).
- Bichsel, Christine, “Violence as a Human Condition: Recent Contributions from the German Social Sciences” (2017) 35:3 Environment and Planning D: Society and Space 550.
- Bidart Campos, Germán J., Néstor P. Sagüés, Mario E. Chaumet, Alejandro A. Menicocci, Noemí L. Nicolau, Oscar R. Puccinelli & María Mercedes Serra, *El Amparo Constitucional, Perspectivas y Modalidades: Article 43 de la Constitución Nacional* (Mendoza: Ed. De Palma).
- Bidart Campos, Germán José, *Manual de la Constitución Reformada, Tomo 1* (Buenos Aires: Ediar, 1998).

- Billi, Lauren, Jessamyn Encarnacion, Ghida Ismail, Papa Seck & Rea Jean Tabaco, *Women and Girls Left Behind: Glaring Gaps in Pandemic Responses* (Geneva: UN Women, 2021), online <<https://data.unwomen.org/sites/default/files/documents/Publications/glaring-gaps-response-RGA.pdf>>.
- Birch, Maxine & Tina Miller, “Inviting Intimacy: The Interview As Therapeutic Opportunity” (2000) 3:3 *International Journal of Social Research Methodology* 189.
- Birgin, Haydee & Natalia Gherardi, “El Acceso a la Justicia como un Derecho Humano Fundamental: Retos y Oportunidades para Mejorar el Ejercicio de los Derechos de las Mujeres” in Aldo Etchegoyen, ed, *Mujer y Acceso a la Justicia, 1st Ed* (Buenos Aires: El Mono Armado, 2008).
- Bisaillon, Laura, “An Analytic Glossary to Social Inquiry Using Institutional and Political Activist Ethnography” (2012) 11:5 *International Journal of Qualitative Methods* 607.
- Bisang, Roberto & Oscar Cetrángolo, “Descentralización de los Servicios de Salud en Argentina” (1997) 47 *Serie Reformas de Política Pública*. Santiago de Chile: CEPAL, Naciones Unidas.
- Blok, Anders, “Mapping the Super-Whale: Towards a Mobile Ethnography of Situated Globalities” (2010) 5:4 *Mobilities* 507.
- Blomley, Nicholas K., *Law, Space, and the Geographies of Power* (New York: Guilford, 1994).
- Bobbio, Norberto, *El Tiempo de los Derechos* (Madrid: Sistema, 1991).
- Bobonis, Gustavo J., Melissa González-Brenes & Roberto Castro, “Public Transfers and Domestic Violence: The Roles of Private Information and Spousal Control” (2013) 5:1 *American Economic Journal: Economic Policy* (2013) 179.
- Boffi, Santiago, “La Asignación Universal por Hijo en el Contexto Latinoamericano: ¿Cambio de Paradigma en la Política Social?” (2020) Doctoral Dissertation, Facultad Latinoamericana de Ciencias Sociales.
- Bohannan, Paul, “The Differing Realms of Law,” in Paul Bohannan, ed, *Law and Warfare. Studies in the Anthropology of Conflict* (New York: The Natural History Press, 1967) 43.
- Bohannan, Paul, “The Differing Realms of the Law” (1965) 67:6 *American Anthropologist* 33.
- Bond, Jennifer, Emily Bates & David Wiseman, “The Cost of Uncertainty: Navigating the Boundary Between Legal Information and Legal Services in the Access to Justice Sector” (2016) 25:1 *J. of L. and Social Policy* 1.

- Borges Sugiyama, Natasha, "The Diffusion of Conditional Cash Transfer Programs in the Americas" (2011) 11:2-3 Global Social Policy 250.
- Bourdieu, Pierre & L.J.D. Wacquant, *An Invitation to Reflexive Sociology* (Chicago: The University of Chicago Press 1992).
- Bourdieu, Pierre, *La Miseria del Mundo* (Buenos Aires: Fondo de Cultura Económica, 2013).
- Bourdieu, Pierre, *Language and Symbolic Power* (Cambridge: Polity Press, 2002).
- Bourdieu, Pierre, *Masculine Domination* (Cambridge: Polity Press, 2011).
- Bourdieu, Pierre, *Practical Reason: On the Theory of Action* (Stanford, CA: Stanford University Press, 1998).
- Bourdieu, Pierre. "La Fuerza del Derecho. Elementos para una Sociología del Campo Jurídico," in *Poder, Derecho y Clases Sociales* (Bilbao: Desclée de Brouwer, 2000).
- Bourgois, Philippe, "In Search of Masculinity. Violence, Respect and Sexuality among Puerto Rican Crack Dealers in East Harlem" (1996) 36:3 British Journal of Criminology 412.
- Bourgois, Philippe, "Neoliberal Lumpen Abuse in the 2000s: A 25 Year Ethnographic Retrospective on Violence in the Americas," Democracy and Development, Princeton Lecture.
- Bourgois, Philippe. *In Search of Respect: Selling Crack in El Barrio* (New York: Cambridge University Press, 2003).
- Boyd White, James, *Justice as Translation* (Chicago: University of Chicago Press, 1990).
- Boyd, Susan B. & Debra Parkes, "Looking Back, Looking Forward: Feminist Legal Scholarship in SLS" (2017) 26:6 Social & Legal Studies 735.
- Boyd, Susan B. & Elizabeth A. Sheehy, "Canadian Feminist Perspectives on Law" (1986) 13:3 Journal of Law and Society 283.
- Boyd, Susan B., "Autonomy for Mothers? Relational Theory and Parenting Apart" (2010) 18:2 Feminist Legal Studies 137.
- Boyd, Susan B., "Family, Law, and Sexuality: Feminist Engagements" (1999) 8 Social & Legal Studies 369.
- Boyd, Susan B., "Is there an Ideology of Motherhood in (Post)Modern Child Custody Law? (1996) 5:4 Social & Legal Studies 495.

- Boyd, Susan B., "Marriage is More than Just a Piece of Paper": Feminist Critiques of Same Sex Marriage (2013) 8:2 National Taiwan University Law Review 263.
- Boyd, Susan B., "Some Postmodernist Challenges to Feminist Analyses of Law, Family and State: Ideology and Discourse in Child Custody Law" (1991) 10 Canadian Journal of Family Law 79.
- Boyd, Susan B., *Challenging the Public/Private Divide: Feminism, Law, and Public Policy* (Toronto: University of Toronto Press, 1997).
- Bracamonte, Silvina Andrea & José Luis Cassinerio, "La Judicialización del Derecho a la Salud" (2020) 112 Research Paper, Ginebra, South Centre.
- Bradshaw, Sarah & Ana Quirós Víquez, "The Social Protection Network in Nicaragua: A Gendered Analysis" (2003), Unpublished Draft.
- Bradshaw, Sarah & Ana Quirós Víquez, "Women Beneficiaries or Women Bearing the Cost? A Gendered Analysis of the *Red de Protección Social* in Nicaragua" (2008) 39:5 Development and Change.
- Bradshaw, Sarah, "From Structural Adjustment to Social Adjustment: A Gendered Analysis of Conditional Cash Transfer Programs in Mexico and Nicaragua" (2008) 8:2 Global Social Policy 188.
- Brady, Carol, "Walking the Talk: Cash Transfers and Gender Dynamics" (2011) Concern Worldwide and Oxfam GB, London.
- Brenner, Johanna & Barbara Laslett, "Gender, Social Reproduction, and Women's Self-Organization: Considering the U.S. Welfare State" (1991) 5:3 Gender & Society 311.
- Brenner, Johanna, *Women and the Politics of Class* (New York: Monthly Review Press, 2000).
- Brida, Juan Gabriel, Nicolás Garrido & Silvia London, "Estudio del Desempeño Económico Regional: el Caso Argentino" (2013) XXXII: 60 Cuadernos de Economía, Universidad Nacional de Colombia Bogotá, Colombia.
- Bridges, Khiara, *Reproducing Race: An Ethnography of Pregnancy as a Site of Racialization* (Berkeley University of California Press, 2011).
- Brinkmann, Svend & Steinar Kvale, *InterViews: Learning the Craft of Qualitative Research Interviewing* (SAGE Publications, 2015).

- Brinks, Daniel, "Inequality, Institutions, and the Rule of Law: The Social and Institutional Bases of Rights" (2008) 351 Working Paper, Helen Kellogg Institute, University of Notre Dame.
- Briones, Claudia, *La Alteridad del 'Cuarto Mundo': una Deconstrucción Antropológica de la Diferencia* (Buenos Aires: Ediciones del Sol, 1998).
- British Sociological Association, *BSA: Statement of Ethical Practice* (2017), online <https://www.britisoc.co.uk/media/24310/bsa_statement_of_ethical_practice.pdf>.
- Brown, Wendy, *States of Injury: Power and Freedom in Late Modernity* (Princeton, NJ: Princeton University Press, 1995).
- Bufacchi, Vittorio, "Two Concepts of Violence" (2005) 3 *Polit. Stud. Rev.* 193.
- Bumiller, Kristin, *In an Abusive State: How Neo-liberalism Appropriated the Feminist Movement Against Sexual Violence* (Durham: Duke University Press, 2008).
- Burawoy, Michael, Joseph Blum, Sheba George, Zsuzsa Gille, Teresa Gowan, Lynne Haney, Maren Klawiter, Steven Lopez, Sean Riain & Millie Thayer, *Global Ethnography: Forces, Connections, and Imaginations in a Postmodern World* (Berkeley: University of California Press, 2000).
- Burchill, Graham, Colin Gordon & Peter Miller, "Social Economy and the Government of Poverty," in *The Foucault Effect: Studies in Governmentality* (Chicago: University of Chicago Press, 1991).
- Buss, Doris, "Measurement Imperatives and Gender Politics: An Introduction" (2015) 22:3 *Social Politics* 381.
- Buss, Doris, "Performing Legal Order: Some Feminist Thoughts on International Criminal Law" (2011) 11 *International Criminal Law Review* 409.
- Bustos, Juan Martín & Soledad Villafañe, "Asignación Universal por Hijo. Evaluación del Impacto en los Ingresos de los Hogares y el Mercado de Trabajo" (2011) 10 *Serie Trabajo, Ocupación y Empleo, SSPTyEL-MTEySS*.
- Bustos, Juan Martín, Georgina Giglio & Soledad Villafañe, "Asignación Universal por Hijo: Alcance e Impacto por Regiones del País (2012) 11 *Serie Estudios*." Publicación del Ministerio de Trabajo, Empleo y Seguridad Social.
- Bustos, Martín & Soledad Villafañe, "Asignación Universal por Hijo. Evaluación del Impacto en los Ingresos de los Hogares y el Mercado de Trabajo" (2011) *Dirección de Estudios y*

Coordinación Macroeconómica, Subsecretaría de Programación Técnica y Estudios Laborales, Ministerio de Trabajo, Empleo y Seguridad Social, Presidencia de la Nación.

Butler, Judith, *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1990).

C5N, “Cuánto tiene que ganar una familia para ser de clase media” (8 August 2022), online <[Cabrera, M. Claudia, “Entre Dos Aguas. Tensiones entre la Memoria del Plan y la Ampliación de Derechos en la Implementación de las Políticas Sociales en el Conurbano Bonaerense,” in M. Claudia Cabrera & Marcela Vio, eds, *La Trama de la Economía Popular* \(Ciudad Autónoma de Buenos Aires: Espacio Editorial, 204\).](https://www.c5n.com/economia/cuanto-tiene-que-ganar-una-familia-ser-clase-media-n22676#:~:text=C%C3%B3mo%20es%20la%20pir%C3%A1mide%20social%20en%20Argentina&text=Clase%20media%20baja%3A%20el%20ingreso,5%25%20de%20las%20familias).></p></div><div data-bbox=)

Calabria, Alejandro A., Analía Verónica Calero, Vanesa D’Elia, Julio Gaiada & Sergio Rottenschweiler, “Asignación Universal por Hijo para Protección Social: una Política de Inclusión para los más Vulnerables” (2011) Observatorio de la Seguridad Social, Administración Nacional de la Seguridad Social.

Campbell, Marie & Frances Gregor, *Mapping Social Relations* (Walnut Creek, CA: AltaMira, 2004).

Campbell, Marie L., “Research for Activism: Understanding Social Organization from Inside It,” in C. Frampton, G. Kinsman, A. Thompson, & K. Tilleczeck, eds, *Sociology for Changing the World: Social Movements/Social Research* (Black Point, NS: Fernwood Press, 2006) 87.

Campbell, Marie L., “Research on Health Care Experiences of People with Disabilities: Exploring the Social Organization of Service Delivery,” in Barbara M. Altman & Sharon N. Barnartt, eds, *Expanding the Scope of Social Science Research on Disability (Research in Social Science and Disability, Vol. 1)* (Bingley: Emerald Group Publishing Limited, 2000) 131.

Campbell, Marie Louise & Gregor Frances, *Mapping Social Relations: A Primer in Doing Institutional Ethnography* (Walnut Creek: Altamira Press, 2002).

Campbell, Marie, “Dorothy Smith and Knowing the World We Live In” (2003) 30:1 *Journal of Sociology and Social Welfare* 3.

- Canosa, Armando N., "Los Recursos," *Obra Colectiva Procedimiento Administrativo*, Conference organized by Austral University, Sciences of Administration, in "Los Recursos" (1998) Universidad Austral, *Procedimiento Administrativo* 97.
- Cao, Horacio & Josefina Vaca, "Desarrollo Regional en la Argentina: la Centenaria Vigencia de un Patrón de Asimetría Territorial" (2006) XXXII 95:111 *Revista Eure*.
- Cappeletti, Mauro & Bryant G. Garth, *El Acceso a la Justicia: La Tendencia en el Movimiento Mundial para Hacer Efectivos los Derechos*, (México: Fondo de Cultura Económica, 1978 [1996]).
- Carapinheiro, Graça, *Saberes e Poderes no Hospital. Uma Sociologia dos Serviços Hospitalares* (Porto: Edições Afrontamento, 1993).
- Card, David & Alan B. Krueger, *Myth and Measurement: The New Economics of the Minimum Wage* (New Jersey: Princeton University Press, 1995).
- Carey, Gemma E., Melissa Graham, Julia Shelley & Ann Taket, "Discourse, Power and Exclusion: The Experiences of Childless Women," in Ann Taket, Beth R. Crisp, Annemarie Nevill, Greer Lamaro, Melissa Graham & Sarah Barter-Godfrey, eds, *Theorising Social Exclusion* (London: Routledge, 2009) 127.
- Carlet, Flávia, "Advocacia Popular: Práticas Jurídicas Contra-Hegemônicas no Acesso ao Direito e à Justiça no Brasil" (2015) 6:10 *Direito e Práxis* 377.
- Carrasco, Cristina, "La Economía Feminista: Una Apuesta por Otra Economía," in M.J. Vara, ed, *Estudios Sobre Género y Economía* (Madrid: Ediciones Akal, 2006).
- Carroll, William K., "You Are Here.' Interview with Dorothy E. Smith" (2010) 6 *Socialist Studies / Études socialistes*.
- Cassagne, Juan C., "Principios Generales del Procedimiento Administrativo" (1998) in "Procedimiento Administrativo," Conference organized by the Universidad Austral, Administration Sciences.
- Cassell, Joan, ed, *Children in the Field* (Philadelphia: Temple University Press, 1987).
- Cassese, Antonio, "On the Current Trends Towards Criminal Prosecution and Punishment of Breaches of International Humanitarian Law" (1998) 9 *Eur. J. Int'l L.*
- Castel, Robert, "Los Riesgos de Exclusión Social en un Contexto de Incertidumbre" (2014) 72:1 *Revista Internacional de Sociología* 15.

- Castillo, Nair, Bianca Musante & Alejandro Mendoza Jaramillo, “Asignación Universal Por Hijo y Mercado de Trabajo: ¿Nuevas Oportunidades de Inclusión o Reproducción de Desigualdades?”, online < http://wadmin.uca.edu.ar/public/ckeditor/JEC._2013-Castillo_Musante_y_Mendoza_Jaramillo.pdf>.
- Castro, Roberto, “Génesis y Práctica del Habitus Médico Autoritario en México” (2014) 76:2 *Revista Mexicana de Sociología* 167.
- Catenacci, Imerio Jorge, *Introducción al Derecho* (Buenos Aires: Editorial Astrea, 2006).
- Cecchini, Simone & Aldo Madariaga, “Programas de Transferencias Condicionadas: Balance de la Experiencia Reciente en América Latina y el Caribe” (2011) 95 Cuadernos de la Cepal. Santiago de Chile: Cepal.
- Cecchini, Simone & Aldo Madariaga, *Conditional Cash Transfer Programmes: The Recent Experience in Latin America and the Caribbean*. United Nations Economic Commission for Latin America and the Caribbean, 95 Cuadernos de la CEPAL (New York: United Nations, 2011).
- Cecchini, Simone & Bernardo Atuesta, *Programas de Transferencias Condicionadas en América Latina y el Caribe. Tendencias de Cobertura e Inversión* (2017) Serie Políticas Sociales, CEPAL-ONU. Chile.
- Cecilia Anzorena, Claudia, *Mujeres en la Trama del Estado: Una Lectura Feminista de las Políticas Públicas* (Mendoza: Ediunc, 2013).
- Cecilia Canevari Bledel, *Cuerpos Enajenados. Experiencias de Mujeres en una Maternidad Pública* (Santiago del Estero: Barco Edita, Universidad Nacional de Santiago del Estero, 2011).
- CELS, *Hostigados: Violencia y Arbitrariedad Policial en los Barrios Populares, 1st Ed* (Buenos Aires: CELS, 2016), online < <https://www.cels.org.ar/hostigados.pdf>>.
- Cena, Rebeca, “Acerca de las Sensibilidades Asociadas a las Personas Titulares de la Asignación Universal por Hijo, un Análisis desde la Etnografía Virtual,” in Angélica de Sena, ed, *Las Políticas Hechas Cuerpo y lo Social Devenido Emoción: Lecturas Sociológicas de las Políticas Sociales* (Buenos Aires: Estudios Sociológicos, 2014).
- Cena, Rebeca, “Programas de Transferencias Condicionadas de Ingresos: Hacia una Problematicación Teórica a Partir del Caso Latinoamericano,” in Angélica De Sena, ed, *Del Ingreso Ciudadano a las Transferencias Condicionadas, Itinerarios Sinuosos* (Buenos Aires: Estudios Sociológicos Editora, 2016) 115.

- CENDA, *La Anatomía del Nuevo Patrón de Crecimiento y la Encrucijada Actual: la Economía Argentina, Período 2002-2010, 1st Ed* (Buenos Aires: Atuel, 2010).
- CEPAL, *La Protección Social de Cara al Futuro. Acceso, Financiamiento y Solidaridad (Síntesis). Trigésimo Primer Período de Sesiones de la CEPAL* (Montevideo, Uruguay: CEPAL, 2006).
- CEPAL, Observatorio de Igualdad de Género de América Latina y el Caribe, Informe Anual 2012, “Los Bonos en la Mira: Aporte y Carga para las Mujeres” (2021).
- Cetrángolo, Oscar & Javier Curcio, “Financiamiento y Gasto Educativo en América Latina” (2017) CEPAL – 192 Serie Macroeconomía del Desarrollo LC/TS.2017/95, Santiago de Chile.
- Chaco Día por Día, “Juicio de Pobreza: lo Consideran una ‘Barrera de Acceso a la Justicia’ y lo Declaran Inconstitucional” (2nd March 2021), online <<https://www.chacodiapordia.com/2021/03/02/juicio-de-pobreza-lo-consideran-una-barrera-de-acceso-a-la-justicia-y-lo-declaran-inconstitucional/>>.
- Chadwick, Rachelle, “Breaking the Frame: Obstetric Violence and Epistemic Rupture” (2021) 35:3 Agenda 104.
- Chadwick, Rachelle, “Good Birth Narratives: Diverse South African Women’s Perspectives” (2019) 77 Midwifery1.
- Chadwick, Rachelle, “Obstetric Violence in South Africa” (2016) 106:5 South African Medical Journal 423.
- Chadwick, Rachelle, *Bodies that Birth: Vitalizing Birth Politics* (London: Routledge, 2018).
- Chambliss, William L., *Power, Politics & Crime* (Westview Press, 1999).
- Chancey, Laurie & Susan A. Dumais, “Voluntary Childlessness in Marriage and Family Textbooks, 1950-2000” (2009) 34 Journal of Family History 206.
- Chant, Sylvia, “The ‘Feminisation of Poverty’ and the ‘Feminisation’ of Anti-Poverty Programmes: Room for Revision?” (2008) 44:2 Journal of Development Studies 165.
- Chayer, Héctor M. & Marisa A. Garsco, eds, *Acceso A La Justicia Para Todos: Acceso En Justicia 2020* (Ciudad Autónoma de Buenos Aires: Eudeba, 2019), online <http://www.bibliotecadigital.gob.ar/files/original/2195/Eje_Acceso_-_Justicia_2020.4.pdf>.

- Checa, Susana, "Uso y Gestión de los Servicios de Salud Pública en la Atención del Embarazo y Regulación de la Fecundidad" (1996) 15:1 Rev. Hosp. Matern. Infant. Ramon Sarda 12.
- Chimni, B.S., *International Law and World Order: A Critique of Contemporary Approaches* (Sage Publications, 1993).
- Chinyere Oparah, Julia & Alicia D. Bonaparte, *Birthing Justice: Black Women, Pregnancy, and Childbirth* (New York: Routledge, 2016).
- Chisleanschi, Rodolfo, "The Lost Forests of the Argentine Gran Chaco" (19 August 2020) MONGABAY, online <https://news.mongabay.com/2020/08/the-lost-forests-of-the-argentine-gran-chaco/#:~:text=According%20to%20Argentina's%20Ministry%20of,decades%20of%20the%2021st%20century.>>.
- Chudnovsky, Mariana, *Régimen Político, Estado y Políticas Públicas: El Rol de los Gabinetes en el Desarrollo de Capacidades Estatales* (2014) Doctoral Dissertation, Universidad Torcuato Di Tella, online <<https://repositorio.utdt.edu/handle/20.500.13098/2217>>.
- Chunn, Dorothy E. & Shelley A. M. Gavigan, "Welfare Law, Welfare Fraud, and the Moral Regulation of the 'Never Deserving' Poor" (2004) 13:2 Social & Legal Studies 219.
- Chynoweth, Paul, "Legal Scholarship: A Discipline in Transition" (2009) 1:1 International Journal of Law in the Built Environment.
- CIPPEC, "Los Estados Provinciales Frente a las Brechas Socio-Educativas: una Sociología Política de las Desigualdades Educativas en las Provincias Argentinas" (2004) Buenos Aires: Centro de Implementación de Políticas Públicas para la Equidad y el Crecimiento & Fondo de Investigaciones Educativas - PREAL.
- Clarke, John & Janet Newman, *The Managerial State: Power, Politics and Ideology in the Remaking of Social Welfare* (London: Sage, 1997).
- Clark-Kazak, Christina R., "Research as "Social Work" in Kampala? Managing Expectations, Compensation and Relationships in Research with Unassisted, Urban Refugees from the Democratic Republic of Congo," in S. Thomson, A. Ansoms, & J. Murison, eds, *Emotional and Ethical Challenges for Field Research in Africa. The Story Behind the Findings* (London: Palgrave Macmillan, 2013) 96.
- COFEM Secretariat Blog, "Is all Violence Against Women also Gender-Based Violence (GBV)?," online <<https://cofemsocialchange.org/violence-against-women-gender-based-violence/>>.

- Colignon, Richard A., "The Sociology of Organization," in C. D. Bryant & D. L. Peck, eds, *21st Century Sociology: A Reference Handbook* (Thousand Oaks, CA: SAGE, [1969] 2007) 179.
- Collier, Richard & Sally Sheldon, *Fragmenting Fatherhood: A Socio-Legal Study* (Oxford and Portland, Oregon: Hart Publishing, 2008).
- Comaroff, Jean, *Body of Power, Spirit of Resistance: The Culture and History of a South African People* (Chicago: University of Chicago Press, 1985).
- Committee on Economic, Social and Cultural Rights, "Poverty and the International Covenant on Economic, Social and Cultural Rights: Statement / adopted by the Committee on Economic, Social and Cultural Rights on 4 May 2001," E/C.12/2001/10.
- Committee on the Elimination of Discrimination against Women, *Concluding Observations on the Seventh Periodic Report of Argentina* (18 November 2016) CEDAW/C/ARG/CO/7 16-20836 5/18, online < <https://www.refworld.org/docid/583862e94.html>>.
- Connell, Robert W., *Masculinities* (Berkeley: University of California Press, 1995).
- Cook, Rebecca J., Simone Cusack & Bernard M. Dickens, "Unethical Female Stereotyping in Reproductive Health" (2010) 109: 3 International Journal of Gynaecology and Obstetrics 255.
- Cookson, Tara Patricia, "Working for Inclusion? Conditional Cash Transfers, Rural Women, and the Reproduction of Inequality" (2016) 48 Antipode 1187.
- Cookson, Tara Patricia, *Unjust Conditions: Women's Work and the Hidden Cost of Cash Transfer Programs* (Oakland, CA: University of California Press, 2018).
- Coombe, Rosemary J., "The Properties of Culture and the Politics of Possessing Identity: Native Claims in the Cultural Appropriation Controversy" (1993) 6:2 Canadian Journal of Law & Jurisprudence 249.
- Coraggio, José Luis, *Política Social y Economía del Trabajo* (Buenos Aires, UNGS-Niño & Davila Editores, Buenos Aires, 1999).
- Coraggio, José Luis, "La Economía Social y Solidaria (ESS) en América Latina," in A. Guillén & M. Phélan, eds, *Construyendo el Buen Vivir* (Cuenca: Universidad de Cuenca/PYDLOS, 2012) 236.
- Corbalán, María Alejandra, *El Banco Mundial. Intervención y Disciplinamiento. El Caso Argentino: Enseñanzas para América Latina* (Biblos: Buenos Aires, 2002).

- Corboz, Julianne, "Third-Way Neoliberalism and Conditional Cash Transfers: The Paradoxes of Empowerment, Participation and Self-Help among Poor Uruguayan Women" (2013) 24 *The Australian Journal of Anthropology* 64.
- Corn tassel, Jeff, "Re-Envisioning Resurgence: Indigenous Pathways to Decolonization and Self-Determination" (2012) 1:1 *Decolonization: Indigeneity, Education & Society* 86.
- Cornwall, Andrea & Althea-Maria Rivas, "From 'Gender Equality' and 'Women's Empowerment' to Global Justice: Reclaiming the Transformative Agenda for Gender and Development" (2015) 36:2 *Third World Quarterly* 396.
- Correia, Justine, "Relations that Make the AUH Work: Understanding Argentina's Conditional Cash Transfer Program" (2017) Master's Dissertation, Dalhousie University, Halifax, Nova Scotia.
- Corrigan, Philip & Derek Sayer, *The Great Arch: English State Formation as Cultural Revolution* (Oxford: Basil Blackwell, 1985).
- Corsiglia Mura, Lucía, "Los Planes de Inclusión Previsional y la Construcción de Sentidos acerca del Derecho a la Jubilación," in Pilar Arcidiácono, ed, *Trabajo Social y Políticas Públicas desde una Perspectiva Histórica, II* (La Plata: Universidad Nacional de La Plata. Facultad de Trabajo Social, 2019).
- Cotterrell, Roger, *The Sociology of Law: An Introduction*, 2nd Ed (London: Butterworths, 1992).
- Council of Europe, *The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), November 2014, ISBN 978-92-871-7990-6, online <<https://www.refworld.org/docid/548165c94.html>>.
- Cover, Robert, "Violence and the Word" (1986) 95 *Yale Law Journal*.
- Crapanzo, Vicent, "Herme's Dilemma: The Masking of Subversion in Ethnographic Description," in James Clifford & George Marcus, eds, *Writing Culture: The Poetics and Politics of Ethnography* (University of California Press, 1986).
- Crawley, S.L., Mc Whitlock & Jennifer Earles, "Smithing Queer Empiricism: Engaging Ethnomethodology for a Queer Social Science" (2021) 39:3 *Sociological Theory* 127.
- Crenshaw, Kimberlé, "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics" (1989) *University of Chicago Law Forum* 139.
- Crenshaw, Kimberlé, "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color" (1991) 43 *Stanford Law Review* 1241.

- Crotty, Michael, *The Foundations of Social Research* (Thousand Oaks, CA: Sage, 1998).
- Cruces, Guillermo, Juan Martín Moreno, Dena Ringold & Rafael Rofman, eds, *Los Programas Sociales en Argentina hacia el Bicentenario* (Buenos Aires: Banco Mundial Banco Mundial, 2008).
- Cunliffe, Emma, “(This is Not a) Story: Using Court Records to Explore Judicial Narratives in R v Kathleen Folbigg” (2007) 27:1 Australian Feminist Law Journal 71.
- Cuomo, Dana, “Security and Fear: The Geopolitics of Intimate Partner Violence Policing” (2013) 18:4 Geopolitics 856.
- Curcio, Javier & Alejandra Beccaria, “Sistema de Seguridad Social y Mercado de Trabajo: Evolución de la Cobertura en la Argentina Entre 1990 y 2010,” in Claudia Danani & Susana Hintze, eds, *Protecciones y Desprotecciones: la Seguridad Social en la Argentina* (Buenos Aires: UNGS, 2011).
- Curcio, Javier, “Descripción del Sistema de Seguridad Social: Componentes al Cabo de la Década del ‘90 y de la Primera Década del Siglo XXI,” in Claudia Danani & Susana Hintze, eds, *Protecciones y Desprotecciones: la Seguridad Social en la Argentina* (Buenos Aires: UNGS, 2011).
- Curran, Laura & Laura S. Abrams, “Making Men into Dads: Fatherhood, the State, and Welfare Reform” (2000) 14 Gender & Society 662.
- Cusack, Simone & Rebecca J. Cook, “Stereotyping Women in the Health Sector: Lessons from CEDAW” (2010) 16:1 Journal of Civil Rights and Social Justice 47.
- D. Kugler, Adriana & Ingrid Rojas, “Do CCTs Improve Employment and Earnings in the very Long-Term? Evidence From Mexico” (2018) National Bureau of Economic Research Working Paper 24248.
- D’Amico, María Victoria, “Plan de Tesis de Doctorado: Políticas Sociales y Prácticas Ciudadanas a Partir de la Implementación de la Asignación Universal por Hijo En Argentina. 2009 -2013” (2014) 13 Prácticas de Oficio.
- D’Amico, María Victoria, “Tramitación de la AUH en la ANSES de la Ciudad de La Plata. Las Prácticas de Vinculación de los Sectores Populares con el Estado desde la Experiencia Situada” (2016) IX Jornadas de Sociología de la UNLP, Ensenada, Argentina, online <http://www.memoria.fahce.unlp.edu.ar/trab_eventos/ev.8923/ev.8923.pdfat page 2>.
- Dallorso, Nicolas, *Manzaneras y Comadres. Continuidades y Transformaciones en las Intervenciones Gubernamentales: de la Protección Maternoinfantil a las Transferencias*

- Monetarias Condicionadas (Conurbano Bonaerense 2005-2009)* (2010). Tesis de doctorado en Ciencias Sociales, Facultad de Ciencias Sociales de la Universidad de Buenos Aires.
- Dalmer, Nicole K., "Mapping Ruling Relations: Advancing the Use of Visual Methods in Institutional Ethnography," in P. C. Luken and S. Vaughan, eds, *The Palgrave Handbook of Institutional Ethnography* (2021) 81.
- Danani, Claudia & Javier Lindenboim, "Trabajo, Política y Políticas Sociales ¿Hay Algo de Particular en el Caso Argentino?," in J. Lindenboim, & C. Danani, eds, *Entre el Trabajo y la Política. Las Políticas Sociales Argentinas en Perspectiva Comparada* (Buenos Aires: Biblos, 2003).
- Danani, Claudia & Susana Hintze, "Protección y Seguridad Social para Distintas Categorías de Trabajadores: Definiciones Conceptuales, Propuestas de Abordaje e Intento de Interpretación," in Claudia Danani & Susana Hintze, eds, *Protecciones y Desprotecciones: la Seguridad Social en la Argentina* (Buenos Aires: UNGS, 2011).
- Danani, Claudia & Susana Hintze, "Reformas y Contra-Reformas de la Protección Social: la Seguridad Social en la Argentina en la Primera Década Del Siglo" (2010) 24:12 Reflexión Política.
- Danani, Claudia, "Estatidades en Disputa: Recrear la Protección Social, Refundar el Estado," in Alicia Ziccardi, Carmen Midaglia & Verónica Villarespe, eds, *Persistencias de la Pobreza y Esquemas de Protección Social en América Latina y el Caribe* (Buenos Aires: CLACSO-CROP, 2013).
- Danani, Claudia, "La otra Década de Reformas de las Políticas Sociales y Laborales. Argentina, 2002-2010" (2012) 135-136 *Revista de Ciencias Sociales de la Universidad de Costa Rica*.
- Danieli, Ardha & Carol Woodhams, "Emancipatory Research Methodology and Disability: A Critique" (2005) 8:4 *International Journal of Social Research Methodology* 281.
- Danuta Walters, Suzanna, "From Here to Queer: Radical Feminism, Postmodernism, and the Lesbian Menace (Or, Why Can't a Woman Be More Like a Fag?)" (1996) 21:4 *Signs: Journal of Women in Culture and Society* 830.
- Darville, Richard, "Literacy, Experience, Power," in M. Campbell & A. Manicom, eds, *Knowledge, Experience and Ruling Relations: Studies in the Social Organization of Knowledge* (Toronto: University of Toronto Press, 1995) 249.

- Das, Jishnu, Quy-Toan Do & Berk Özler, “Conditional Cash Transfers and the Equity-Efficiency Debate” (2004) Policy Research Working Paper No. 3280. World Bank, Washington, D.C., online <<https://openknowledge.worldbank.org/handle/10986/14299>>.
- Das, Jishnu, Quy-Toan Do & Berk Ozler, “Reassessing Conditional Cash Transfer Programs” (2005) 20 The World Bank Research Observer 57.
- Davis, Benjamin, Marie Gaarder, Sudhanshu Handa & Jenn Yablonski, “Evaluating the Impact of Cash Transfer Programmes in Sub-Saharan Africa: An Introduction to the Special Issue” (2012) 4:1 Journal of Development Effectiveness 1.
- Davis, Dána-Ain, “Obstetric Racism: The Racial Politics of Pregnancy, Labor, and Birthing” (2018) 38:7 Medical Anthropology 560.
- Davis, Dána-Ain, *Reproductive Injustice: Racism, Pregnancy, and Premature Birth* (New York: New York University Press, 2019).
- Davis, Peggy C., “Law as Microaggression” (1989) 98:8 The Yale Law Journal 1559.
- Davis-Floyd, Robbie E. & Carolyn Fishel Sargent, *Childbirth and Authoritative Knowledge. Cross-Cultural Perspectives* (Berkeley: University of California Press, 1997).
- Dávalos, Patricia, “Las Perceptoras de la Asignación Universal por Hijo: Características y Condicionantes de su Participación en el Mercado Laboral” (2013) 7:12 Poiésis - Revista de Programa de Posgrado en Educación 256.
- De Beauvoir, Simone, *The Second Sex* (Vintage Books, New York: 1989).
- De Brauw, Alan & John Hoddinott, “Must Conditional Cash Transfer Programs be Conditioned to be Effective? The Impact of Conditioning Transfers on School Enrollment in Mexico” (2011) 96:2 Journal of Development Economics 359.
- De Brauw, Alan, Daniel O. Gilligan, John Hoddinott & Shalini Roy, “Bolsa Família and Household Labor Supply” (2015) 63:3 Economic Development and Cultural Change.
- De Grande, Pablo & Agustín Salvia, “Mercado de Trabajo y Condicionamiento por Color de Piel en Grandes Centros Urbanos de la Argentina” (2013) 9 Revista de Estudios Regionales y Mercado de Trabajo 59, online <http://www.memoria.fahce.unlp.edu.ar/art_revistas/pr.6296/pr.6296.pdf>.
- De Haan, Willem, “Violence as an Essentially Contested Concept,” in Sophie Body-Gendrot & Pieter Spierenburg, eds, *Violence in Europe: Historical and Contemporary Perspectives* (Springer 2009).

- De Janvry, Alain & Elisabeth Sadoulet, “Conditional Cash Transfer Programs: Are They Really Magic Bullets?” (2004) Department of Agricultural and Resource Economics University of California at Berkeley.
- De Janvry, Alain, Frederico Finan & Elisabeth Sadoulet, “Local Electoral Incentives and Decentralized Program Performance” (2012) 94:3 *The Review of Economics and Statistics* 672.
- De Sena, Angélica & Anaclara Mona, “A Modo de Introducción: La Cuestión Social, Las Políticas Sociales y Las Emociones,” in Angélica De Sena, ed, *Las Políticas Hechas Cuerpo y Lo Social Devenido Emoción: Lecturas Sociológicas de Las Políticas Sociales* (Ciudad Autónoma de Buenos Aires: Estudios Sociológicos Editora, 2014).
- De Sena, Angélica, “Promoción de Microemprendimientos y Políticas Sociales: ¿Universalidad, Focalización o Masividad? Una Discusión no Acabada” (2011) 8 *Pensamento Plural* 37.
- De Sousa Santos, Boaventura & César A. Rodríguez Garavito, eds, *Law and Globalization from Below. Towards a Cosmopolitan Legality* (Cambridge: Cambridge University Press, 2005).
- De Sousa Santos, Boaventura, “Law: A Map of Misreading. Toward a Postmodern Conception of Law” (1987) 14:3 *Journal of Law and Society* 279.
- De Sousa Santos, Boaventura, “The Future of the World Social Forum: The Work of Translation” (2005) 48: 2 *Development* 15.
- De Sousa Santos, Boaventura, *Toward a New Legal Common Sense. Law, Globalization, and Emancipation* (London: Butterworths. LexisNexis, 2002).
- De Sousa Santos, Boaventura, *De la Mano de Alicia, lo Social y lo Político en la Posmodernidad* (Bogotá, Siglo del Hombre Editores y Uniandes, 2006).
- Defensoría de Niñas, Niños y Adolescentes de la Provincia de Santa Fe, “16 de agosto: Día de las Infancias” (14 August 2020), online
 <[617](https://www.defensorianna.gob.ar/novedades/noticias/16-de-agosto-dia-de-las-infancias-3476#:~:text=Por%20eso%2C%20emplear%20el%20plural,y%20ni%C3%B1es%20quepan%20en%20ellas.>.”</p>
<p>DeGuzman, Margaret M., “Giving Priority to Sex Crime Prosecutions: The Philosophical Foundations of a Feminist Agenda” (2011) 11 <i>International Criminal Law Review</i> 515.</p>
</div>
<div data-bbox=)

- Delamata, Gabriela, *Los Barrios Desbordados: las Organizaciones de Desocupados del Gran Buenos Aires* (Buenos Aires: EUDEBA, 2004).
- Denzin, Norman K., *Interpretive Interactionism* (Newbury Park, CA: Sage, 1989).
- DeVault, Marjorie & Liza McCoy, "Institutional Ethnography: Using Interviews to Investigate Ruling Relations," in J. Gubrium & J. Holstein, eds, *Handbook of Interview Research: Context & Method* (Sage: Thousand Oaks, 2002) 751.
- DeVault, Marjorie L. & Liza McCoy, "Institutional Ethnography: Using Interviews to Investigate Ruling Relations," in Dorothy E. Smith, ed, *Institutional Ethnography As Practice* (Lanham: Rowman & Littlefield Publishers, 2006).
- DeVault, Marjorie L., "Mapping Invisible Work: Conceptual Tools for Social Justice Projects" (2014) 79:4 Sociological Forum 775.
- DeVault, Marjorie L., "Talking back to Sociology: Distinctive Contributions of Feminist Methodology" (1996) 22 Annual Review of Sociology 29.
- DeVault, Marjorie L., *Liberating Method: Feminism and Social Research* (Philadelphia, PA: Temple University Press, 1999).
- DeVault, Marjorie L., *People at Work: Life, Power and Social Inclusion in the New Economy* (New York: New York University Press, 2008).
- Deveau, J.L., "Examining the Institutional Ethnographer's Toolkit" (2009) 4:2 Socialist Studies/Études Socialistes.
- DeVore, Jonathan, "From Affirmative to Transformative Distributive Politics," in Maria Elisa Balen & Martin Fotta, eds, *Money from the Government in Latin America. Conditional Cash Transfer Programs and Rural Lives* (London: Routledge, 2018).
- DeWalt, Kathleen M. & Billie R. DeWalt, *Participant Observation: A Guide for Fieldworkers* (New York: AltaMira Press, 2002).
- Diamond, Timothy, *Making Gray Gold: Narratives of Narratives of Nursing Home Care* (Chicago: University of Chicago Press, 1992).
- Diario Día a Día, "Las Mamás Tendrán Prioridad para Cobrar la Asignación" (May 29, 2013) online <<http://www.diaadia.com.ar/cordoba/mamas-tendran-prioridad-para-cobrar-asignacion>>.

- Diario El Digital Neuquén, “Argentina se Destaca por el Uso de la Telefonía Celular” (26 May 2019), online <[https://www.lavoz.com.ar/ciudadanos/segun-indec-8-de-cada-10-personas-en-argentina-tienen-acceso-un-telefono-celular](https://www.eldigitalneuquen.com.ar/2019/05/26/argentina-se-destaca-por-el-uso-de-la-telefonia-celular/#:~:text=BUENOS%20AIRES%20(NA)%20%E2%80%94%20Nueve,usuarios%20%C3%BAnicos%20de%20tel%C3%A9fonos%20celulares.>”.></p>
<p>Diario La Voz, “Según el Indec, 8 de cada 10 personas en Argentina Tienen Acceso a un Teléfono Celular” (4 May 2019), online <.
- Diario Norte, “Con 43° C Resistencia y Sáenz Peña Batieron Récores en un Mismo Día” (19 September 2020), online <[http://www.pagina12.com.ar/diario/elpais/1-220910-2013-05-27.html](https://www.diarionorte.com/196851-con-43%C2%BAC-resistencia-y-saenz-pena-batieron-recores-en-un-mismo-dia->”.></p>
<p>Diario Página Doce, “Cambio Estructural con las Mujeres a la Cabeza” (May 27, 2013), online <.
- Díaz Langou, Gala, “La Implementación de la Asignación Universal por Hijo en Ámbitos Subnacionales” (2012) 84 Working Document, CIPPEC, online <<https://www.cippec.org/wp-content/uploads/2017/03/2452.pdf>>.
- Dickson-Swift, Virginia, Erica L. James, Sandra Kippen & Pranee Liamputtong, “Doing Sensitive Research: What Challenges Do Qualitative Researchers Face?” (2007) 7:3 Qualitative Research 327.
- Dictamen No. 507/2001(2011) INADI (Instituto Nacional Contra la Discriminación, la Xenofobia y el Racismo) “A., A.J.” (on the topic of visitation and custody of minors, and discrimination against their fathers), online <[619](http://www.saij.gob.ar/inadi--507-di110507-2011-12-22/12345677-0501-1ido-tseu-pmocnematcid?q=moreLikeThis%28id-infojus%2C%20numero-norma%5E4%2C%20tipo-documento%5E4%2C%20titulo%5E4%2C%20jurisdiccion%2C%20tesauro%2C%20provincia%2C%20tribunal%2C%20organismo%2C%20autor%2C%20texto%5E0.5%29%3A507&o=1&f=Total%7CFecha%5B50%2C1%5D%7CEstado%20de%20Vigencia%5B5%2C1%5D%7CTema%5B5%2C1%5D%7COrganismo%5B5%2C1%5D%7CAutor%5B5%2C1%5D%7CJuridicci%F3n%5B5%2C1%5D%7CTribunal%5B5%2C1%5D%7CPublicaci%F3n%5B5%2C1%5D%7CColecci%F3n%20tem%E1tica%5B5%2C1%5D%7CTipo%20de%20Documento/Dictamen/INADI&t=2>”.></p>
<p>Diduck, Alison, “In Search of the Feminist Good Mother” (1998) 7:1 Social & Legal Studies 129.</p>
<p>Diduck, Alison, “Legislating Ideologies of Motherhood” (1993) 2 Social & Legal Studies 461.</p>
</div>
<div data-bbox=)

- Dinatale, Martín, *El Festival de la Pobreza. El Uso Político de Planes Sociales en la Argentina* (Buenos Aires: Ed. La Crujia, 2004).
- Diniz, Simone G. & Alessandra S. Chacham, “‘The Cut Above’ and ‘the Cut Below:’ The Abuse of Caesareans and Episiotomy in São Paulo, Brazil” (2004) 12:23 *Reproductive Health Matters* 100.
- Dionisi, Karina, “Los Programas de Transferencia de Ingresos. La Visión de las Mujeres Destinatarías,” in Amalia Eguía, María Susana Ortale & Juan Ignacio Piovani, *Género, Trabajo y Políticas Sociales* (Buenos Aires: CLACSO, 2015) 135.
- Dirección Nacional de Economía, Igualdad y Género del Ministerio de Economía de la Nación, “Las Brechas de Género en la Argentina. Estado de Situación y Desafíos” (2020), online <https://www.argentina.gob.ar/sites/default/files/las_brechas_de_genero_en_la_argentina_0.pdf>.
- Dirección Nacional de Población, Registro Nacional de las Personas, Ministerio del Interior, “Reporte de Estadísticas Demográficas y Sociales: Chaco” (2021), online <https://www.argentina.gob.ar/sites/default/files/2021/09/reporte_chaco_final_0.pdf>.
- Doepke, Matthias & Michèle Tertilt, “Does Female Empowerment Promote Economic Development?” (2011) online <<http://faculty.wcas.northwestern.edu/~mdo738/research/>>.
- Domanski, Dmitri, Jürgen Howaldt & Antonius Schröder, “Social Innovation in Latin America” (2017) 18:2 *Journal of Human Development and Capabilities* 307.
- Donath, Susan, “The Other Economy: A Suggestion for a Distinctively Feminist Economics” (2000) 6:1 *Feminist Economics* 115.
- Doss, Cheryl, “The Effects of Intrahousehold Property Ownership on Expenditure Patterns in Ghana” (2006) 15:1 *Journal of African Economies* 149.
- Doucet, Andrea & Natasha S Mauthner, “Feminist Methodologies and Epistemologies,” in Clifton D. Bryant and Dennis L. Peck, eds., *Handbook of 21st Century Sociology* (Sage, 2006) 36.
- DSAA, “What is Development Studies?” online <<https://www.developmentstudies.asn.au/what-we-do/about/>>.
- DuBois, Barbara, “Passionate Scholarship: Notes On Values, Knowing and Method in Feminist Social Sciences,” in Gloria Bowles & Renate Duelli Klein, eds, *Theories of Women’s Studies* (London: Routledge, 1983) 105.

- Dubois, Ellen C., Mary C. Dunlap, Carol J. Gilligan, Catharine A. MacKinnon, Carrie J. Menkel-Meadow, Isabel Marcus & Paul J. Spiegelman, "Feminist Discourse, Moral Values, and the Law: A Conversation," James McCormick Mitchell Lecture Series, State University of New York in Buffalo, October 1984 (1985) 34 Buffalo Law Review 11.
- DuBois, Lindsay, "Women and Children First? Conditional Cash Transfer Programs in neo-Peronist Argentina" (2014) Paper presented at *CASCA 2014: Promising Uncertainties: Unsettling the Future of Anthropological Terrain* (York University, Toronto).
- Duflo, Esther, "Grandmothers and Granddaughters: Old-Age Pensions and Intrahousehold Allocation in South Africa" (2003) 17:1 World Bank Economic Review 1.
- Duncan, Glen, *The Last Werewolf* (Vintage, 2011).
- Eastwood, Lauren E., "Using Institutional Ethnography to Investigate Intergovernmental Environmental Policy-Making," in P. C. Luken & S. Vaughan, eds, *The Palgrave Handbook of Institutional Ethnography* (Palgrave Macmillan, 2021) 193.
- Edo, Maria, Mariana Marchionni & Santiago Garganta, "Compulsory Education Laws or Incentives from Conditional Cash Transfer Programs? Explaining the Rise in Secondary School Attendance Rate in Argentina" (2017) 25:76 Education Policy Analysis Archives.
- Elson, Diane, *Male Bias in the Development Process*, 2nd Ed (Manchester, UK: Manchester University Press, 1995).
- Emmel, Nick, *Sampling and Choosing Cases in Qualitative Research: A Realist Approach*, 1st Ed (SAGE Publications, 2013).
- ENDEPA, "Situación de las Mujeres Indígenas del Gran Chaco Argentino" (January 20, 2017), online <<https://www.endepa.org.ar/situacion-de-las-mujeres-indigenas-del-gran-chaco-argentino/>>.
- Engels, Friedrich, *The Conditions of the Working Class in England* (New York: Oxford University Press, 1973 [1844]).
- Engle Merry, Sally, "Legal Pluralism" (1988) 22:5 Law and Society Review 869.
- Engle, Karen, "Female Subjects of Public International Law: Human Rights and the Exotic Other Female" (1992) 26 New England Law Review 1509.

- Engle, Karen, "International Human Rights and Feminisms: When Discourses Keep Meeting," in Doris Buss & Ambreena Manji, eds, *International Law: Modern Feminist Approaches* (Hart Publishing, 2005) 47.
- Englund, Harri, *Prisoners of Freedom: Human Rights and the African Poor* (Berkeley: University of California Press, 2006).
- Equipo Latinoamericano de Justicia y Género [ELA], *Informe Sobre Género y Derechos Humanos en Argentina (2005-2008)* (Buenos Aires: ELA, 2009).
- Eric Metcalf, Birth Control Implants (Contraceptive Implants) (6 September 2021), WebMD, online <<https://www.webmd.com/sex/birth-control/birth-control-implants-types-safety-side-effects>>.
- Erola, Jani, "Why Probability has not Succeeded in Sociology" (2010) 44:1 Sociology 121.
- Escobar Latapí, Agustín & Mercedes González de la Rocha, "Evaluación Cualitativa del Programa Oportunidades" (2014) Centro de Investigación y Estudios Superiores en Antropología Social, México.
- Escobar Latapí, Agustín & Mercedes Gonzalez de la Rocha, "Girls, Mothers, and Poverty Reduction in Mexico: Evaluating Progres-Oportunidades," in Razavi, ed, *The Gendered Impacts of Liberalization: Towards Embedded Liberalism?* (New York: Routledge/UNRISD, 2008) 435.
- Esping-Andersen, Gøsta, "The Sustainability of Welfare States into the Twenty-First Century" (2000) 30:1 Int J Health Serv. 1.
- Esping-Andersen, Gøsta, *The Three Worlds of Welfare Capitalism* (Princeton, NJ: Princeton University Press, 1990).
- Espinoza-Reyes, Ester & Marlene Solís, "Decolonizing the Womb: Agency against Obstetric Violence in Tijuana, Mexico" (2020) 21:7 Journal of International Women's Studies 189.
- Esquivel, Valeria, "La Economía del Cuidado en América Latina: Poniendo a Los Cuidados en el Centro de la Agenda" (2011) Serie Atando Cabos, Deshaciendo Nudos, Panamá: PNUD.
- Estado Argentino, *Informe Diagnóstico Chaco*, online <https://www.argentina.gob.ar/sites/default/files/20.07.08_informe_cha.pdf>.
- Eswaran, Mukesh & Nisha Malhotra, "Domestic Violence and Women's Autonomy in Developing Countries: Theory and Evidence" (2011) 44:4 Canadian Journal of Economics/Revue Canadienne d'Économique 1222.

- Etchichury, Horacio Javier, “El Banco Mundial y las Políticas Sociales Argentinas: la Asignación Universal por Hijo desde una Perspectiva de Derechos Humanos” (2003) VII 11 Revista Electrónica del Instituto de Investigaciones Ambrosio L. Gioja 57.
- Etchichury, Horacio Javier, “Planned Differences: Argentina’s Universal Child Allowance from a Human Rights Perspective” (2018) 7 Ius Humani, Revista de Derecho 199.
- Ettorre, Betsy, “Women and Substance Use/Abuse: Towards a Feminist Perspective or How to Make Dust Fly” (1989) 12 Women’s Studies International Forum 593.
- European Commission, *Study on Conditional Cash Transfers and their Impact on Children* (Brussels, Belgium: European Commission, 2014).
- Evans, Tony & Harris John, “Street Level Bureaucracy, Social Work and (Exaggerated) Death of Discretion” (2004) 34 British Journal of Social Work 871.
- Ewick, Patricia & Susan Silbey, *The Common Place of Law: Stories from Everyday Life* (Chicago: The University of Chicago Press, 1998).
- Facio, Alda, *Los Derechos Reproductivos son Derechos Humanos* (San José, Costa Rica: Instituto Interamericano de Derechos Humanos, 2008), online
<<https://lac.unfpa.org/sites/default/files/pub-pdf/Libro%201.%20Los%20derechos%20reproductivos-DH.pdf>>.
- Falcón, Vilma Lilian, “Evidencias del Desarrollo Humano en Argentina: Desequilibrio Regional. Situación de las Provincias del Nordeste en las Dos Últimas Décadas (1996-2016)” (2018) 15:29 Geográfica Digital 1.
- Falk Moore, Sally, “Law and Social Change: The Semi-Autonomous Social Field as an Appropriate Subject of Study” (1973) 7:4 Law and Society Review 719.
- Falk Moore, Sally, *Social Facts and Fabrications: Customary Law on Kilimanjaro, 1880-1980* (New York: Cambridge University Press, 1986).
- Farmer, Paul, *Pathologies of Power* (Berkeley: University of California Press, 2005).
- Farrow, Trevor C. W., “What is Access to Justice?” (2014) 51:3 Osgoode Hall Law Journal 957.
- Faur, Eleanor, “The ‘Care Diamond:’ Social Policy Regime, Care Policies and Programmes in Argentina” (2008) Research Report 3, The Political and Social Economy of Care Project, UNRISD Argentina at 48.

- Faur, Eleonor, *El Cuidado Infantil en el Siglo XXI. Mujeres Malabaristas en una Sociedad Desigual* (Buenos Aires: Siglo XXI, 2014).
- Federici, Silvia, *Caliban and the Witch Women, The Body and Primitive Accumulation* (AK Press, 2004).
- Federici, Silvia, *Revolution at Point Zero: Housework, Reproduction, and Feminist Struggle* (Oakland: PM Press, 2012).
- Fegan, Eileen V., "Recovering Women: Intimate Images and Legal Strategy" (2002) 11:2 Social & Legal Studies 155.
- Ferdinands, Alexa R., "Reflections on Applying Institutional Ethnography in Participatory Weight Stigma Research with Young Women" (2022) 21 International Journal of Qualitative Methods.
- Ferguson, James, "The Uses of Neoliberalism" (2010) 41 Antipode 166.
- Ferguson, James, "Toward a Left Art of Government: from 'Foucauldian Critique' to Foucauldian Politics" (2011) 24:4 History of the Human Sciences 61.
- Ferguson, James, *Give a Man a Fish. Reflections on the New Politics of Distribution* (Duke University Press, 2015).
- Ferguson, James, *The Anti-politics Machine: "Development," Depoliticization, and Bureaucratic Power in Lesotho* (Cambridge: Cambridge University Press, 1990).
- Ferguson, Susan, "Intersectionality and Social-Reproduction Feminisms Toward an Integrative Ontology" (2016) 24:2 Historical Materialism 38.
- Fernald, Lia C. H, Paul J. Gertler & Melissa Hidrobo, "Conditional Cash Transfer Programs: Effects on Growth, Health, and Development in Young Children," in V. Maholmes & R. B. King, eds, *The Oxford Handbook of Poverty and Child Development* (Oxford University Press, 2012) 569.
- Fernald, Lia C., Paul J. Gertler & Lynette M. Neufeld, "Role of Cash in Conditional Cash Transfer Programmes for Child Health, Growth and Development: Analysis of Mexico's Oportunidades" (2009) PMC, online < <https://pubmed.ncbi.nlm.nih.gov/18328930/>>.
- Ferrari, Cynthia Gisselle Mango & Jorge Alejandro Tirenni, "La Política Social en la Argentina tras el Cambio de Ciclo: una Mirada desde la Seguridad Social y la Asistencia Social," in Daniel R. García Delgado & Agustina Gradin, *El Neoliberalismo Tardío: Teoría y Praxis* (Buenos Aires, Argentina: FLACSO, 2017).

- Ferrero, Lucas, “Restricciones para el Desarrollo Regional Una Visión desde la Economía Chaqueña” (2016), online <<https://coneschaco.org.ar/wp-content/uploads/2021/03/restricciones-al-desarrollo-regional-cones.pdf>>.
- Filmer, Deon, Jed Friedman, Eeshani Kandpal & Junko Onishi, “Cash Transfers, Food Prices, and Nutrition Impacts on Nonbeneficiary Children” (2021) *The Review of Economics and Statistics* 1.
- Fine, Ben, “The World Bank’s Speculation on Social Capital,” in Jonathan R. Pincus & Jeffrey A. Winters, eds, *Reinventing the World Bank* (Ithaca & Londres: Cornell University Press, 2002).
- Fineman, Martha & Isabel Karpin, eds, *Mothers in Law: Feminist Theory and the Legal Regulation of Motherhood* (New York: Columbia University Press, 1995).
- Fineman, Martha, “The Vulnerable Subject and the Responsive State” (2010) 60:2 *Emory Law Journal* 251.
- Fineman, Martha, *The Neutered Mother, the Sexual family, and Other Twentieth Century Tragedies* (New York: Routledge, 1995).
- Finley, Lucinda M., “Breaking Women’s Silence in Law: The Dilemma of the Gendered Nature of Legal Reasoning” (1989) 64:5 *Notre Dame Law Review* 886.
- Fiszbein, Ariel, Norbert Schady, Francisco H.G Ferreira, Margaret Grosh, Niall Keleher, Pedro Olinto & Emmanuel Skoufias. *Conditional Cash Transfers: Reducing Present and Future Poverty* (Washington, DC: World Bank Policy Research Report, 2009), online <<https://openknowledge.worldbank.org/handle/10986/2597>>.
- Fitzpatrick, Peter, “Law and Societies” (1984) 22:1 *Osgoode Hall Law Journal* 115.
- Fitzpatrick, Peter, “Why the Law is also Nonviolent,” in Austin Sarat, ed, *Law, Violence, and the Possibility of Justice* (Princeton, NJ: Princeton University Press, 2018).
- Flores Ruíz, Elena, “Cultural Gaslighting” (2020) 35:4 *Hypatia* 687.
- Flynn, Rachel, Lauren Albrecht & Shannon D. Scott, “Two Approaches to Focus Group Data Collection for Qualitative Health Research” (2018) 17:1 *International Journal of Qualitative Methods*.
- Forde, Ian, Ruth Bell & Michael G. Marmot, “Using Conditionality as a Solution to the Problem of Low Uptake of Essential Services Among Disadvantaged Communities: A Social Determinants View” (2011) 101:8 *American Journal of Public Health* 1365.

- Forget, Evelyn L., Alexander D. Peden & Stephenson B. Strobel, "Cash Transfers, Basic Income and Community Building" (2013) 1:2 Social Inclusion 84.
- Fornes, Valeria, "Parirás con Poder... (pero en Tu Casa). El Parto Domiciliario como Experiencia Política Contemporánea," in Karina Felitti, ed, *Madre No hay una Sola. Experiencias de Maternidad en la Argentina* (Buenos Aires: Ciccus, 2011).
- Forstorp, Per-Anders, "Fundraising Discourse and the Commodification of the Other" (2007) 16:3 Business Ethics: A European Review 286.
- Foucault, Michel, "Governmentality," in G. Burchell, C. Gordon & P. Miller, eds, *The Foucault Effect* (London: Harvester, 1991).
- Foucault, Michel, "The Order of Discourse," in R. Young, ed, *Untying the Text: A Poststructuralist Reader* (London, United Kingdom: Routledge, 1981) 51.
- Foucault, Michel, "The Subject and Power" (1982) 8:4 Critical Inquiry 777.
- Foucault, Michel, *Discipline and Punish: The Birth of the Prison* (New York: Vintage Books, 1986).
- Foucault, Michel, Le Monde Interview (21 October 1978), in Colin Gordon, ed, *Power/Knowledge: Selected Interviews and Other Writings by Michel Foucault, 1972-1977* (New York, Toronto: The Harvester Press, 1980).
- Foucault, Michel, *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977* (New York, NY: Pantheon Books, 1980).
- Foucault, Michel, *Security, Territory, Population: Lectures at the College de France 1977-1978* (New York: Palgrave MacMillan, 2007).
- Foucault, Michel, *The Archaeology of Knowledge and the Discourse on Language* (New York, NY: Pantheon Books, 1972).
- Foucault, Michel, *The Birth of the Clinic: An Archaeology of Medical Perception* (London: Routledge, 1989).
- Foucault, Michel, *The Will to Knowledge: The History of Sexuality Volume 1* (1976) (trans. R Hurley, 1998).

- Frampton, Caelie, Gary Kinsman, A. K. Thompson & Kate Tilleczek, eds, *Sociology for Changing the World: Social Movements/Social Research* (Halifax: Fernwood Publishing, 2006).
- Fraser, Arvonne S., "Becoming Human: The Origins and Development of Women's Human Rights" (1999) 21:4 *Human Rights Quarterly* 853.
- Fraser, Nancy & Linda Nicholson, "Social Criticism without Philosophy: An Encounter between Feminism and Postmodernism" (1989) 21 *Social Text* 83.
- Fraser, Nancy & Marina Liakova, "Emancipation is not an all or Nothing Affair: Interview with Nancy Fraser" (1 August 2008) *Eurozine*, online <
<https://www.eurozine.com/emancipation-is-not-an-all-or-nothing-affair/>>.
- Fraser, Nancy, "Behind Marx's Hidden Abode" (2014) *New Left Review*.
- Fraser, Nancy, "Clintonism, Welfare, and the Antisocial Wage: The Emergence of a Neoliberal Political Imaginary" (1993) 6:1 *Rethinking Marxism* 9.
- Fraser, Nancy, "Contradictions of Capital and Care" (2016) 100 *New Left Review* 99.
- Fraser, Nancy, "Crisis of Care? On the Social-Reproductive Contradictions of Contemporary Capitalism," in T. Bhattacharya, ed, *Social Reproduction Theory: Remapping Class, Recentering Oppression* (Pluto Press, 2017).
- Fraser, Nancy, "Expropriation and Exploitation in Racialized Capitalism" (2016) 3 *Critical Historical Studies* 163.
- Fraser, Nancy, "False Antitheses," in S. Benhabib, J. Butler, D. Cornell & N. Fraser, eds, *Feminist Contentions: A Philosophical Exchange* (New York and London: Routledge, 1995).
- Fraser, Nancy, "Feminist Politics in the Age of Recognition: A Two-Dimensional Approach to Gender Justice" (2007) 1:1 *Studies in Social Justice*.
- Fraser, Nancy, "From Redistribution to Recognition? Dilemmas of Justice in a 'Postsocialist' Age," in *Justice Interruptus: Critical Reflections on the "Postsocialist" Condition* (New York: Routledge, 1997).
- Fraser, Nancy, "Rethinking Recognition: Overcoming Displacement and Reification in Cultural Politics" (2000) 3 *New Left Review* 3.

- Fraser, Nancy, Tithi Bhattacharya & Cinzia Arruzza, *Feminism for the 99%: a Manifesto* (London: Verso, 2019).
- Fraser, Nancy, *Unruly Practices: Power, Discourse, and Gender in Contemporary Social Theory* (Minneapolis, MN: University of Minnesota Press, 1989).
- Freeland, Nicholas, “Superfluous, Pernicious, Atrocious and Abominable? The Case Against Conditional Cash Transfers” (2007) 38:3 IDS Bulletin, Institute of Development Studies.
- Freeman, Michael, “Beyond Capitalism and Socialism,” in Janet Dine & Andrew Fagan, eds, *Human Rights and Capitalism: A Multidisciplinary Perspective on Globalisation* (Edward Elgar, 2006).
- Friedman, Milton, *Capitalism and Freedom* (Chicago: University of Chicago Press, 1962).
- Fucili, Eliana & David Terranova, “La Justicia de Paz en una Provincia del Interior Argentino” (Mendoza, 1872-1890) (2020) 108 Secuencia, online <<https://doi.org/10.18234/secuencia.v0i108.1743>>.
- Fucito, Felipe, *Sociología del Derecho*, 2nd Ed (Editorial Universidad, 2003).
- Gaarder, Marie M., Amanda Glassman & Jessica E. Todd, “Conditional Cash Transfers and Health: Unpacking the Causal Chain” (2010) 2:1 Journal of Development Effectiveness 6.
- Gaarder, Marie, “Conditional versus Unconditional Cash: A Commentary” (2012) 4:1 Journal of Development Effectiveness 130.
- Galanter, Marc, “The Modernization of Law,” in Myron Weiner, ed, *Modernization. The Dynamics of Growth* (New York and London: Basic Books, 1966).
- Galasso, Emanuela, “Alleviating Extreme Poverty in Chile: The Short-Term Effects of Chile Solidario” (2011) 38 Estudios Económicos 101.
- Galiani, Sebastian & Federico Weinschelbaum, “Modeling Informality Formally: Households and Firms” (2007) 47 Documento de Trabajo, Centro de Estudios Distributivos Laborales y Sociales (CEDLAS), Universidad Nacional de La Plata.
- Galtung, Johan, “Cultural Violence” (1990) 27:3 Journal of Peace Research 291.
- Galtung, Johan, “Kulturelle Gewalt” (1993) 43 Der Burger im Staat at 106.
- Galtung, Johan, “Violence, Peace, Peace Research” (1969) 6:3 Journal of Peace Research.

- Gammage, Sarah, "Conditional Cash Transfers and Time Poverty: An Example from Guatemala" (2011) Mesa Directiva de la Conferencia Regional sobre la Mujer de América Latina y el Caribe. Santiago: Economic Commission for Latin America and the Caribbean.
- Garcés, Laura Eugenia, "Las Condicionales de las Políticas Sociales desde una Perspectiva Relacional de Análisis: Sentidos y Tensiones de la Asignación Universal por Hijo en la Provincia de San Juan," Doctoral Thesis (Ciudad Autónoma de Buenos Aires: UBA, 2015).
- García Blanco, José María, "Los Problemas Teóricos y Metodológicos del Concepto de Exclusión Social. Una Visión Neofuncionalista" (2016) 74:2 Revista Internacional de Sociología.
- García Pullés, Fernando R., *The Exhaustion of the Administrative Route* (Buenos Aires: La Ley, 1993).
- García Valverde, Facundo, "Igualitarismo De La Suerte y Asignación Universal Por Hijo" (2015) I:10 Revista Internacional de Pensamiento Político 217.
- Garcia, Marito & Charity M. T Moore, *The Cash Dividend. The Rise of Cash Transfer Programs in Sub-Saharan Africa* (Washington: World Bank, 2012).
- Garfinkel, Harold, *Studies in Ethnomethodology* (Englewood Cliffs, NJ: Prentice-Hall, 1967).
- Garganta, Santiago, Leonardo C. Gasparini & Marianna Marchionni, "Cash Transfers and Female Labor Force Participation: The Case of AUH in Argentina" (2017) 6:1 IZA Journal of Labor Policy 1.
- Gargarella, Roberto, "Justicia y Derechos Sociales: lo que no Dice el Argumento Democrático" in Roberto Gargarella, ed, *Teoría y Crítica del Derecho Constitucional, Tomo II* (Buenos Aires: Abeledo Perrot, 2008).
- Garland, David, "The Welfare State: A Fundamental Dimension of Modern Government" (2014) 55:3 European Journal of Sociology 327.
- Garland, David, *Punishment and Modern Society* (Chicago: University of Chicago Press, 1990).
- Garmany, Jeff, "Neoliberalism, Governance, and the Geographies of Conditional Cash Transfers" (2016) 50 Political Geography 61.

- Garrido, Nicolás, Adriana Marina & Daniel Sotelsek, “Convergencia Económica en las Provincias (1970-1995)” (2002) 20:2 Estudios de Economía Aplicada Asociación Internacional de Economía Aplicada Valladolid 403.
- Garriga Zucal, José & Gabriel Noel, “Notas para una Definición Antropológica de la Violencia: un Debate en Curso” (2010) Año VIII No IX Publicar.
- Gasparini, Leonardo & Guillermo Cruces, “Las Asignaciones Universales por Hijo. Impacto, Discusión y Alternativas” (2010) 102 Documento de Trabajo, Centro de Estudios Distributivos, Laborales y Sociales (CEDLAS).
- Gasparini, Leonardo & Guillermo Cruces, “Las Asignaciones Universales por Hijo en Argentina: Impacto, Discusión y Alternativas” (2010) LVI:1 Económica 105.
- Gasparini, Leonardo & Santiago Garganta, “El Impacto de un Programa Social sobre Informalidad: El Caso de la AUH en Argentina” (2012) 133 CEDLAS Working Paper, Universidad Nacional de La Plata.
- Gasparini, Leonardo Carlos & Santiago Garganta, “El Impacto de la Asignación Universal por Hijo sobre los Ingresos de los Hogares: un Ejercicio de Diferencias Dobles,” in Sebastián Waisgrais, Oscar Cetrángolo & Javier Curcio, eds, *Análisis y Propuestas de Mejoras para Ampliar la Cobertura de la Asignación Universal por Hijo* (UNICEF, FCE-UBA & UNLP-CEDLAS, 2017) online < <https://www.unicef.org/lac/sites/unicef.org/lac/files/2019-10/AUH.pdf> >.
- Gasparini, Leonardo, Francisco Haimovich & Sergio Olivieri, “Labor Informality Effects of a Poverty Alleviation Program” (2007) 53 Documento de Trabajo, Centro de Estudios Distributivos Laborales y Sociales (CEDLAS), Universidad Nacional de La Plata.
- Gasparini, Leonardo, Francisco Haimovich & Sergio Olivieri, “Labor Informality Bias of a Poverty-Alleviation Program in Argentina” (2009) 12:2 Journal of Applied Economics 181.
- Gasparini, Leonardo & Guillermo Cruces, “Las Asignaciones Universales por Hijo en Argentina. Impacto, Discusión y Alternativas” (2010) Facultad de Ciencias Económicas, Universidad Nacional de La Plata. Vol. LVI.
- Gatto, Francisco, “Crecimiento Económico y Desigualdades Territoriales: Algunos Límites Estructurales para Lograr una Mayor Equidad,” in Bernardo Kosacoff, ed, *Crisis, Recuperación y Nuevos Dilemas. La Economía Argentina, 2002-2007* (Santiago de Chile: CEPAL, Naciones Unidas, 2007) 307.

- Gavigan, Shelley A. M., "Mothers, Other Mothers, and Others: The Legal Challenges and Contradictions of Lesbian Parents," in Chunn & Lacombe, eds, *Law as a Gendering Practice* (Oxford: Oxford University Press, 2000).
- Geertz, Clifford, *The Interpretation of Culture* (New York: Basic Books, 1973).
- Geertz, Clifford, *Thick Description: Towards an Interpretive Theory of Culture* (New York: Basic Books, 1973).
- Gelli, María Angélica, *Constitución de la Nación Argentina. Comentada y Concordada, 3rd Ed* (Buenos Aires: La Ley, 2005).
- Gelman, Jorge, "Desequilibrios Regionales, Desigualdades Sociales. Las Economías Argentinas en el Siglo XIX," in En Jorge Gelman, ed, *El Mapa de la Desigualdad en la Argentina del siglo XIX* (Rosario: Prohistoria, 2011) 11.
- Gertler, Paul, "Do Conditional Cash Transfers Improve Child Health? Evidence from PROGRESA's Control Randomized Experiment" (2004) 94:2 American Economic Review 336.
- Gertler, Paul, *Final Report: The Impact of PROGRESA on Health* (Washington, DC: International Food Policy Research Institute, 2000).
- Giberti, Eva, "Mujer, Enfermedad y Violencia en Medicina," in Eva Giberti & Ana María Fernández, eds, *La Mujer y la Violencia Invisible* (Buenos Aires: Ed. Sudamericana, 1989).
- Gibran, Kahlil, "On Freedom," in Suheil Bushrui, ed, *The Prophet* (London: OneWorld Publications, 2012).
- Giddens, Anthony, *The Third Way. The Renewal of Social Democracy* (Cambridge: Polity, 1998).
- Gilligan, Carol, *In a Different Voice: Psychological Theory and Women's Development* (Cambridge, MA: Harvard University Press, 1982).
- Glassman, Amanda, Denizhan Duran, Lisa Fleisher, Daniel Singer, Rachel Sturke, Gustavo Angeles, Jodi Charles, Bob Emrey, Joanne Gleason, Winnie Mwebasa, Kelly Saldana, Kristina Yarrow & Marge Koblinsky, "Impact of Conditional Cash Transfers on Maternal and Newborn Health" (2013) 31:4 Journal of Health, Population, and Nutrition.
- Gledhill, John, "'Disappearing the Poor?' A Critique of the New Wisdoms of Social Democracy in an Age of Globalization" (2001) 30:2-3 Urban Anthropology 123.

- Gluz, Nora & Inés Rodríguez Moyano, “Asignación Universal por Hijo, Condiciones de Vida y Educación. Las Políticas Sociales y la Inclusión Escolar en la Provincia de Buenos Aires” (2013) 21:21 Archivos Analíticos de Políticas Educativas 1.
- Gluz, Nora & Inés Rodríguez Moyano, “Lo que la Escuela no Mira, la AUH ‘Non Presta’” (2012) Conference Presentation, VII Sociology Conference, Universidad Nacional de La Plata, Argentina.
- Goldblatt, Beth & Lucie Lamarche, eds, *Women’s Rights to Social Security and Social Protection* (Oxford: Hart Publishing, 2014).
- Golde, Peggy, *Women in the Field. Anthropological Experiences*, 2nd Ed (Berkeley: University of California Press, 1986).
- González, Manuela G. & Carlos A. Lista, eds, *Sociología Jurídica en Argentina: Tendencias y Perspectivas* (Ciudad de Buenos Aires: Eudeba, Universidad de Buenos Aires, 2011).
- González-Flores, Mario, Maria Heracleous & Paul Winters, “Leaving the Safety Net: An Analysis of Dropouts in an Urban Conditional Cash Transfer Program” (2012) 40:12 World Development 2505.
- Good, Byron J., Mary-Jo DelVecchio Good, Sandra Teresa Hyde & Sarah Pinto, “Postcolonial Disorders: Reflections on Subjectivity in the Contemporary World,” in Mary-Jo DelVecchio Good, Sandra Teresa Hyde, Sarah Pinto & Byron J. Good, eds, *Postcolonial Disorders* (Berkeley: University of California Press, 2008) 1.
- Goodwin, Laura & Vivek Maru, “What Do We Know about Legal Empowerment? Mapping the Evidence” (2017) 9 Hague Journal on the Rule of Law 157.
- Gopichandran, Vijayaprasad & Satish Kumar Chetlapalli, “Conditional Cash Transfer to Promote Institutional Deliveries In India: Toward A Sustainable Ethical Model To Achieve MDG 5A” (2012) 5 Public Health Ethics 173.
- Gordillo, Agustín Alberto, “La Sentencia en el Amparo por Mora: Alcances, Recursos, LL, 1995-D, 311, Nota al Fallo Bustos, Antonio M. c. Estado Nacional - Jefe del Estado Mayor Gral. del Ejército-, CN Fed. CA, Sala III.”
- Gordillo, Agustín Alberto, *Tratado de Derecho Administrativo y Obras Selectas: Teoría General del Derecho Administrativo*, 1st Ed (Buenos Aires: Fundación de Derecho Administrativo, 2013).

- Gordillo, Agustín Alberto, *Tratado de Derecho Administrativo, t. II, 8th Ed* (Buenos Aires: FDA, 2006).
- Goren, Nora, “Alivio a la Pobreza, Política Social y Relaciones de Género. Un Estudio Sobre un Programas de Transferencia Condicionada de Ingresos” (2012) Congress of the Latin American Studies Association, San Francisco, May 2012.
- Goren, Nora, “La Asignación Universal por Hijo. ¿Conquista de Nuevos Derechos? ¿Viejas o Nuevas Identidades Femeninas?” (2011) Congreso ASET, Grupo 14: Género, Trabajo y Mercado de Trabajo, Asociación Argentina de Especialistas en Estudios del Trabajo (ASET), Buenos Aires.
- Gorz, André, *Reclaiming Work: Beyond the Wage-Based Society* (Cambridge: Polity Press, 1999).
- Grassi, Estela, *Políticas y Problemas Sociales en la Sociedad Neoliberal. La Otra Década Infame* (Buenos Aires: Espacio Editorial, 2003).
- Grassi, Estela, Susana Hintze & María Rosa Neufeld Andreis, *Políticas Sociales, Crisis y Ajuste Estructural. Un Análisis del Sistema Educativo, de Obras Sociales y de las Políticas Alimentarias* (Buenos Aires: Espacio, 1994).
- Griffith, Alison I. & Dorothy E. Smith, “Introduction,” in Alison Griffith & Dorothy E. Smith, eds, *Under New Public Management: Institutional Ethnographies of Changing Front-Line Work* (Toronto: University of Toronto Press).
- Griffith, Alison I. & Dorothy Edith Smith, *Under New Public Management: Institutional Ethnographies of Changing Front-Line Work* (University of Toronto Press, 2014).
- Griffith, Alison I. & Lois Andre-Bechely, “Institutional Technologies: Coordinating Families and Schools, Bodies and Texts,” in Marjorie L. DeVault, *People at Work: Life, Power and Social Inclusion in the New Economy* (New York: New York University Press, 2008).
- Griffith, Alison I., & Dorothy E. Smith, *Mothering for Schooling* (New York: Psychology Press, 2005).
- Griffiths, John, “What is Legal Pluralism?” (1986) 18 Journal of Legal Pluralism and Unofficial Law.
- Griffiths, Morwenna, *Educational Research for Social Justice: Getting off the Fence* (Doing Qualitative Research in Educational Settings) (McGraw-Hill Education, Open University Press, 1998).

- Grimson, Alejandro, “Unidad 16: Nuevas Xenofobias, Nuevas Políticas Étnicas en Argentina” (2016), online <
http://cidac.filo.uba.ar/sites/cidac.filo.uba.ar/files/revistas/adjuntos/UNIDAD%2016%20-%20Nuevas%20xenofobias%20Argentina_1020951901.pdf>.
- Griswald, Robert, *Fatherhood in America: A History* (New York: Basic Books, 1993).
- Groisman, Fernando, “Protección Social para el Sector Informal: el Rol del Salario Mínimo y de Las Transferencias Monetarias de Ingresos” (2015) Partnership for Economic Policy (PEP), Working Paper.
- Groisman, Fernando, Friedrich Bossert & María Eugenia Sconfienza, “Políticas e Protección Social y Participación Económica de la Población Argentina” (2011) Trabajo, Distribución y Cuestiones Sociales, UBA-CONICET.
- Grosh, Margaret, “CCTs: The Second Generation of Evaluations,” Presentation at the Workshop “CCTs: The Second Generation of Evaluations,” World Bank, Washington, DC (24-25 October 2011).
- Grosswald Curran, Vivian, “Cultural Immersion, Difference and Categories in U.S. Comparative Law” (1998) 46 Am J. Comp. L 43.
- Grouling, Jennifer, *Adapting VALUES: Tracing the Life of a Rubric through Institutional Ethnography* (The WAC Clearinghouse: University Press of Colorado, 2022).
- Grown, Caren & Gita Sen, *Development, Crises and Alternative Visions: Third World Perspectives* (New York: Monthly Review Press, 1987).
- Grupo de Estudios Afrolatinoamericanos, “La Tenaz Persistencia del Mito de la ‘Argentina Blanca’ y ‘sin Racismo’” (24 October 2020), online <
<https://www.nodal.am/2020/11/la-tenaz-persistencia-del-mito-de-la-argentina-blanca-y-sin-racismo-por-el-grupo-de-estudios-afrolatinoamericanos/>>.
- Guillén, Andrés Eduardo & María Carolina Fabré, “La Prueba De Presunciones en el Proceso Civil Romano y su Recepción en el Derecho Argentino,” in Asociación Iberoamericana de Derecho Romano, *Fundamentos Romanísticos del Derecho Contemporáneo* (Madrid: Editorial Boen, 2021), online <
https://www.boe.es/biblioteca_juridica/anuarios_derecho/abrir_pdf.php?id=ANU-R-2021-40119301200>.
- Guimenez, Sandra, “Políticas Sociales y los Dilemas de la Participación” (2004) 4:16 Revista de Estudio sobre Cambio Social, Facultad de Ciencias Sociales, UBA.

- Guy, Donna J., *Women Build the Welfare State: Performing Charity and Creating Rights in Argentina, 1880-1955* (Duke University Press, 2008).
- Haddad, Lawrence, John Hoddinott & Harold Alderman, eds, *Intrahousehold Resource Allocation in Developing Countries* (Baltimore, MD and London: Johns Hopkins University, 1997).
- Hall, Anthony, “Brazil’s Bolsa Família: a Double-Edged Sword?” (2008) 39:5 *Development and Change* 799.
- Hall, Anthony, “The Last Shall be First: Political Dimensions of Conditional Cash Transfers in Brazil” (2012) 11:1-2 *Journal of Policy Practice* 25.
- Hall, Rebecca, “Caring Labours as Decolonizing Resistance” (2016) 10 *Studies in Social Justice* 220.
- Hall, Rebecca, “Reproduction and Resistance” (2016) 24:2 *Historical Materialism* 87.
- Halperin, Leopoldo, “Problemas de Género en la Argentina del Siglo XXI: Feminización de la Pobreza e Inequidad del Mercado Laboral” (2011) 11 *Cuadernos del CEPED* 11, Centro de Estudios sobre Población, Empleo y Desarrollo, Facultad de Ciencias Económicas, Universidad de Buenos Aires.
- Halpern, Scott D., Kristin M. Madison & Kevin G. Volpp, “Patients as Mercenaries?: The Ethics of Using Financial Incentives in the War on Unhealthy Behaviors” (2009) 2 *Circulation: Cardiovascular Quality and Outcomes* 514.
- Handa, Sudhanshu & Benjamin Davis, “The experience of Conditional Cash Transfers in Latin America and the Caribbean” (2006) 24:5 *Development Policy Review* 513.
- Handa, Sudhanshu, Amber Peterman, Benjamin Davis & Marco Stampini, “Opening Up Pandora’s Box: The Effect of Gender Targeting and Conditionality on Household Spending Behavior in Mexico’s Progres Program” (2009) 37:6 *World Development* 1129.
- Handl, Melisa N. & Susan J. Spronk, “Women’s Empowerment vs. Women’s Emancipation: Social Reproduction and the Contradictions of Conditional Cash Transfers” (2022) *Forthcoming*.
- Handl, Melisa N., “Mujeres Abusadas que Matan: una Mirada de Género a la Legítima Defensa y al ‘Síndrome de la Mujer Golpeada’ en el Derecho Canadiense desde el Caso ‘R v. Lavallee’” (2020) *Revista Jurídica Austral*, online <<https://riu.austral.edu.ar/handle/123456789/1208>>.

- Handl, Melisa, “¿Con Contrato? Transferencias con Condicionalidad, ‘Malas’ Madres y el Derecho Humano a No Ser Pobre” (2017) 4:6 *Revista Ubi Societas Ibi Ius* (University of Chihuahua, Mexico), online
<<http://www.fd.uach.mx/facultad/2018/03/01/Revista%20Ubi%20Societas%20Ibi%20Ius%20VI.pdf>>.
- Hanlon, Joseph, Armando Barrientos & David Hulme, *Just Give Money to the Poor: The Development Revolution from the Global South* (Kumarian Press, 2010).
- Haraway, Donna, *Primate Visions: Gender, Race, and Nature in the World of Modern Science* (Routledge; New York, 1989).
- Harding, Sandra, “Introduction: Is There a Feminist Method,” in Sandra Harding, ed, *Feminism and Methodology: Social Science Issues* (Indiana University Press, 1987) 1.
- Harding, Sandra, *Feminism & Methodology* (Bloomington, IND: Indiana University Press, 1988).
- Harding, Sandra, *The Feminist Standpoint Reader* (New York: Routledge, 2003).
- Harding, Sandra, *The Science Question in Feminism* (New York: Cornell University Press, 1986).
- Harford, Tim, “Behavioural Economics and Public Policy,” *Financial Times* (21 March 2014), online <<https://www.ft.com/content/9d7d31a4-aea8-11e3-aaa6-00144feab7de>>.
- Harrington, Brooke, *Capital without Borders: Wealth Managers and the One Percent* (Harvard University Press, 2016).
- Harvey, David, “Neoliberalism as Creative Destruction” (2007) 610 *The Annals of the American Academy of Political and Social Science* 22.
- Harvey, David, *A Brief History of Neoliberalism* (USA: Oxford University Press, 2005).
- Harvey, David, *Seventeen Contradictions and the End of Capitalism* (Oxford University Press, 2014).
- Haushofer, Johannes & Ernst Fehr, “On the Psychology of Poverty” (2014) 344:6186 *Science* 862.
- Hay, Douglas, “Property, Authority and the Criminal Law,” in *Albion’s Fatal Tree: Crime, and Society in Eighteenth Century England* (New York: Pantheon Books, 1976).

- Heinz, James & Francie Lund, “Regímenes del Bienestar y Política Social: Revisando el Papel del Trabajo y el Empleo” (2012) 81 Serie Avances de Investigación. Instituto de Investigaciones de las Naciones Unidas para el Desarrollo Social y Fundación Carolina.
- Heise, Lori L., “What Works to Prevent Partner Violence: An Evidence Overview” (2011) Working Paper, online < <https://www.oecd.org/derec/49872444.pdf>>.
- Heiss, Sabine & Benno Herzog, “Invisibilization of Coloniality. The Control of Being, Knowledge and Power” [“Invisibilización de la Colonialidad. El Control de los Seres, Saberes y del Poder”] (2021) 10:1 International and Multidisciplinary Journal of Social Sciences 52.
- Hekman, Susan, “Truth and Method: Feminist Standpoint Theory Revisited” (1997a) 22:2 Signs 218.
- Heller, Ágnes, *Sociología de la Vida Cotidiana* (Barcelona : Península, 2002 [1977]).
- Herbert Mead, George, *Mind, Self, and Society*, ed. C.W. Morris (University of Chicago, 1934).
- Herremans, Brigitte & Tine Destrooper, “Stirring the Justice Imagination: Countering the Invisibilization and Erasure of Syrian Victims’ Justice Narratives” (2021) 15 International Journal of Transitional Justice 576.
- Herrera Vacaflor, Carlos, “Obstetric Violence: A New Framework for Identifying Challenges to Maternal Healthcare in Argentina” (2016) 24:47 Reproductive Health Matters 65.
- Herzog, Benno, *Exclusión Discursiva. Hacia un Nuevo Concepto de la Exclusión Social* (2011) 69:3 Revista Internacional de Sociología 607.
- Hester, Helen & Nick Srnicek, *After Work: A History of the Home and the Fight for Free Time* (Verso, 2023).
- Hester, Helen & Nicholas Srnicek, “The Crisis of Social Reproduction and the End of Work,” in *he Age of Perplexity: Rethinking the World We Knew* (Barcelona: BBVA, 2017).
- Hickey, Sam, “The Government of Chronic Poverty: from Exclusion to Citizenship?” (2010) 46:7 Journal of Development Studies 1139.
- Hickey, Sam, “The Politics of What Works in Reducing Chronic Poverty - A Synthesis Report for the Ministry of Foreign Affairs” (2010) CPRC Working Paper 91, online <<https://ssrn.com/abstract=1629299> or <http://dx.doi.org/10.2139/ssrn.1629299>>.

- Hilbink, Lisa, "An Exception to Chilean Exceptionalism?," in Susan Eckstein and Timothy Wickham Crowley, eds, *What Justice? Whose Justice? Fighting for Fairness in Latin America* (Berkeley: University of California Press, 2003).
- Hintze, Susana & María Ignacia Costa, "La Reforma de las Asignaciones Familiares 2009: Aproximación al Proceso Político de la Transformación de la Protección," in Claudia Danani & Susana Hintze, eds, *Protecciones y Desprotecciones: La Seguridad Social en la Argentina. 1990-2010* (Buenos Aires: Universidad Nacional de General Sarmiento, 2011).
- Hobson, Barbara, "Solo Mothers, Social Policy Regimes and the Logics of Gender," in Diane Sainsbury, ed, *Gendering Welfare States* (London, Sage, 1994).
- Hoddinott, John & Emmanuel Skoufias, "The Impact of PROGRESA on Food Consumption" (2004) 53:1 *Economic Development and Cultural Change* 37, online: <<https://dx.doi.org/10.1086/423252>>.
- Hoddinott, John & Lawrence Haddad, "Does Female Income Share Influence Household Expenditures? Evidence from Cote d'Ivoire" (1995) 57:1 *Oxford Bulletin of Economics and Statistics* 77.
- Höijer, Birgitta, "Ontological Assumptions and Generalizations in Qualitative (Audience) Research" (2008) 23:3 *European Journal of Communication* 275.
- Holloway, Immy, *Basic Concepts for Qualitative Research* (New York: Basic Books, 1997).
- Honneth, Axel, "Invisibilidad. Sobre la Epistemología Moral del Reconocimiento," in *La Sociedad del Desprecio* (Trotta, 2011).
- Honorati, Maddalena, Ugo Gentilini & Ruslan G. Yemtsov, *The State of Social Safety Nets 2015* (Washington D.C.: International Bank for Reconstruction and Development/The World Bank, 2015).
- Hooks, bell, "Postmodern Blackness," in *The Norton Anthology: Theory and Criticism*, ed. Vincent B. Leitch (New York: W. W. Norton & Company, 2000).
- Hopp, Malena, "La Estrategia de Comunicación Directa de la ANSES: Accesibilidad y Cambio Institucional en las Políticas Dde Seguridad Social Argentinas" (2017) 6:1 *Austral Comunicación* 45.
- Hornes, Martín Eduardo, "Expertos que Diseñan el Dinero: el Caso de los Programas de Transferencias Monetarias" (2020) XXXVIII *Estudios Sociológicos* 112.

- Hornes, Martín, “Los Programas De Transferencias Monetarias Condicionadas. Una Aproximación Desde La Socio-Antropología Económica” (2013) 3:5 Revista Debate Público. Reflexión de Trabajo Social. Artículos seleccionados.
- Hornes, Martín, “Transferencias Monetarias Condicionadas (TMC): de los Saberes Expertos a los Sentidos Plurales del Dinero” (2013) Tesis de Maestría en Antropología Social. Instituto de Desarrollo Económico y Social Instituto de Altos Estudios Sociales Universidad Nacional de General San Martín.
- Hossain, Naomi, “School Exclusion as Social Exclusion: The Practices and Effects of a Conditional Cash Transfer Programme for the Poor in Bangladesh” (2010) 46 Journal of Development Studies 1264.
- Huang, Shihui, “Universal or Targeted? A Comparative Analysis of Anti-Poverty Programs in Argentina and Indonesia” (2021) 12:1 Global Majority E-Journal 23.
- Human Rights Council, Report of the Special Rapporteur on the Rights of Indigenous Peoples, James Anaya, *The Situation of Indigenous Peoples in Argentina* (4 July 2012) A/HRC/21/47/Add.2, online <http://unsr.jamesanaya.org/docs/countries/2012-report-argentina-a-hrc-21-47-add2_en.pdf>.
- Hutchinson, Terry & Nigel Duncan, “Defining and Describing What We Do: Doctrinal Legal Research” (2012) 17:1 Deakin Law Review 83.
- Hyon Shin, Jong, Fundación Capital Dominican Republic, “Going To Scale Savings Groups, Conditional Cash Transfers, and Financial Inclusion” (September 3-5, 2014) 17th Microcredit Summit. Merida, Mexico. The SWEEP Network (17 February 2015), online <<https://seepnetwork.org/Webinar-Post/scaling-savings-conditional-cash-transfers-savings-groups>>.
- IACHR, *Report on Trans and Gender-Diverse Persons and Their Economic, Social, Cultural and Environmental Rights* (Inter-American Commission on Human Rights, 2020), online <<http://www.oas.org/en/iachr/reports/pdfs/TransDESCA-en.pdf>>.
- Ibañez, María Cecilia, Todo Jujuy, “Radiografía del Secundario: la Tasa de Graduación Sigue Siendo Baja” (21 October 2020), online <<https://www.todojujuy.com/pais/radiografia-del-secundario-la-tasa-graduacion-sigue-siendo-baja-n140834>>.
- ILO [International Labour Office], *Social Protection Floor for a Fair and Inclusive Globalization* (Geneva: ILO, 2011).
- ILO, “An Uneven and Gender-Unequal COVID-19 Recovery: Update on Gender and Employment Trends 2021,” Policy Brief (Geneva: International Labor Organization,

- 2021), online <https://www.ilo.org/wcmsp5/groups/public/---ed_emp/documents/publication/wcms_824865.pdf>.
- ILO, “Aportes para la Construcción de un Piso de Protección Social en Argentina: el Caso de las Asignaciones Familiares” (Buenos Aires: Organización Internacional del Trabajo, 2010).
- ILO, “Building Forward Fairer: Women’s Rights to Work and at Work at the Core of the COVID-19 Recovery,” Policy Brief (Geneva: International Labor Organization, 2021), online <https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_814499.pdf>.
- ILO, *Care Work and Care Jobs for the Future of Decent Work* (Geneva: International Labor Organization, 2018).
- INDEC, “Incidencia de la Pobreza y la Indigencia en 31 Aglomerados Urbanos. Segundo Semestre Dde 2021” (March 2022) 6:60 Informes Técnicos, 6:4 Condiciones de Vida, online <https://www.indec.gob.ar/uploads/informesdeprensa/eph_pobreza_03_22F5E124A94B.pdf>.
- INDEC, National Institute of Statistics and Census of Argentina, Census 2010, online <<https://www.indec.gob.ar/indec/web/Nivel4-Tema-2-41-135>>.
- INDEC, Permanent Household Survey (EPH) Microdata Database, online <<https://www.indec.gob.ar/indec/web/Institucional-Indec-BasesDeDatos-1>>.
- Instituto de Género, Derecho y Desarrollo, “Con Todo al Aire. Observatorio de Salud, Género, y Derechos Humanos” (Rosario: INSGENAR-CLADEM, 2008), online <<https://insgenar.files.wordpress.com/2012/04/con-todo-al-aire-2.pdf>>.
- Instituto Nacional de Estadística y Censos (INDEC), “Condiciones de Vida. Valorización Mensual de la Canasta Básica Alimentaria y de la Canasta Básica Total. Gran Buenos Aires” (2022) 6 212. Informes Técnicos, online <https://www.indec.gob.ar/uploads/informesdeprensa/canasta_11_22189425F24C.pdf>.
- Instituto Nacional de Estadística y Censos (INDEC), *Canasta Básica Alimentaria y Canasta Básica Total: Preguntas Frecuentes, 1st Ed* (Ciudad Autónoma de Buenos Aires: Instituto Nacional de Estadística y Censos, 2020), online <https://www.indec.gob.ar/ftp/cuadros/sociedad/preguntas_frecuentes_cba_cbt.pdf>.
- Isla, Alejandro & Evelyn Vezza, “El Acceso a la Asignación Universal por Hijo en los Pueblos Indígenas del Norte Argentino” (2013) Fondo de las Naciones Unidas para la Infancia (UNICEF), FLACSO, online

- <https://www.ilo.org/legacy/spanish/argentina/100voces/recursos/9_investigacion/3.pdf>
- J. Ferreres, Orlando, Marta N. Barros, Lucila María Gallo, Ezequiel Brodschi & Rosario Campos, *Chaco, su Historia en Cifras* (2011), online
<http://portal1.chaco.gov.ar/uploads/multimedia/archivo/_Chaco%20-%20su%20historia%20en%20cifras.pdf.pdf>.
- J. Liebowitz, Debra & Susanne Zwingel, “Gender Equality Oversimplified: Using CEDAW to Counter the Measurement Obsession” (2014) 16 *International Studies Review* 362.
- Jacinto, Claudia & Verónica Millenar, “Desigualdad Social y Género en las Trayectorias Laborales de Jóvenes de Sectores Populares. El Lugar de los Dispositivos de Inserción” (2013) XI Congreso Nacional de Estudios del Trabajo, ASET.
- Jackson, Cecile, “Resolving Risk? Marriage and Creative Conjugality,” in Andrea Cornwall, Elizabeth Harrison & Ann Whitehead, eds, *Gender Myths & Feminist Fable: The Struggle for Interpretative Power in Gender and Development* (Oxford: Blackwell Publishing, 2008).
- Jewkes, Rachel & Loveday Penn-Kekana, “Mistreatment of Women in Childbirth: Time for Action on This Important Dimension of Violence against Women” (2015) 12:6 *PLoS Medicine*.
- Jiménez, Maribel & Mónica Jiménez, “Efectos del Programa Asignación Universal por Hijo en la Deserción Escolar Adolescente” (2016) 35:69 *Cuadernos de Economía* 709.
- Jokela-Pansini, Maaret, “Complicating Notions of Violence: An Embodied View of Violence Against Women in Honduras” (2020) 38:5 *Politics and Space* 848.
- Jones, Sam & Inge Tvedten, “What Does it Mean to be Poor? Investigating The Qualitative-Quantitative Divide in Mozambique” (2019) 117 *World Development* 153.
- Juster, Thomas, ed, *Education, Income, and Human Behavior* (National Bureau of Economic Research, Inc: 1975) 233.
- Kabasakal Arat, Zehra F., “Feminisms, Women’s Rights, and the UN: Would Achieving Gender Equality Empower Women?” (2015) 109:4 *American Political Science Review* 674.
- Kabeer, Naila & Hugh Waddington, “Economic Impacts of Conditional Cash Transfer Programmes: a Systematic Review and Meta-Analysis” (2015) 7:3 *Journal of Development Effectiveness* 290.

- Kabeer, Naila, "Gender Mainstreaming in Poverty Eradication and the Millennium Development Goals: A Handbook for Policy-Makers and Other Stakeholders" (2003) Commonwealth Secretariat/ IDRC/CIDA, London, online <
<http://www.idrc.ca/EN/Resources/Publications/Pages/IDRCBookDetails.aspx?PublicationID=229>>.
- Kabeer, Naila, "Resources, Agency, Achievements: Reflections on the Measurement of Women's Empowerment" (1999) 30:3 Development and Change 435.
- Kabeer, Naila, "Women's Economic Empowerment and Inclusive Growth: Labour Markets and Enterprise Development" (2012) SIG Working Paper, International Development Research Centre, Ottawa.
- Kamarck Minnich, Elizabeth, *Transforming Knowledge* (Philadelphia: Temple University Press, 1990).
- Kandpal, Eeshani, "A Conditional Cash Transfer Program in the Philippines Reduces Severe Stunting" (2016) 146:9 The Journal of Nutrition 1793.
- Kangas, Olli, Signe Jauhiainen, Miska Simanainen & Minna Ylikännö, "The Basic Income Experiment 2017-2018 in Finland. Preliminary Results" (2019) Ministry of Social Affairs and Health, Helsinki, online
 <https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/161361/Report_The%20Basic%20Income%20Experiment%2020172018%20in%20Finland.pdf?sequence=1&isAllowed=y>.
- Kapur, Ratna, "Revisioning the Role of Law in Women's Human Rights Struggles," in Saladin Meckled-García & Basak Çali, eds, *The Legalization of Human Rights: Multidisciplinary Perspectives on Human Rights and Human Rights Law* (London: Routledge, 2005).
- Kapur, Ratna, "Un-Veiling Equality: Disciplining the 'Other' Woman through Human Rights Discourse," in Anver M. Emon, Mark Ellis & Benjamin Glahn, eds, *Islamic Law and International Human Rights Law* (Oxford University Press 2012) 265.
- Kapur, Ratna, *Gender, Alterity and Human Rights: Freedom in a Fishbowl* (Edward Elgar Publishing Ltd, 2018).
- Karen Barad, "Posthumanist Performativity: Toward an Understanding of How Matter Comes to Matter" (2003) 28:3 Signs: Journal of Women in Culture and Society 801.
- Karlan, Dean & Jacob Appel, *More Than Good Intentions: How a New Economics is Helping to Solve Global Poverty* (New York: Dutton 2011).

- Kearney, Grainne P., Michael K. Corman, Gerard J. Gormley, Nigel D. Hart, Jennifer L. Johnston & Dorothy Smith, "Institutional Ethnography: a Sociology of Discovery – in Conversation with Dorothy Smith" (2018) 16:3 *Social Theory & Health* 292.
- Kelly, Liz, Linda Regan & Sheila Burton, "Defending the Indefensible? Quantitative Methods and Feminist Research," in Hilary Hinds, Ann Phoenix & Jackie Stacey, eds, *Working Out: New Directions in Women's Studies*, (Lewes: The Falmer Press, 1992) 149.
- Kelsen, Hans, Adolf Merkl Zu Seinem Siebzigsten Geburtstag, 10 *Österreichische Zeitschrift für Öffentliches Recht* 228 (1960).
- Kendall, Diana, *Sociology in Our Times, 8th Ed* (Belmont, CA: Wadsworth, 2011).
- Kershaw, Paul, "The Just Commodification of Women, Equal Care Obligations for Men, and Autonomous Households: Gendering the Comparative Analysis of Welfare States in 20 OECD Countries" (2010) European Network of Social Policy Analysis Annual Meetings, Budapest.
- Kessler, Gabriel, *Controversias sobre la Desigualdad: Argentina, 2003-2013* (Buenos Aires: Fondo de Cultura Económica, 2014).
- Kingfisher, Catherine & Jeff Maskovsky, "Introduction: The Limits of Neoliberalism" (2008) 28:2 *Critique of Anthropology* 115.
- Kingsbury, Benedict, Nico Krisch & Richard Stewart, "The Emergence of Global Administrative Law" (2005) 68:15 *Law & Contemporary Problems*.
- Kite, James & Philayrath Phongsavan, "Insights for Conducting Real-Time Focus Groups Online Using a Web Conferencing Service" (2017) 6 *F1000 Research* 122.
- Kliksberg, Bernardo & Irene Novacovsky, *El Gran Desafío: Romper la Trampa de la Desigualdad desde la Infancia. Aprendizajes de la Asignación Universal por Hijo* (Buenos Aires: Editorial Biblos, 2015).
- Kohen, Beatriz, "The Effectiveness of Legal Strategies in Argentina," in Jane S. Jaquette, ed, *Feminist Agendas and Democracy in Latin America* (Durham: Duke University Press, 2009).
- Laako, Hanna, "Understanding Contested Women's Rights in Development: The Latin American Campaign for the Humanisation of Birth and the Challenge of Midwifery in Mexico" (2017) 38 *Third World Q* 379.

- Lacey, Nicola, "Normative Reconstruction in Socio-Legal Theory" (1996) 5:2 Social & Legal Studies 131.
- LaFrance, Michelle, "Institutional Ethnography: A Theory of Practice for Writing Studies" (2019) 191 References Researchers, Utah State University Press.
- Lagarde, Mylene, Andy Haines & Natasha Palmer, "The Impact of Conditional Cash Transfers on Health Outcomes and Use of Health Services in Low and Middle Income Countries" (2009) 4 CD008137 Cochrane Database of Systematic Reviews.
- Lalonde, Dianne, "Regret, Shame, and Denials of Women's Voluntary Sterilization" (2018) 32 Wiley Bioethics 281.
- Lalonde, Dianne, "Sexist Barriers Block Women's Choice to Be Sterilized," The Conversation (14 August 2018), online <<https://theconversation.com/sexist-barriers-block-womens-choice-to-be-sterilized-99754>>.
- Lalonde, Julie S., *Resilience is Futile: The Life and Death and Life of Julie S. Lalonde* (Toronto: Between the Lines, 2020).
- Lambert, Priscilla & Druscilla Scribner, "Constitutions and Gender Equality in Chile and Argentina" (2021) 13 Journal of Politics in Latin America 219.
- Lapegna, Pablo, "Ethnographers of the World United? Current Debates on the Ethnographic Study of Globalization" (2009) 15:1 Journal of World-Systems Research.
- Larking, Emma, "Challenging Gendered Economic and Social Inequalities: An Analysis of the Role of Trade and Financial Liberalisation in Deepening Inequalities, and of the Capacity of Economic and Social Rights to Redress Them," in Susan Harris Rimmer & Kate Ogg, eds, *Research Handbook on Feminist Engagement with International Law* (Cheltenham, UK: Edward Elgar Publishing, 2019) 306.
- Larrauri, Elena, "Cinco Tópicos sobre las Mujeres Víctimas de Violencia ... y Algunas Respuestas del Feminismo Oficial," in Laurenzo, Maqueda, Rubio, eds, *Género, Violencia y Derecho* (Ciudad Autónoma de Buenos Aires: Editorial Del Puerto, 2008).
- Lavinas, Lena, "21st Century Welfare" (2013) 84 New Left Review.
- Lavinas, Lena, Barbara Cobo & Alinne Veiga, "Bolsa Família: Impacto das Transferências de Renda sobre a Autonomia das Mulheres Pobres e as Relações de Gênero" (2012) 6:10 Revista Latinoamericana de Población 31, online <<https://revistarelap.org/index.php/relap/article/view/120>>.

- Law, Jonathan & Elizabeth A. Martin, *Dictionary of Law*, 6th Ed (Great Britain: Oxford University Press, 2006).
- Lawson, Tony, “The Nature of Heterodox Economics” (2005) 30:4 Cambridge Journal of Economics 483.
- Lawson, Tony, “What is this ‘School’ Called Neoclassical Economics?” (2013) 37:5 Cambridge Journal of Economics 947.
- Le Blanc, Guillaume, *L’Invisibilité Sociale* (France: Presses Universitaires de France, 2009).
- Leason, Jennifer, “Forced and Coerced Sterilization of Indigenous Women” (2021) 677 Canadian Family Physician 525.
- Leatt, Annie & Debbie Budlender, “Under what Conditions? Social Security for Children in South Africa” (2006) University of Cape Town, South Africa.
- Leroy, Jeff L., Marie Ruel & Ellen Verhofstadt, “The Impact of Conditional Cash Transfer Programmes on Child Nutrition: A Review of Evidence Using a Programme Theory Framework” (2009) 1:2 Journal of Development Effectiveness 103.
- Levasseur, Pierre, “Why Conditional Cash Transfers Programs Fail to Target the Poor? The Case of Urban Mexico” (2021) 133 CEPAL Review, Comisión Económica para América Latina 191.
- Levy, Dan & Jim Ohls, *Evaluation of Jamaica’s PATH Program: Final Report* (Washington, DC: Mathematica Policy Research, 2007).
- Lewis, Jane, “Gender and Welfare Regimes: Further Thoughts” (1997) 4:2 Social Politics 160.
- Li, Jun, “Ethical Challenges in Participant Observation: A Reflection on Ethnographic Fieldwork” (2008) 13:1 The Qualitative Report 100.
- Li, Tania, “To Make Live or Let Die? Rural Dispossession and the Protection of Surplus Populations” (2009) 41 Antipode 66.
- Liamputtong, Pranee, *Researching the Vulnerable* (SAGE Publications, 2007).
- Liew, Jamie Chai Yun. “Statelessness and the Administrative State. The Legal Prowess of the First-Line Bureaucrat in Malaysia,” in Tendayi Bloom & Lindsey N. Kingston, eds, *Statelessness, Governance, and the Problem of Citizenship* (Manchester University Press, 2021).

- Liew, Jamie Chai Yun. "The Invisible Women: Migrant and Immigrant Sex Workers and Law Reform in Canada" (2020) 14:21 *Studies in Social Justice* 90.
- Lim, Stephen S., Lalit Dandona, Joseph A Hoisington, Spencer L. James, Margaret C. Hogan & Emmanuela Gakidou, "India's Janani Suraksha Yojana, a Conditional Cash Transfer Programme to Increase Births in Health Facilities: An Impact Evaluation" (2010) 375:9730 *The Lancet* 2009.
- Linarelli, John, Margot E. Salomon & Muthucumaraswamy Sornarajah, *The Misery of International Law: Confrontations with Injustice in the Global Economy* (Oxford: Oxford University Press, 2018).
- Lincoln, Yvonna S., Susan A. Lynham & Egon G. Guba, "Paradigmatic Controversies, Contradictions, and Emerging Controversies, Revisited," in N.K Denzin & Y.S Lincoln, eds, *Sage Book of Qualitative Research, 4th Ed* (Thousand Oaks, Canada: Sage Publications, 2012).
- Lipsky, Michael, *Street Level Bureaucracy: Dilemmas of the Individual in Public Services* (New York: Russell Sage Foundation, 2010).
- Lisa, Federico José, "Agotamiento de la Instancia Administrativa y el Silencio Administrativo frente al Derecho del Administrado a Obtener una Resolución Expresa," in *El Derecho Administrativo* (Ediciones RAP, 2006).
- Lo Vuolo, Rubén & Aldo Neri, "La Asignación Universal Por Hijo frente a un Ingreso Universal a la Niñez," in Aldo Neri, ed, *UNICEF Asignación Universal por Hijo - Ciclo de Conferencias* (Buenos Aires: Asociación Argentina de Políticas Sociales, 2010).
- Lo Vuolo, Rubén, "Las Perspectivas de Ingreso Ciudadano en América Latina. Un Análisis en Base al 'Programa Bolsa Familia' de Brasil y a la 'Asignación Universal por Hijo para Protección Social' de Argentina" (2010) Documento de Trabajo 7 (CIEPP, Buenos Aires).
- Lo Vuolo, Rubén, "Los Programas de Transferencias Monetarias Condicionadas en América Latina y las Perspectivas de la Renta Básica o Ingreso Ciudadano" (2011) 6:I *Revista Internacional de Pensamiento Político* 193.
- Lo Vuolo, Rubén, "The Argentine Universal Child Allowance: Not the Poor but the Unemployed and Informal Workers," in Rubén Lo Vuolo, ed, *Citizen's Income and Welfare Regimes in Latin America. From Cash Transfers to Rights* (New York: Palgrave Macmillan, 2013).

- Lo Vuolo, Rubén, Alberto Barbeito, Laura Pautassi & Corina Rodríguez, *La Pobreza ... de la Política contra la Pobreza* (Madrid / Buenos Aires: Colección Políticas Públicas, Ciepp 1999).
- Lockhart, Chris, “The Life and Death of a Street Boy in East Africa: Everyday Violence in the time of AIDS” (2008) 22:1 *Medical Anthropology Quarterly* 22:1.
- Lois, Carla Mariana, “La Invención del Desierto Chaqueño. Una Aproximación a las Formas de Apropiación Simbólica de los Territorios del Chaco en los Tiempos de Formación y Consolidación del Estado Nación Argentino” (1999) 38 *Scripta Nova Revista Electrónica de Geografía y Ciencias Sociales*, online < http://www.ub.edu/geocrit/sn-38.htm#N_12_>.
- López, Alejandro & Florencia Tola, “Qom (Tobas) y Moqoit (Mocovíes). Antiguas y Nuevas Andanzas por el Gran Chaco,” in Silvia Hirsch & Axel Lazzari, eds, Ministerio de Educación y Deportes de la Nación, *Pueblos Indígenas en la Argentina: Historias, Culturas, Lenguas y Educación, 1st Ed* (Ciudad Autónoma de Buenos Aires: Ministerio de Educación y Deportes, 2016), online <<http://www.bnm.me.gov.ar/giga1/documentos/EL005239.pdf>>.
- López, Andres, Andres Niembro & Daniela Ramos, “Diagnóstico de (Brechas de) Desarrollo para Argentina: En ‘Estado Crítico’ a Fines de los 2000” (2014) 13 *Revista de Economía Política de Buenos Aires* 1853.
- Lowenhaupt Tsing, Anna, *Friction: An Ethnography of Global Connection* (Princeton, NJ: Princeton University Press, 2005).
- Lozano, Claudio, Tomas Raffo & Ana Rameri, “¿Universalización o Ampliación Restrictiva de la Cobertura?,” Instituto de Estudios y Formación, online <http://archivo.cta.org.ar/IMG/pdf/Universalizacion_o_restriccion_en_la_ampliacion_de_la_cobertura_noviembre09.pdf>.
- Lucas, Samuel R., “Beyond the Existence Proof: Ontological Conditions, Epistemological Implications, and In-Depth Interview Research” (2014) 48:1 *Quality and Quantity* 387.
- Luccisano, Lucy, “The Mexican Oportunidades Program: Questioning the Linking of Security to Conditional Social Investments for Mothers and Children” (2006) 61:62 *Canadian Journal of Latin American and Caribbean Studies* 53.
- Lucke, Jayne, “Context is all Important in Investigating Attitudes: Acceptability Depends on the Nature of the Nudge, Who Nudges, and Who is Nudged” (2013) 13 *The American Journal of Bioethics* 24.

- Lugones, María, “Heterosexualism and the Colonial/Modern Gender System” (2007) 22:1 *Hypatia* 186.
- Lugones, María, “Toward a Decolonial Feminism” (2010) 25:4 *Hypatia* 742.
- Lugones, María, *Pilgrimages/Peregrinajes: Theorizing Coalition Against Multiple Oppressions* (New York: Rowman & Littlefield, 2003).
- Lund, Francie, “A Step in the Wrong Direction: Linking the South Africa Child Support Grant to School Attendance” (2011) 19:1 *Journal of Poverty and Social Justice* 5.
- Lundberg, Shelly J., Robert A. Pollak & Terence J. Wales, “Do Husbands and Wives Pool Their Resources? Evidence from the United Kingdom Child Benefit” (1997) 32:3 *Journal of Human Resources* 463.
- Lunze, Karsten & Michael K. Paasche-Orlow, “Financial Incentives for Healthy Behavior: Ethical Safeguards for Behavioral Economics” (2013) 44 *American Journal of Preventive Medicine* 659.
- Lustig, Nora & Carola Pessino, “Social Spending and Income Redistribution in Argentina During the 2000s: The Increasing Role of Non-contributory Pensions” (2014) 42:3 *Public Finance Review* 304.
- Lyerly, Anne D., “Shame, Gender, Birth” (2006) 21:1 *Hypatia* 101.
- Lynagh, Marita C., Rob W. Sanson-Fisher & Billie Bonevski, “What’s Good for the Goose is Good for the Gander. Guiding Principles for the Use of Financial Incentives in Health Behaviour Change” (2013) 20:1 *International Journal of Behavioral Medicine* 114.
- Macdonald, Roderick, “Access to Justice in Canada Today: Scope, Scale and Ambitions,” in Julia Bass, W.A. Bogart & Frederick H. Zemans, eds, *Access to Justice for a New Century: The Way Forward* (Toronto: Law Society of Upper Canada, 2005).
- Maceira, Daniel, “Inequidad en el Acceso a la Salud en la Argentina” (2009) 52 *Documento de Políticas Públicas*, Buenos Aires: Centro de Implementación de Políticas Públicas para la Equidad y el Crecimiento [CIPPEC].
- Maceira, Daniel, “Sistema de Salud Argentino,” in Francoise Berten, Walter Flores & Ana Hardoy, eds, *La Inequidad en Salud. Hacia un Abordaje Integral* (Buenos Aires: IIED-América Latina Publicaciones, 2008).

- Maceira, Daniel, *Financiamiento, Aseguramiento y Prestación de Servicios de Salud en Argentina* (México DF: Serie Financiamiento en Salud y Protección Social en América Latina y el Caribe. Fundación Mexicana para la Salud, 2011).
- Mack, Ashley Noel & Tiara R. Na'puti, “‘Our Bodies Are Not Terra Nullius’: Building a Decolonial Feminist Resistance to Gendered Violence” (2019) 42:3 *Women’s Studies in Communication* 347.
- MacKinnon, Catharine A., “Feminism, Marxism, Method, and the State: Toward Feminist Jurisprudence” (1983) 8:4 *Signs* 635.
- MacKinnon, Catherine, *Feminism Unmodified* (Cambridge: Harvard University Press, 1987).
- Mackinnon, Karen, “Living With the ‘Threat’ of Preterm Labor: Women’s Work of ‘Keeping the Baby In’” (2006) 35:6 *Journal of Obstetric, Gynecologic, & Neonatal Nursing* 700.
- MacNay, Lois, *Gender and Agency. Reconfiguring the Subject in Feminist and Social Theory* (Cambridge, UK: Polity Press, 2000).
- Mahon, Rianne & Fiona Robinson, “Introduction to Feminist Ethics and Social Policy: Towards a New Global Political Economy of Care,” in Rianne Mahon & Fiona Robinson, eds, *Feminist Ethics and Social Policy: Towards a New Global Political Economy of Care* (Vancouver: University of British Columbia Press, 2011) 1.
- Mahon, Rianne, “Work-Family Tensions and Childcare. Reflections on Latin American Experiences” (2011) 1 *Sociologica* at 3.
- Maluccio, John & Rafael Flores, “Impact Evaluation of a Conditional Cash Transfer Program: The Nicaraguan Red de Protección Social” (2005) Discussion Paper. Washington, DC: International Food Policy Research Institute, online <
<https://www.ifpri.org/publication/impact-evaluation-conditional-cash-transfer-program-2>>.
- Manditch Prottas, Jeffrey, “The Cost of Free Services: Organizational Impediments to Access to Public Services” (1981) 41:5 *Public Administration Review*.
- Manzo, Mariana A., “Identidades Profesionales: El Lugar que Ocupa el Derecho y la Política en el Ejercicio Profesional de los Abogados Activistas en Argentina” (2016) 7:15 *Direito e Práxis* 175.
- Marañón-Pimentel, Boris, *La Economía Solidaria en México* (Universidad Nacional Autónoma de México: Instituto de Investigaciones Económicas, 2013).

- Marchionni, Mariana & María Edo, “Condicionalidades Educativas en la AUH. Diagnóstico y Alternativas,” in Sebastián Waisgrais, Oscar Cetrángolo & Javier Curcio, eds, *Análisis y Propuestas de Mejoras para Ampliar la Cobertura de la Asignación Universal por Hijo* (UNICEF, FCE-UBA & UNLP-CEDLAS, 2017), online <
<https://www.unicef.org/lac/sites/unicef.org.lac/files/2019-10/AUH.pdf> >.
- Margulis, Mario & Marcelo Urresti, *La Segregación Negada. Cultura y Discriminación Social* (Buenos Aires: Biblos, 1999).
- Martin, Emily, *The Woman in the Body: A Cultural Analysis of Reproduction* (Boston: Beacon Press, 1992).
- Martin, Lynsey J., Alison Turnquist, Brianna Groot, Simon Y.M. Huang, Ellen Kok, Brent Thoma & Jeroen J.G.van Merriënboerd, “Exploring the Role of Infographics for Summarizing Medical Literature” (2019) 5:1 Health Professions Education 48.
- Martínez Franzoni, Juliana, “Welfare Regimes in Latin America: Capturing Constellations of Markets, Families, and Policies” (2008) 50:2 Latin American Politics and Society 67.
- Martínez, Marcela, eds, *Judicialización de las Relaciones Escolares* (Buenos Aires: Noveduc, 2019).
- Marx, Karl & Friedrich Engels, *The German Ideology* (1932 [1846]), online <
<https://www.marxists.org/archive/marx/works/1845/german-ideology/>>.
- Marx, Karl, *Capital: A Critique of Political Economy. Volume One*, translated by Ben Fowkes (Harmondsworth: Penguin 1976).
- Marx, Karl, *Capital: Volume 1* (New York: New World, 1887).
- Marx, Karl, *Grundrisse* (Penguin Books & New Left Review, 1973 [1857–61]), online <
<https://www.marxists.org/archive/marx/works/1857/grundrisse/>>.
- Mason-Bish, Hannah, “The Elite Delusion: Reflexivity, Identity and Positionality in Qualitative Research” (2019) 19:3 Qualitative Research 263.
- Maurizio, Roxana & Ana Monsalvo, “Evaluación de los Impactos de la Asignación Universal por Hijo en el Comportamiento Laboral de los Adultos y la Generación de Ingresos,” in Sebastián Waisgrais, Oscar Cetrángolo & Javier Curcio, Eds, *Análisis y Propuestas de Mejoras para Ampliar la Cobertura de la Asignación Universal por Hijo* (UNICEF, FCE-UBA & UNLP-CEDLAS, 2017) online <
<https://www.unicef.org/lac/sites/unicef.org.lac/files/2019-10/AUH.pdf> >.

- Maurizio, Roxana & Gustavo Vázquez, “Argentina: Efectos del Programa Asignación Universal por Hijo en el Comportamiento Laboral de los Adultos” (2014) 113 Revista CEPAL, Santiago de Chile.
- Maurizio, Roxana, “Labor Informality in Latin America: Poverty and Vulnerability” (2009) Special IARIW-SAIM Conference on Measuring the Informal Economy in Developing Countries, Kathmandu, Nepal.
- Maurizio, Roxana, Bárbara Perrot & Soledad Villafañe, “Dinámica de la Pobreza y Mercado de Trabajo en la Argentina Post-Convertibilidad” (2007) 6 Serie Trabajo, Ocupación y Empleo, Ministerio de Trabajo, Empleo y Seguridad Social, Buenos Aires.
- Mauthner, Melanie, Maxine Birch, Julie Jessop & Tina Miller, *Ethics in Qualitative Research* (SAGE Publications, 2002).
- Maya Diaz, Milton, “Las Pequeñas Cooperativas Rurales: Surge un Nuevo Actor Económico” (2002) 43 Journal Economía Pública, Social y Cooperativa 85.
- Mazola, Rosana, “Redefinición de Prioridades en la Política Social de un País Federal. La Asignación Universal por Hijo en la Argentina y su Impacto sobre la Política Social de Infancia de la Provincia de Buenos Aires” (2011) Tesis de Maestría en Administración y Políticas Públicas, Universidad de San Andrés (UDES), Buenos Aires.
- Mazzola, Roxana, *Nuevo Paradigma: la Asignación Universal por Hijo en la Argentina* (Buenos Aires: Prometeo, 2015).
- McCarty, Richard, “Chapter 4 - The Fight-or-Flight Response: A Cornerstone of Stress Research,” George Fink, ed, *Stress: Concepts, Cognition, Emotion, and Behavior* (Academic Press, 2016) 33.
- McCoy, Liza, “Institutional Ethnography and Constructionism,” in James A. Holstein & Jaber F. Gubrium, eds, *Handbook of Constructionist Research* (New York: Guilford) 701.
- McCoy, Liza, “Keeping the Institution in View: Working with Interview Accounts of Everyday Experience,” in Dorothy Smith, *Institutional Ethnography as Practice* (Lanham: Rowman and Littlefield Publisher, 2006).
- McDonnell, Duncan & Marco Valbruzzi, “Defining and Classifying Technocrat-led and Technocratic Governments” (2014) 53:4 European Journal of Political Research 654.
- McGillivray, Anne & Brenda Comaskey, *Black Eyes All of the Time: Intimate Violence, Aboriginal Women and the Justice System* (Toronto: University of Toronto Press, 1999) at xiv.

McGoey, Linsey, “The Elusive Rentier Rich: Piketty’s Data Battles and the Power of Absent Evidence” (2017) 42:2 *Science, Technology & Human Values* 257.

McGregor, J. Allister, Andrew McKay & Jackeline Velazco, “Needs and Resources in The Investigation of Well-Being in Developing Countries: Illustrative Evidence from Bangladesh and Peru” (2007) 14:1 *Journal of Economic Methodology* 107.

McIntosh, Craig, Sarah Baird, Berk Özler, Ephraim Chirwa & Richard Garfein, “The Impact of Cash Transfers on the Educational Attainment, Sexual Behavior, and HIV Status of Adolescent Girls in Malawi” (2007-2012) J-PAL Africa, Evaluation, online <<https://www.povertyactionlab.org/evaluation/impact-cash-transfers-educational-attainment-sexual-behavior-and-hiv-status-adolescent>>.

McKinsey & Company, *The Power of Parity: How Advancing Women’s Equality Can Add \$12 Trillion to Global Growth* (McKinsey & Company, 2015), online <<https://www.mckinsey.com/featured-insights/employment-and-growth/how-advancing-womens-equality-can-add-12-trillion-to-global-growth>>.

McLaughlin, Kate, Stephen P. Osborne & Ewan Ferlie, eds, *New Public Management: Current Trends and Future Prospects* (London: Routledge, 2002).

McNally, David & Sue Ferguson, “Social Reproduction Beyond Intersectionality: An Interview” (31 October 2015) Viewpoint Magazine, online <<https://viewpointmag.com/2015/10/31/social-reproduction-beyond-intersectionality-an-interview-with-sue-ferguson-and-david-mcnally/>>.

Medina, Jose, *The Epistemology of Resistance: Gender and Racial Oppression, Epistemic Injustice, and Resistant Imaginations* (New York: Oxford University Press, 2018).

Medlin, Carol & Damien de Walque Medlin, “Potential Applications of Conditional Cash Transfers for Prevention of Sexually Transmitted Infections and HIV in Sub-Saharan Africa” (2008) World Bank Policy Research Working Paper Series 4673.

Meltzer, Judy, “‘Good Citizenship’ and the Promotion of Personal Savings Accounts in Peru” (2013) 17:5 *Citizenship Studies* 641.

Mendelson, Michael, “Lessons from Ontario’s Basic Income Pilot” (2019) Maytree Report, online <<https://maytree.com/wp-content/uploads/Lessons-from-Ontario%E2%80%99s-Basic-Income-Pilot.pdf>>.

Menendez, Eduardo L., *La Parte Negada de la Cultura. Relativismo, Diferencias y Racismo* (Bellaterra, Barcelona: Ediciones, 2002).

Mertz, Elizabeth, "Legal Language: Pragmatics, Poetics, and Social Power" (1994) 23:1 Annual Review of Anthropology 435.

Mesa Interministerial de Políticas de Cuidado, "Hablemos de Cuidados: Nociones Básicas Hacia una Política Integral de Cuidados con Perspectiva de Géneros" (July 2020), online <<https://www.argentina.gob.ar/sites/default/files/mesa-interministerial-de-politicas-de-cuidado3.pdf>>.

Mesa-Lago, Carmelo, "La Ley de Reforma de la Previsión Social Argentina. Antecedentes, Razones, Características y Análisis de Posibles Resultados y Riesgos" (2009) 219 Nueva Sociedad 14.

Meyer, Elise, "Designing Women: The Definition of 'Woman' in the Convention on the Elimination of All Forms of Discrimination Against Women" (2016) 16:2 Chicago Journal of International Law.

Micha, Ariela, "Usos y Administración de la Asignación Universal por Hijo (AUH): Entre el 'Deber Ser' y la Autonomía Económica de las Mujeres" (2019) 32 Trabajo y Sociedad - Sociología del Trabajo - Estudios culturales - Narrativas Sociológicas y Literarias. Núcleo Básico de Revistas Científicas Argentinas (Caicyt-Conicet), Santiago del Estero, Argentina.

Midón, Mario A.R., *Manual de Derecho Constitucional Argentino*, 2nd Ed (Buenos Aires: La Ley, 2004).

Midré, Georges, "Bread or Solidarity, Argentine Social Policies, 1983-1990" (1992) 24 Journal of Latin American Studies 343.

Mikhailovich Bakhtin, Mikhail, *Speech Genres and Other Late Essays*. Translated by Vern W. McGee (Austin, Texas: University of Texas Press, 1986).

Millan-Smitmans, Patricio, "Políticas Públicas y Desigualdades Regionales en la Distribución del Ingreso en la Argentina" (2008) 2 Ensayos de Política Económica.

Ministerio de Educación y Deportes de la Nación, "Qom (Tobas) y Moqoit (Mocovíes)," in *Antiguas y Nuevas Andanzas por el Gran Chaco*, 1st Ed (Ciudad Autónoma de Buenos Aires: Ministerio de Educación y Deportes, 2016), online <<http://www.bnm.me.gov.ar/giga1/documentos/EL005239.pdf>>.

Ministerio de Hacienda, Secretaría de Hacienda, Dirección Nacional de Asuntos Provinciales, "Chaco: Informe Sintético De Caracterización Socio-Productiva" (2018), online <<http://www2.mecon.gov.ar/hacienda/dinrep/Informes/archivos/chaco.pdf>>.

- Ministerio de las Mujeres, Géneros y Diversidad, Resolution 309/2020 RESOL-2020-309-APN-MMGYD (28 November 2020), online
<<https://www.boletinoficial.gob.ar/detalleAviso/primera/236710/20201030>>.
- Ministerio de Salud de la Nación, *Segundo Informe Nacional de Relevamiento Epidemiológico* (Buenos Aires, Argentina: Ministerio de Salud de la Nación, 2015).
- Minow, Martha, *Making All the Difference: Inclusion, Exclusion, and American Law* (Ithaca: Cornell University Press, 1990).
- Mohanty, Chandra Talpade, “Under Western Eyes: Feminist Scholarship and Colonial Discourses,” in Chandra Talpade Mohanty, Ann Russo & Lourdes Torres, eds, *Third World Women and the Politics of Feminism* (Indiana University Press 1991) 51.
- Mojab, Shahrzad, *Marxism and Feminism* (Zed Books, 2015).
- Moldon, Jane, “Rewriting Stories: Women’s Responses to the Safe Journey Group,” in Leslie Tutty & Carolyn Goard, eds, *Reclaiming Self Issues and Resources for Women Abused by Intimate Partners* (Halifax: Fernwood Publishing Co., 2002).
- Molyneux, Maxime, “Conditional Cash Transfers: A ‘Pathway to Women’s Empowerment’?” (2008) 5 Pathways to Empowerment Brief IDS Research Paper.
- Molyneux, Maxine & Marilyn Thomson, “Cash Transfers, Gender Equity and Women’s Empowerment in Peru, Ecuador and Bolivia” (2011) 19:2 Gender and Development 195.
- Molyneux, Maxine, “Change and Continuity in Social Protection in Latin America: Mothers at the Service of the State?” (2007) 1 Gender and Development Programme Paper. Geneva: United Nations Research Institute for Social Development, online <<https://www.files.ethz.ch/isn/45959/001.pdf>>
- Molyneux, Maxine, “Mobilization without Emancipation? Women’s Interests, the State and Revolution in Nicaragua” (1985) 11:2 Feminist Studies 227.
- Molyneux, Maxine, “Mothers at the Service of the New Poverty Agenda: Progres/Oportunidades, Mexico’s Conditional Transfer Programme” (2006) 40:4 Social Policy and Administration 425.
- Molyneux, Maxine, Nicola Jones & Fiona Samuels, “Can Cash Transfer Programmes Have ‘Transformative’ Effects?” (2016) 52 Journal of Development Studies 1087.

- Monti, Laura, “Agotamiento de la Vía Administrativa y Tutela Judicial Efectiva,” in Edgardo Tobías Acuña et al., eds, *Estudios de Derecho Público, 1st Ed* (Buenos Aires: Asociación de Docentes - Facultad de Derecho y Ciencias Sociales, UBA, 2013).
- Moraga, Cherrie L. & Gloria E. Anzaldúa, *This Bridge Called My Back: Writings by Radical Women of Color* (State Univ of New York Press, 2015).
- Morais de Sá e Silva, Michelle, *Poverty Reduction, Education, and the Global Diffusion of Conditional Cash Transfers* (Palgrave Macmillan Cham, 2017).
- Morgan, Jenny & Regina Graycar, *The Hidden Gender of Law* (Leichhardt, Australia: Federation Press, 1990).
- Morris, Saul S., Rafael Flores, Pedro Olinto & Juan Manuel Medina, “Monetary Incentives in Primary Health Care and Effects on Use and Coverage of Preventive Health Care Interventions in Rural Honduras: Cluster Randomised Trial” (2004) 364 9450 *The Lancet* 2030.
- Morrison, Ian & Janet Mosher, “Barriers to Access to Civil Justice for Disadvantaged Groups,” in Ontario Law Reform Commission, *Rethinking Civil Justice: Research Studies for the Civil Justice Review Vol 2* (Toronto: Ontario Law Reform Commission, 1996) 637.
- Morrone, Beatriz, *Dando Luz al Lado Oscuro de las Nueve Lunas. El Contradictorio Caso de las Mujeres Argentinas. Poderosas para la Ley, sin Derechos en los Escenarios Sanitarios* (Mar de Plata: Ediciones Suárez, 2008).
- Morton Ninomiya, Melody E., Natasha Hurley & Jack Penashue, “A Decolonizing Method of Inquiry: Using Institutional Ethnography to Facilitate Community-Based Research and Knowledge Translation” (2020) 30:2 *Critical Public Health* 220.
- Morzilli, Melina, “Las Políticas durante el Neoliberalismo. Estudios Sobre el Impacto de la Asignación Universal por Hijo” (2016) 44 *Trabajos y Comunicaciones*.
- Mosedale, Sarah, “Assessing Women’s Empowerment: Towards a Conceptual Framework” (2005) 17:2 *Journal of International Development* 243.
- Moser Caroline, O. N. & Cathy McIlwaine, “Latin American Urban Violence as a Development Concern: Towards a Framework for Violence Reduction” (2006) 34:1 *World Development* 89.
- Mosher, Janet E., “Welfare Fraud: The Constitution of Social Assistance as Crime” (2005) *Commissioned Reports, Studies and Public Policy Documents*, online <<https://digitalcommons.osgoode.yorku.ca/reports/161>>.

- Müller, Guillermo, Liliana Siffredi, Leopoldo Halperin, Juan Antonio, Cecilia Delpech, Marita González, Berta Horen & José D. Villadeamigo, *Políticas Sociales en la Argentina. Entre la Ciudadanía Plena y el Asistencialismo Focalizado en la Contención del Pauperismo*, 1st Ed (Buenos Aires: Universidad de Buenos Aires, 2008).
- Munck, Ronaldo, "The Precariat: A View from the South" (2013) 34:5 Third World Quarterly 747.
- Munger, Michael, "Editor's Introduction. The Basic-Income Debate" (2015) 19:4 The Independent Review 485, online
<http://www.independent.org/pdf/tir/tir_19_04_01_munger.pdf>.
- Munro, Vanessa E., "Violence against Women, 'Victimhood' and the (Neo)Liberal State," in Margaret Davies & Vanessa Munro, eds, *The Ashgate Research Companion to Feminist Legal Theory* (Aldershot: Ashgate, 2013) 233.
- Murray, Adrian & Susan Spronk, "The Goal of Development Should Be Redistribution, Not to 'End Extreme Poverty'" (2014) 10:3 Undercurrent Journal 63.
- Mykhalovskiy, Eric & Liza McCoy, "Troubling Ruling Discourses of Health: Using Institutional Ethnography in Community-based Research" (2002) 12:1 Critical Public Health 17.
- Mykhalovskiy, Eric, "Understanding the Social Character of Treatment Decision Making," in Michael Bresalier, Lorelee Gillis, Craig McClure, Liza McCoy, Eric Mykhalovskiy, Darien Taylor & Michelle Webber, *Making Care Visible: Antiretroviral Therapy and the Health Work of People Living with HIV/AIDS* (Toronto, Ontario, 2002) 37.
- Mykhalovskiy, Eric, Colin Hastings, Leigha Comer, Julia Gruson-Wood & Matthew Strang, "Teaching Institutional Ethnography as an Alternative Sociology," in P. C. Luken & S. Vaughan, eds, *The Palgrave Handbook of Institutional Ethnography* (Palgrave MacMillan Cham, 2020).
- Nader, Laura, "The Anthropological Study of Law" (1965) 67:6 American Anthropologist 3.
- Nader, Laura, "Up the Anthropologist: Perspectives Gained from Studying Up," in Dell Hymes, ed, *Reinventing Anthropology* (New York: Pantheon Books, 1972).
- Nader, Laura, *Law in Culture and Society* (Chicago: Aldine, 1972).
- Nagel, Thomas, *The View from Nowhere* (Oxford University Press, 1986).

- Nagels, Nora, "Conditional Cash Transfer and Gender, Class, and Ethnic Domination. The Case of Bolivia," in Jean-Pierre Olivier de Sardan & Emmanuelle Piccoli Balen, eds, *Cash Transfers in Context: An Anthropological Perspective* (New York: Berghahn Books, 2018).
- Nagels, Nora, "Gender, the World Bank, and Conditional Cash Transfers in Latin America" (2021) 23:5 *International Feminist Journal of Politics*.
- Nagels, Nora, "The Social Investment Perspective, Gender and the Conditional Cash Transfer Programs in Peru and Bolivia," in M. Rocha Lukic & C. Tomazini, eds, *Analyzing Public Policies in Latin America: A Cognitive Approach* (Newcastle-upon-Tyne, UK: Cambridge Scholars Publishing, 2014).
- Nardin, Santiago, "Desafiliaciones Laborales e Inscripciones Territoriales Precarias: Una Aproximación a Las Representaciones sobre Perceptores de Planes, las Redes de Mediación Territorial y la Sociabilidad Popular en un Barrio del Conurbano Bonaerense" (2013) X Jornadas de Sociología de la UBA, Buenos Aires.
- Nari, Marcela, *Políticas de Maternidad y Maternalismo Político* (Buenos Aires: Biblos, 2004).
- Navarro, Ana Inés & Vanesa Valeria D'Elia, "The Impact of the Universal Child Allowance on Argentina's Children Schooling Gap" (2011) Reunión Anual de la Asociación Argentina de Economía Política (AAEP), online <<https://ssrn.com/abstract=1924946> >.
- Neale, Bren, "Adding Time into the Mix: Stakeholder Ethics in Qualitative Longitudinal Research" (2013) 8:2 *Methodological Innovations Online* 6.
- Neilson, Linda C., *Enhancing Safety: When Domestic Violence Cases are in Multiple Legal Systems (Criminal, Family, Child Protection) A Family Law, Domestic Violence Perspective, 2nd Ed* (Department of Justice Canada, 2013), online <<https://www.justice.gc.ca/eng/rp-pr/fl-lf/famil/enhan-renfo/index.html> >.
- Nelson, Moira & Johan Sandberg, "From Perspectives to Policy Contingencies: Conditional Cash Transfers as Social Investments" (2016) *Global Social Policy* 1.
- Newell, Felicia, "Exploring the Link between Food Insecurity, Social Stigma and Social Marginalization among Low-Income Lone Mothers" (2018) Doctoral Dissertation, Mount Saint Vincent University.
- Nguyen, Minh T. N., Roberta Zavoretti & Joan Tronto, "Beyond the Global Care Chain: Boundaries, Institutions and Ethics of Care" (2017) 11:3 *Ethics and Social Welfare* 199.

- Nichols, Naomi & Jessica Ruglis, “Institutional Ethnography and Youth Participatory Action Research: A Praxis Approach,” in P. C. Luken & S. Vaughan, eds, *The Palgrave Handbook of Institutional Ethnography* (Springer Nature Switzerland, 2021) 527.
- Niedzwiecki, Sara & Jennifer Pribble, “Social Policies and Center-Right Governments in Argentina and Chile” (2017) 59:3 *Latin American Politics and Society* 72.
- Niembro, Andrés Alberto, *Las Brechas Territoriales del Desarrollo Argentino: un Balance (Crítico) de los Años 2000* (2015) 215 *Desarrollo Económico* 21.
- Niembro, Andrés, Mariana Dondo & H. Martín Civitaresi, “La Manifestación Territorial de las Desigualdades Socioeconómicas en Argentina: del Diagnóstico a las Políticas Públicas” (2016) 23:1 *Población y Sociedad*, online <
http://www.scielo.org.ar/scielo.php?script=sci_arttext&pid=S1852-85622016000100003>.
- Niembro, Andrés, Mariana Dondo & H. Martín Civitaresi, “La Manifestación Territorial de las Desigualdades Socioeconómicas en Argentina: del Diagnóstico a las Políticas Públicas” (2016) 23:1 *Población y Sociedad*, online <
http://www.scielo.org.ar/scielo.php?script=sci_arttext&pid=S1852-85622016000100003>.
- Nieto García, Alejandro, *Estudios Históricos sobre Administración y Derecho Administrativo* (Madrid: Instituto Nacional de Administración Pública).
- Nieto Michel, Daniel, “Las Políticas Sociales durante la Posconvertibilidad: ¿Ruptura o Continuidad del Paradigma Neoliberal?” (2014) Documento de Trabajo del CENCOES, FCE-UBA.
- Njálsson, Gunnar K. A., “From Autonomous to Socially Conceived Technology: Toward a Causal, Intentional and Systematic Analysis of Interests and Elites in Public Technology Policy” (2005) 108 *Theoria: A Journal of Social and Political Theory* 56.
- Noguera, Andrea F., “Argentina’s Path to Legalizing Abortion: A Comparative Analysis of Ireland, the United States and Argentina” (2019) 25:2 *Southwestern Journal of International Law* 356.
- Nosetto, Luciano, “Reflexiones Teóricas sobre la Judicialización de la Política Argentina” (2014) 23 *Documentos y Aportes en Administración Pública y Gestión Estatal*.
- Novick, Marta & Ana Catalano, Ministry of Labour, Employment and Social Security, “Social Protection and Social Security in Argentina” (Resultados de la Encuesta Nacional de Protección y Seguridad Social 2011 [ENAPROSS]) (2014).

- O'Connor, Julia S., "Gender, Class and Citizenship in the Comparative Analysis of Welfare State Regimes: Theoretical and Methodological Issues" (1993) 44:3 *British Journal of Sociology* 501.
- O'Laughlin, Bridget, "A Bigger Piece of a Very Small Pie: Intrahousehold Resource Allocation and Poverty Reduction in Africa," in Andrea Cornwall, Elizabeth Harrison & Ann Whitehead, eds, *Gender Myths and Feminist Fables: The Struggle for Interpretative Power in Gender and Development* (Oxford: Blackwell, 2008).
- O'Shaughnessy, Sara & Naomi T. Krogman, "A Revolution Reconsidered? Examining the Practice of Qualitative Research in Feminist Scholarship" (2012) 37:2 *Signs: Journal of Women in Culture and Society* 493.
- Oakley, Ann, "Interviewing Women: A Contradiction in Terms," in Helen Roberts, ed, *Doing Feminist Research* (London: Routledge & Kegan Paul, 1981) 30.
- Oakley, Ann, "Science, Gender, and Women's Liberation: An Argument against Postmodernism" (1998) 21:2 *Women's Studies International Forum* 133.
- Oakley, Ann, *Women Confined. Towards a Sociology of Childbirth* (Oxford: Martin Robertson, 1980).
- Observatorio de la Deuda Social Argentina. U.C.A., "Estimación del Impacto de la AUH y las Pensiones para Madres con Siete Hijos sobre los Ingresos Familiares, la Indigencia y la Pobreza Urbana en la Argentina del Bicentenario" (2013), online <http://www.uca.edu.ar/uca/common/grupo68/files/COMUNICADO_DE_PRENSA_AUH_Pobreza.pdf>.
- Observatorio de la Seguridad Social, *Asignación Universal por Hijo para Protección Social: Una Política de Inclusión para los más Vulnerables* (Buenos Aires: Administración Nacional de la Seguridad Social, 2011).
- Ocampo, José Antonio, Barbara Stallings, Inés Bustillo, Helvia Velloso & Roberto Frenkel, *La Crisis Latinoamericana de la Deuda desde la Perspectiva Histórica*. Comisión Económica para América Latina y el Caribe (Santiago de Chile: CEPAL, 2014).
- OECD, Country Note, Education at a Glance: Argentina (2019), online <https://www.oecd.org/education/education-at-a-glance/EAG2019_CN_ARG.pdf>.
- OECD, *The Pursuit of Gender Equality: An Uphill Battle* (OECD Publishing: Paris, 2017), online <<https://doi.org/10.1787/9789264281318-en>>.

- Olaciregui Rodríguez, María Paz, “La Violencia de Género como Responsabilidad Estatal: Aproximación al Discurso Sociopolítico, Policial y Judicial en Argentina” (2020) 41 *Acciones e Investigaciones Sociales* 201.
- Oliver, Adam & Lawrence D. Brown, “A Consideration of User Financial Incentives to Address Health Inequalities” (2012) 37:2 *J Health Polit Policy Law* 201.
- Ong, Aihwa, *Neoliberalism as Exception: Mutations in Citizenship* (Durham: Duke University Press, 2006).
- Orloff, Ann Shola, “Gender and the Social Rights of Citizenship: The Comparative Analysis of Gender Relations and Welfare States” (1993) 58:3 *American Sociological Review* 303.
- Ortner, Sherry, “Subjectivity and Cultural Critique” (2005) 5:1 *Anthropological Theory* 31.
- Ossorio Gonnet, Cecilia, “A Comparative Analysis of the Adoption of Conditional Cash Transfers Programs in Latin America” (2019) 21:4 *Journal of Comparative Policy Analysis: Research and Practice* 385.
- Otto, Dianne, “International Human Rights Law: Towards Rethinking Sex/Gender Dualism,” in Margaret Davies & Vanessa E. Munro, eds, *The Ashgate Research Companion to Feminist Legal Theory* (Ashgate Publishing, 2013) 197.
- Otto, Dianne, “Lost in Translation: Re-Scripting the Sexed Subjects of International Human Rights Law,” in Anne Orford, ed, *International Law and its Others* (Cambridge: Cambridge University Press, 2006) 318.
- Pablo Villatoro, “Las Transferencias Condicionadas en América Latina: Luces y Sombras” (2007) CEPAL, IPEA, Santiago de Chile, Seminario Internacional “Evolución y Desafíos de los Programas de Transferencias Condicionadas” online <https://www.cepal.org/sites/default/files/events/files/2007-nov-cepal_pablovillatoro_ptc.pdf>.
- Pacífico, Florencia Daniela, “¿Somos (des) Unidas? Chismes y Valores Morales a Partir de una Etnografía de la Participación de Mujeres en el Programa *Ellas Hacen*” (2018) XXIV *Revista de la Escuela de Antropología*.
- Pacífico, Florencia Daniela, “‘Más Allá Del Programa.’ Políticas Estatales, Mujeres y Vida Cotidiana en el Gran Buenos Aires” (2016) *Anthropology Dissertation*.
- Padilla, Mark, Armando Matiz-Reyes, José Félix Colón-Burgos, Nelson Varas-Díaz & John Vertovec, “Adaptation of PhotoVoice Methodology to Promote Policy Dialogue among Street-Based Drug Users in Santo Domingo, Dominican Republic” (2019) 11:2 *Arts & Health* 147.

Página Doce, “Pobreza, Desempleo y el mito de los Planeros” (10 October 2021), online <
<https://www.pagina12.com.ar/373799-pobreza-desempleo-y-el-mito-de-los-planeros>>.

Papadopoulos, Dimitris, Niamh Stephenson & Vassilis Tsianos, *Escape Routes: Control and Subversion in the 21st Century* (Pluto Press, 2018).

Pateman, Carole, *The Disorder of Women: Democracy, Feminism, and Political Theory* (Stanford University Press, 1989).

Pautassi, Laura & Carla Zibecchi, “La Provisión de Cuidado y la Superación de la Pobreza Infantil. Programas de Transferencias Condicionadas en Argentina y el Papel de las Organizaciones Sociales y Comunitarias” (2010) 159 CEPAL Serie Políticas Sociales, Santiago de Chile: CEPAL.

Pautassi, Laura, Pilar Arcidiácono & Laura Royo, “Idas y Vueltas en las Políticas Sociales: el Protagonismo de la Pobreza en la Agenda Política,” in CELS, *Derechos Humanos en la Argentina. Informe 2010* (Buenos Aires: Siglo Veintiuno, 2010).

Pautassi, Laura, Pilar Arcidiácono & Mora Straschnoy, “Asignación Universal por Hijo para Protección Social de la Argentina: Entre la Satisfacción de Necesidades y el Reconocimiento de Derechos” (184 Naciones Unidas-CEPAL-UNICEF, 2014).

Pautassi, Laura, Pilar Arcidiácono & Mora Straschnoy, “Condicionando el Cuidado. La Asignación Universal por Hijo para la Protección Social en Argentina” (2014) 50 Íconos. Revista de Ciencias Sociales 61.

Paz, Jorge & Laura Golovanevsky, “Asignación Universal por Hijo. Una Aproximación a sus Efectos sobre los Hogares” (2014) III Jornadas Nacionales sobre Estudios Regionales y Mercados de Trabajo. Universidad Nacional de Jujuy, Facultad de Cs. Económicas y Unidad de Investigación en Comunicación, Cultura y Sociedad de la Facultad de Humanidades y Cs. Sociales & Red SIMEL, San Salvador de Jujuy.

Peck, Jamie & Nik Theodore, “On the Global Frontier of Post-Welfare Policymaking: Conditional Cash Transfers as Fast Social Policy,” in Philipp Sander mann, ed, *The End of Welfare as We Know it? On the Global Frontier of Post-Welfare Policymaking: Conditional Cash Transfers as Fast Social Policy* (Verlag Barbara Budrich, 2014) 3.

Peck, Jamie & Nik Theodore, “Recombinant Workfare, Across the Americas: Transnationalizing ‘Fast’ Social Policy” (2010) 41:2 Geoforum 195.

Peck, Jamie & Nik Theodore, *Fast Policy: Experimental Statecraft at the Thresholds of Neoliberalism* (Minneapolis, MN: University of Minnesota Press, 2015).

- Peck, Jamie, "Global Policy Models, Globalizing Poverty Management: International Convergence or Fast-Policy Integration?" (2011) 5:4 Geography Compass 165.
- Pence, Ellen, "Safety for Battered Women in a Textually Mediated Legal System" (2001) 7 Studies in Cultures, Organizations and Societies 199.
- Perelmiter, Luisina, "La Burocracia Asistencial en Funcionamiento. Relaciones y Prácticas en la Vida Íntima del Ministerio de Desarrollo Social de la Nación Argentina," Doctoral Thesis (Ciudad Autónoma de Buenos Aires: UBA, 2011).
- Perelmiter, Luisina, "Militar el Estado. La Incorporación de Movimientos Sociales de Desocupados en la Gestión de Políticas Sociales. Argentina (2003-2008)," in Astor Massetti, Ernesto Villanueva & Marcelo Gómez, *Movilizaciones, Protestas e Identidades Políticas en la Argentina del Bicentenario* (Buenos Aires: Nueva Trilce, 2010).
- Perelmiter, Luisina, *Burocracia Plebeya* (Buenos Aires: Universidad de San Martín, 2016).
- Pérez D'Gregorio, Rogelio, "Obstetric Violence: A New Legal Term Introduced in Venezuela" (2010) 111: 3 International Journal of Gynecology & Obstetrics.
- Perlman, Janice, *Favela: Four Decades of Living on The Edge in Rio de Janeiro* (Oxford; New York: Oxford University Press, 2010).
- Petersen, Hanna, "On Women and Legal Concepts: Informal Law and the Norm of Consideration" (1992) 1:4 Social & Legal Studies 493.
- Picchio, Antonella, *Social Reproduction: The Political Economy of the Labour Market* (Cambridge: Cambridge University Press, 1992).
- Pignataro, Giuliana, "Estudiantes, Heroínas y 'Luchonas': Un Estudio Antropológico sobre las Experiencias del Devenir Mujer de Adolescentes Escolarizadas de un Barrio Popular," Unpublished Dissertation, UNSAM, 2020.
- Pine, Adrienne, *Working Hard, Drinking Hard. On Violence and Survival in Honduras* (California: University of California Press, 2008).
- Pinto, Ricardo, Diferencias entre Plan y Programa, online
<https://www.academia.edu/36166546/Diferencias_entre_PLAN_y_PROGRAMA>.
- Piscopo, Jennifer M., World Politics Review, "Legal Protections for Women Exist in Argentina. Enforcement is the Problem" (14 November 2016), online
<<https://www.worldpoliticsreview.com/trend-lines/20445/legal-protections-for-women-exist-in-argentina-enforcement-is-the-problem>>.

- Piven, Frances & Richard A. Cloward, *Regulating the Poor: The Functions of Public Welfare* (New York, Pantheon Books, 1971).
- Polanyi, Karl, *The Great Transformation: The Political and Economic Origins of Our Time* (Boston, MA: Beacon Press, 2001).
- Polischer, Gabriela, Luciana Miguel, Diego Díaz Córdova & Mariana Melgarejo, “Estudio Evaluativo de Impactos de la Asignación Universal por Hijo (AUH)” (2012) Ministerio de Salud de la Nación Argentina.
- Ponterotto, Joseph G., “Brief Note on the Origins, Evolution, and Meaning of the Qualitative Research Concept Thick Description” (2006) 11:3 *The Qualitative Report*.
- Porras Santanilla, Laura Cecilia, ““Viviendo del Rebusque:” A Study of How Law Affects Street Rebuscadores in Bogotá” (2018) Doctoral Dissertation, Faculty of Law, University of Ottawa.
- Posner, Richard, “In Memoriam: Bernard D. Meltzer (1914-2007)” (2007) 74:2 *University of Chicago Law Review*.
- Potenza Dal Masetto, Fernanda & Fabián Repetto, *Sistemas de Protección Social en América Latina y el Caribe: Argentina*, ECLAC LC/W.508 (2012), online <<https://repositorio.cepal.org/handle/11362/4028>>.
- Pound, Roscoe, “Sociology and Law,” in W. F. Ogburn & A. Goldenweiser, eds, *The Social Sciences and Their Interrelations* (Boston: Houghton Mifflin Company, 1927) 319.
- Poy, Santiago, María Emilia Sánchez, Agustín Salvia & Ianina Tuñón, “Evaluación de Impacto de la Asignación Universal por Hijo (AUH) en la Infancia a Diez Años de su Implementación” (2021) Special Report, 1st Ed.
- Pratt, Geraldine & Victoria Rosner, *The Global and the Intimate: Feminism in Our Time* (New York: Columbia University Press, 2012).
- Price, Joshua M., *Structural Violence: Hidden Brutality in the Lives of Women* (State University of New York Press, 2012).
- Privacy International, “El Derecho a la Privacidad en Argentina,” Comunicación Conjunta de la Asociación por los Derechos Civiles y Privacy International (March 2017), online <<https://adc.org.ar/wp-content/uploads/2019/06/026-el-derecho-a-la-privacidad-en-argentina-03-2017.pdf>>.

- Puig de la Bellacasa, Maria, *Matters of Care: Speculative Ethics in More than Human Worlds* (Minneapolis: University of Minnesota Press, 2017).
- Pylypa, Jen, “Power and Bodily Practice: Applying the Work of Foucault to an Anthropology of the Body” (1998) 13 *Arizona Anthropologist* 13.
- Quattrocchi, Patrizia, “Obstetric Violence Observatory: Contributions of Argentina to the International Debate” (2019) 38 *Medical Anthropology* 762.
- Quisumbing, Agnes & Bonnie McClafferty, *Food Security in Practice: Using Gender Research in Development* (Washington, DC: International Food Policy Research Institute, 2006).
- Rabinovich, Lila & Stephanie Diepeveen, “The Design of Conditional Cash Transfers: Experiences from Argentina’s Universal Child Allowance” (2014) *Center for Economic and Social Research*, CESR-Schaeffer Working Paper No. 2014-007.
- Rai, Shirin M., Catherine Hoskyns & Dania Thomas, “Depletion” (2014) 16:1 *International Feminist Journal of Politics* 86.
- Ramazanoglu, Caroline, “On Feminist Methodology: Male Reason versus Female Empowerment” (1992) 26 *Sociology* 207.
- Ramírez, Viviana, “CCTs through a Wellbeing Lens: The Importance of the Relationship between Front-Line Officers and Participants in the *Oportunidades/Prospera* Programme in Mexico” (2016) 15 *Social Policy and Society* 451.
- Ranganathan, Meghna & Mylene Lagarde, “Promoting Healthy Behaviours and Improving Health Outcomes in Low- and Middle-Income Countries: A Review of the Impact of Conditional Cash Transfer Programmes” (2012) 55 *S2 Incentives and Health* 95.
- Rank, Mark Robert, Lawrence M. Eppard & Heather E. Bullock, “Chapter 14, Welfare Fraud is Scarce,” in Mark Robert Rank, Lawrence M. Eppard & Heather E. Bullock, *Poorly Understood: What America Gets Wrong About Poverty* (Oxford University Press, 2021).
- Rankin, Janet, ““Patient Satisfaction:’ Knowledge for Ruling Hospital Reform - An Institutional Ethnography” (2003) 10:1 *Nursing Inquiry* 57.
- Rankin, Janet, “Conducting Analysis in Institutional Ethnography: Analytical Work Prior to Commencing Data Collection” (2017) 16:1-9 *International Journal of Qualitative Methods*.
- Rankin, Katharine N., “Governing Development: Neoliberalism, Microcredit, and Rational Economic Woman” (2001) 30:1 *Economy and Society* 18.

- Rankin, Katharine N., “Social Capital, Microfinance, and the Politics of Development” (2002) 8:1 Feminist Economics 1.
- Rasella, Davide, Rosana Aquino, Carlos A. T. Santos, Rômulo Paes-Sousa & Mauricio L. Barreto, “Effect of a Conditional Cash Transfer Programme on Childhood Mortality: A Nationwide Analysis of Brazilian Municipalities” (2013) 382 9886 The Lancet 57.
- Rathgeber, Eva M., “WID, WAD, GAD: Trends in Research and Practice” (1990) 24:4 The Journal of Developing Areas 489.
- Ratier, Hugo E., *El Cabecita Negra* (Buenos Aires: Centro Editor de América Latina, 1975).
- Ravallion, Martin, “Poverty Lines in Theory and Practice” (1998) World Bank Living Standards Measurement Study Working Paper.
- Ray, Isha, “Outcomes and Processes in Economics and Anthropology” (2006) 54:3 Economic Development and Cultural Change 677.
- Razavi, Shahra, “The Political and Social Economy of Care in a Development Context: Conceptual Issues, Research Questions and Policy Options” (2007) Gender and Development, UNRISD.
- Reddy, Sanjay G., “Randomise this! On Poor Economics” (2012) 2:2 Review of Agrarian Studies, online < http://www.ras.org.in/randomise_this_on_poor_economics>.
- Reid, James, “Standpoint: Using Bourdieu to Understand IE and the Researcher’s Relation with Knowledge Generation,” in James Reid & Lisa Russell, eds, *Perspectives on and from Institutional Ethnography* (Wagon Lane, Bingley: Emerald Publishing Limited, 2018).
- Reimann, Mathias & Reinhard Zimmermann, *The Oxford Handbook of Comparative Law* (New York: Oxford University Press Inc, 2006).
- Reimers, Fernando, Carol DeShano da Silva & Ernesto Trevino, “Where is the “Education” in Conditional Cash Transfers in Education?” (2006) United Nations Educational, Scientific and Cultural Organization [UNESCO], Institute for Statistics, Montreal, 2006.
- Reininger, Taly & Borja Castro-Serrano, “Poverty and Human Capital in Chile: The Processes of Subjectivation in Conditional Cash Transfer Programs” (2021) 41:2 Critical Social Policy 229.
- Repetto, Fabián & Fernanda Potenza Dal Masetto, “Sistemas de Protección Social en América Latina y el Caribe: Argentina” (2012) Signatura: LC/W.508, Santiago de Chile, CEPAL/BMZ-GIZ.

Repetto, Fabián & Gala Díaz Langou, “Desafíos y Enseñanzas de la Asignación Universal por Hijo para Protección Social a un Año de su Creación. Documento de Políticas Públicas” (CIPPEC, Buenos Aires, 2010) online <<https://www.cippec.org/wp-content/uploads/2017/03/2483.pdf>>.

Retamozo, Martín & Lucía Trujillo, “Políticas contra la Pobreza en Argentina (2002-2015). Alcances, Limitaciones y Desafíos” (2018) 98:1 *Revista Reflexiones* 89.

Revenge, Ana & Sudhir Shetty, “Empowering Women is Smart Economics” (2012) 49:1 *Finance and Development* 40.

Riccio, James, Nadine Dechausay, Cynthia Miller, Stephen Nuñez, Nandita Verma & Edith Yang, *Conditional Cash Transfers In New York City: The Continuing Story of the Opportunity NYC-Family Rewards Demonstration* (MDRC, 2013) online <https://www.mdrc.org/sites/default/files/Conditional_Cash_Transfers_FR%202-18-16.pdf>.

Rich, Adrienne, *Of Woman Born. Motherhood as Experience and Institution* (New York: WW Norton, 1986).

Ringold, Dena & Rafael Rofman, “Argentina: Políticas de Transferencias de Ingresos hacia el Bicentenario,” in Guillermo Cruces, Juan Martín Moreno, Dena Ringold & Rafael Rofman, “Los Programas Sociales en Argentina hacia el Bicentenario. Visiones y Perspectivas” (Argentina: Banco Mundial, 2008), online <http://www.observatoriosocial.com.ar/pdfs/articulos/libro_bancomundial.pdf>.

Rivas, Axel, “Tendencias Educativas, Desigualdades Sociales y Fragmentación Provincial,” in *Aportes para el Desarrollo Humano en Argentina* (Buenos Aires: Programa de las Naciones Unidas para el Desarrollo, 2010).

Rivera Castineira, Berta, Luis Currais Nunes & Paolo Rungo, “Impacto de los Programas de Transferencia Condicionada de Renta sobre el Estado de Salud: el Programa Bolsa Familia de Brasil” (2009) 83:1 *Rev. Esp. Salud Publica* 85.

Roach, Kent, “The Uses and Audiences of Preambles in Legislation” (2001) 47 *McGill LJ*. 129.

Robertson, Jennifer, “Reflexivity Redux: A Pithy Polemic on ‘Positionality’” (2002) 75 *Anthropological Quarterly* 785.

Robinson, Fiona, “Care, Gender and Global Social Justice: Rethinking ‘Ethical Globalization,’” (2006) 2:1 *Journal of Global Ethics* 5.

- Robinson, Fiona, "Globalizing Care: Ethics, Feminist Theory, and International Relations" (1997) 22:1 *Alternatives: Global, Local, Political* 113.
- Roca, Emilia, "Asignación Universal por Hijo (AUH): Extensión de las Asignaciones Familiares" (2011) *Revista Debate Público, Reflexión de Trabajo Social*, Facultad de Ciencias Sociales, Universidad de Buenos Aires.
- Rodríguez Enríquez, Corina, "Políticas de Atención a la Pobreza y las Desigualdades en América Latina: una Revisión Crítica desde la Economía Feminista," in V. Esquivel, ed, *La Economía Feminista desde América Latina: Una Hoja de Ruta sobre los Debates Actuales en la Región* (Santo Domingo: ONU Mujeres, 2012).
- Rodríguez Enríquez, Corina, "Programas de Transferencias Condicionadas de Ingreso e Igualdad de género ¿Por Dónde Anda América Latina?" (2011) 109 *CEPAL Serie Mujer y Desarrollo*, Santiago de Chile: CEPAL.
- Rodríguez Gusta, Ana Laura, "¿Destinatarias Emprendedoras o Beneficiarias Dependientes?: Segmentaciones Discursivas en la Implementación Municipal de una Política Social en la Argentina" (2013) 37 *Cuadernos De Antropología Social* 137.
- Rodríguez Prado, Julieta, "La Violencia del Procedimiento Administrativo en la Práctica," Chapter XVIII in Agustín Gordillo, ed, *Tratado de Derecho Administrativo y Obras Selectas, t. 7, El Derecho Administrativo en la Práctica, 1st Ed* (Buenos Aires: FDA, 2013).
- Rodríguez, Rosana Paula, "El Poder del Testimonio, Experiencias de Mujeres" (2013) 21:3 *Estudios Feministas* 1149.
- Rodríguez-Arana Muñoz, Jaime, *El Buen Gobierno y la Buena Administración de Instituciones Públicas, 1st Ed* (Madrid: Aranzadi, 2006).
- Rofman, Alejandro, "Soberanía y Proyecto Económico" (2012) 21 *Revista de Ciencias Sociales* Universidad Nacional de Quilmes 219.
- Rofman, Alejandro, *Desigualdades Regionales en la Argentina* (Buenos Aires: CEUR, 1988).
- Roig, Alexandre, "La Economía Política de lo Popular como Fuente de Derechos sobre lo Público," in C. Giraldo, ed, *Economía Popular desde Abajo* (Bogotá: Ediciones desde Abajo, 2017) 23.
- Rojas Lasch, Carolina, "Gobernar la Extrema Pobreza: un Análisis del Dispositivo de Intervención Chile Solidario-Puente," in V. Lemm, ed, *Michel Foucault: Biopolítica y Neoliberalismo* (Santiago de Chile: Editorial UDP, 2010).

- Rojas Lasch, Carolina, “Sexuación y Subjetivación en las Prácticas de Asistencia en Chile” (2014) 44:152 Cuadernos de Pesquisa 312.
- Romano, Jorge, “Empoderamento: Recuperando a Questão do Poder no Combate à Pobreza” (“Empowerment: Recovering the Question of Power in Combating Poverty”), in J. Romano & M. Antunes, eds, *Empoderamento e Direitos no Combate à Pobreza* (Rio de Janeiro: ActionAid, 2002).
- Rose, Nikolas & Mariana Valverde, “Governed by Law?” (1998) 7:4 Social & Legal Studies 541.
- Rose, Nikolas & Peter Miller, *Governing the Present* (Cambridge: Polity Press, 2008).
- Rose, Nikolas, “Community, Citizenship, and the Third Way” (2000) 43:9 American Behavioral Scientist 1395.
- Rose, Nikolas, Pat O’Malley & Mariana Valverde, “Governmentality” (2006) 2 Annual Review of Law and Social Science 83.
- Rossel, Cecilia, Denise Courtoisie & Magdalena Marsiglia, “Programas de Transferencias, Condicionales y Derechos de la Infancia y la Adolescencia: Apuntes a partir del Caso de Uruguay” (2014) División de Desarrollo Social de la Comisión Económica para América Latina y el Caribe (CEPAL), Proyecto CEPAL-UNICEF UNI/12/001, online < <https://www.cepal.org/es/publicaciones/37328-programas-transferencias-condicionales-derechos-la-infancia-apuntes-partir>>.
- Rossel, Cecilia, Denise Courtoisie & Magdalena Marsiglia, “Programas de Transferencias, Condicionales y Derechos de la Infancia. Apuntes a Partir del Caso del Uruguay” (Santiago de Chile: CEPAL/ONU, 2014).
- Rossetto, Kelly R., “Qualitative Research Interviews: Assessing the Therapeutic Value and Challenges” (2014) 31:4 Journal of Social and Personal Relationships 482.
- Rubio, Jimena, “Organismos Descentralizados en el Estado Nacional: ¿Administración Centralizada por Otros Medios?” (2017) Centro de Implementación de Políticas Públicas para la Equidad y el Crecimiento 176.
- Ruckert, Arne, “The Forgotten Dimension of Social Reproduction: The World Bank and the Poverty Reduction Strategy Paradigm” (2010) 17:5 Review of International Political Economy 816.
- Russell Bernard, Harvey, *Research Methods in Anthropology: Qualitative and Quantitative Approaches* (Lanham: AltaMira Press, 2011).

Ryle, Gilbert, *Concept of the Mind* (New York: Hutchinson and Company, 1949).

Saad-Filho, Alfredo, "Social Policy for Mature Neoliberalism: The Bolsa Familia Programme in Brazil" (2015) Unpublished.

Sadler, Michelle, Mário JDS Santos, Dolores Ruiz-Berdún, Gonzalo Leiva Rojas, Elena Skoko, Patricia Gillen & Jette A. Clausen, "Moving beyond Disrespect and Abuse: Addressing the Structural Dimensions of Obstetric Violence" (2016) 24:47 Reproductive Health Matters.

Sadoulet, Elisabeth, Frederico Finan, Alain de Janvry & Renos Vakis, "Can Conditional Cash Transfer Programs Improve Social Risk Management? Lessons for Education and Child Labor Outcomes" (2004) World Bank, Social Protection Discussion Paper 0420.

Sainsbury, Diane, "Introduction," in Diane Sainsbury, ed, *Gendering Welfare States* (London: Sage, 1994).

Sainsbury, Diane, "Women's and Men's Social Rights: Gendering Dimensions of Welfare States," in Diane Sainsbury, ed, *Gendering Welfare States* (London: Sage, 1994) 150.

Salanueva, Olga & Manuela González, eds, *Los Pobres y el Acceso a la Justicia* (La Plata: Editorial de la Universidad Nacional de La Plata, 2011).

Salas, Marcelo, "Isomorfismo en los Programas de Lucha contra la Pobreza. Los Programas 'Oportunidades' y 'Puente'" (2010) 22:1 Desafíos 55, online <<https://revistas.urosario.edu.co/index.php/desafios/article/view/1290>>.

Salvia, Agustín, Bianca Musante & Alejandro Mendoza Jaramillo, "Análisis de Impacto de la Asignación Universal por Hijo en Materia de Inseguridad Alimentaria y Déficit Educativo" (2013) Documento de Trabajo del Observatorio de la Deuda Social Argentina, ODSA, UCA, online <https://wadmin.uca.edu.ar/public/ckeditor/AUH_integrado_03.pdf>.

Salvia, Agustín, Ianina Tuñón & Santiago Poy, "Asignación Universal por Hijo para Protección Social: Impacto sobre el Bienestar Económico y el Desarrollo Humano de la Infancia" (2015) 22:2 Población & Sociedad 101.

Salvia, Agustín, Ianina Tuñón & Santiago Poy, "Efectos de la Asignación Universal por Hijo en el Ingreso Per-Cápita Familiar, en la Pobreza Extrema e Indicadores de Desarrollo Humano de la Infancia" (2014) VIII Jornadas de Sociología de la UNLP, Ensenada, Argentina.

- Samson, Michael, Ingrid van Niekerk & Kenneth Mac Quene, *Designing and Implementing Social Transfer Programmes*, 2nd Ed (UK: Economic Policy Research Institute, 2010), online < <http://epri.org.za/wp-content/uploads/2016/07/Designing-and-Implementing-Social-Transfer-Programmes-EPRI.pdf>>.
- Samuel, Rajan, The Times of India, “Conditional Cash Transfer model can empower families to build their dream home through subsidy from PMAY and CSR Grants” (5 December 2022), online <<https://timesofindia.indiatimes.com/blogs/voices/conditional-cash-transfer-model-can-empower-families-to-build-their-dream-home-through-subsidy-from-pmay-and-csr-grants/>>.
- Sánchez-Castañeda, Alfredo, “La Seguridad Social y la Protección Social en México. Su Necesaria Reorganización” (2012) Instituto de Investigaciones Jurídicas. Universidad Nacional Autónoma de México.
- Sandel, Michael J., *What Money Can't Buy: The Moral Limits of Markets* (London: Penguin, 2012).
- Sarat, Austin, “Situating Law Between the Realities of Violence and the Claims of Justice,” in Austin Sarat, ed, *Law, Violence, and the Possibility of Justice* (Princeton, NJ: Princeton University Press, 2018).
- Sardenberg, Cecília M.B., “Liberal vs. Liberating Empowerment: A Latin American Feminist Perspective on Conceptualizing Women’s Empowerment” (2008) 39:6 IDS Bulletin Institute of Development Studies 18.
- Saritas Oran, Serap, “Pensions and Social Reproduction,” in Tithi Bhattacharya, ed, *Social Reproduction Theory: Remapping Class, Recentering Oppression* (Pluto Press, 2017).
- Satka, Mirja Elia & Caroline Skehill, “Michel Foucault and Dorothy Smith in Case File Research: Strange Bedfellows or Complementary Thinkers?” (2011) 11:2 Qualitative Social Work: Research and Practice 191.
- Sawyers, Larry, *The Other Argentina: The Interior and National Development* (Boulder, CO: Westview Press, 1996).
- Scales, Ann, “Feminist Legal Method: Not So Scary” (1992) 2 UCLA Women’s L J 1.
- Schady, Norbert & Jose Rosero, “Are Cash Transfers Made to Women Spent Like Other Sources of Income?” (2008) 101:3 Economics Letters 246.
- Scharager, Andrés, “De Jueces Autoritarios y Defensores Progresistas: Activismo Judicial y Controversias Sociojurídicas en la Ejecución de una Sentencia Ambiental” (2021) 23:1 *Revista de Estudios Socio-Jurídicos* 1.

- Scharager, Andrés, “Judicialización y Política en un Proceso de Relocalización: Estrategias y Discurso de la Defensa Pública de Buenos Aires” (2019) 10:2 *Revista Direito e Práxis* 846.
- Scheel, Inger B., Andrea E. Scheel & Atle Fretheim, “The Moral Perils of Conditional Cash Transfer Programmes and Their Significance for Policy: A Meta-Ethnography of The Ethical Debate” (2020) 35 *Health Policy and Planning* 718.
- Scheper-Hughes, Nancy & Philippe Bourgois, eds, *Violence in War and Peace: An Anthology* (Malden, MA: Blackwell Publishing, 2004).
- Scheper-Hughes, Nancy, “Small Wars and Invisible Genocides” (1996) 43:5 *Soc. Sci. Med.* 889.
- Scheper-Hughes, Nancy, “Specificities: Peace-Time Crimes” (1997) 3:3 *Social Identities* 471.
- Scheper-Hughes, Nancy, “The Problem of Bias in Androcentric and Feminist Anthropology” (1983) 10 *Women’s Studies* 109.
- Scheper-Hughes, Nancy, *Death Without Weeping. The Violence of Everyday Life in Brazil* (Oakland, CA: University of California Press, 1993).
- Schijman, Emilia & Jean François Laé, “Las Rondas de las Mujeres por las Ventanillas del Estado: Etnografía de un Trabajo Invisible” (2011) 16 *XV Trabajo y Sociedad*.
- Schild, Veronica, “Care and Punishment in Latin America: The Gendered Neoliberalization of the Chilean State,” in N. Goodale & N. Postero, eds, *Neoliberalism Interrupted: Social Change and Contested Governance in Contemporary Latin America* (Stanford: Stanford U. Press, 2013) 194.
- Schild, Veronica, “Empowering ‘Consumer-Citizens’ or Governing Poor Female Subjects?” (2007) 7 *Journal of Consumer Culture* 179.
- Schild, Veronica, “Neo-Liberalism’s New Gendered Market Citizens: The ‘Civilizing’ Dimensions of Social Programmes in Chile” (2000) 43 *Citizenship Studies* 275.
- Schostak, Jill & John F. Schostak, “Writing for Emancipatory Research,” in Jill Schostak & John F. Schostak, eds, *Researching Violence, Democracy and the Rights of People* (London: Routledge, 2009).
- Schröter, Melani & Charlotte Taylor, eds, *Exploring Silence and Absence in Discourse – Empirical Approaches* (Palgrave, 2018).

- Schubert, Bernd & Rachel Slater, "Social Cash Transfers in Low-Income African Countries: Conditional or Unconditional?" (2006) 24:5 Development Policy Review 571.
- Schultz, Paul, "School Subsidies for the Poor: Evaluating the Mexican Progresa Poverty Program" (2004) 74:1 Journal of Development Economics 199.
- Schüring, Esther, "Conditions, Conditionality, Conditionalities, Responsibilities - Finding Common Ground" (2010) Working Paper 014, Maastricht Graduate School of Governance, online <
<https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.298.5101&rep=rep1&type=pdf>>.
- Schwarz, Patricia, "Construcción de la Maternidad en el Encuentro de la Institución Médico Ginecológica con Mujeres de Clase Media de la Ciudad de Buenos Aires" (2010) 6 Sexualidad, Salud y Sociedad 83.
- Sciortino, Silvana, "Una Etnografía sobre Arreglos Familiares, Leonas y Mujeres Superpoderosas. Prácticas Compartidas entre las Titulares del 'Ellas Hacen'" (2018) 48 Cuadernos De Antropología Social 55.
- Scott, James C., *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven, CT: Yale University Press, 1985).
- Secor, Anna, "Between Longing and Despair: State, Space and Subjectivity in Turkey" (2007) 25 Environment and Planning D: Society and Space 33.
- Seerden, René & Frits Stroink, eds, *Administrative Law of the European Union, its Member States, and the United States* (Intersentia Uitgevers, 2002).
- Segato, Rita Laura, "La Argamasa Jerárquica: Violencia Moral, Reproducción del Mundo y Eficacia Simbólica del Derecho" (2003) 332 Série Antropologia (Brasília, Distrito Federal, Brazil), online < <http://repositorio.ciem.ucr.ac.cr/jspui/handle/123456789/150>>.
- Segato, Rita, "Racismo, Discriminación y Acciones Afirmativas: Herramientas Conceptuales" (2006) 404 Serie Antropológica, Brasilia.
- Segato, Rita, *La Nación y sus Otros: Raza, Etnicidad y Diversidad Religiosa en Tiempos de Políticas de la Identidad* (Argentina, Buenos Aires: Prometeo Libros, 2007).
- Sener, Meltem Yilmaz, "How the World Bank Manages Social Risks: Implementation of the Social Risk Mitigation Project in Turkey" (2015) 36:4 Third World Quarterly 758.
- Shabot, Sara, "Making Loud Bodies 'Feminine:' A Feminist-Phenomenological Analysis of Obstetric Violence" (2016) 39:2 Human Studies 231.

- Shaffer, Paul, "Two Concepts of Causation: Implications for Poverty" (2015) 46:1 *Development and Change* 148.
- Sheppard, Colleen, "Reducing Group-based Inequalities in a Legally Plural World" (2010) *Crise Working Paper* 75.
- Siaroff, Alan, "Work, Welfare and Gender Equality: A New Typology," in Diane Sainsbury, ed, *Gendering Welfare States* (London: Sage, 1994).
- Siems, Mathias M., "The Taxonomy of Interdisciplinary Legal Research: Finding the Way out of the Desert" (2009) 7 *Journal of Commonwealth Law and Legal Education*.
- Silbey, Susan & Austin Sarat, "Critical Traditions in Law and Society Research" (1987) 21 *Law & Society Review* 165.
- Silva, Elizabeth, ed, *Good Enough Mothering? Feminist Perspectives on Lone Motherhood* (London: Routledge, 1996).
- Simmel, Georg & Claire Jacobson, "The Poor" (1965) 13:2 *Social Problems* 118.
- Simmonds, Shan, Cornelia Roux & Ina ter Avest, "Blurring the Boundaries between Photovoice and Narrative Inquiry: A Narrative-Photovoice Methodology for Gender-Based Research" (2015) 14:3 *International Journal of Qualitative Methods* 33.
- Simon Chan, T. M., Eli Teram & Ian Shaw, "Balancing Methodological Rigor and the Needs of Research Participants: A Debate on Alternative Approaches to Sensitive Research" (2017) 27:2 *Qualitative Health Research* 260.
- Simon, Claire A., "Setting the Stage: What We Know (And Don't Know) About the Effects of Cash-Based Interventions on Gender Outcomes in Humanitarian Settings" (2018) UN Women, in The Cash Learning Partnership, eds, *Collected Papers on Gender and Cash Transfer Programmes in Humanitarian Contexts*.
- Sinding, Christina, "Using Institutional Ethnography to Understand the Production of Health Care Disparities" (2010) 20:12 *Qualitative Health Research* 1656.
- Sindzingre, Alice, "The Evolution of the Concept of Poverty in Multilateral Financial Institutions. The Case of the World Bank," in Morten Bøås & Desmond McNeill, eds, *Global Institutions and Development. Framing the World?* (London & New York: Routledge, 2004).
- Slater, Rachel, "Cash Transfers, Social Protection and Poverty Reduction" (2011) 20 *Int J Soc Welfare* 250.

- Small, Mario Luis, “‘How Many Cases Do I Need?’: On Science and the Logic of Case Selection in Field-Based Research” (2009) 10:1 *Ethnography* 5.
- Smart, Carol, “Law’s Power, the Sexed Body, and Feminist Discourse” (1990) 17:2 *Journal of Law and Society* 194.
- Smart, Carol, “Losing the Struggle for Another Voice: The Case of Family Law” (1995) 8 *Dalhousie Law Journal* 173.
- Smart, Carol, *Feminism and the Power of Law* (London: Routledge, 1989).
- Smart, Carol, *Law, Crime and Sexuality. Essays in Feminism* (London: Thousand Oaks; Nueva Deli: Sage Publications, 1994).
- Smith, Dorothy E., “‘K is Mentally Ill’ the Anatomy of a Factual Account” (1978) 12:1 *Sociology* 23.
- Smith, Dorothy E., “‘Politically Correct:’ an Ideological Code,” in Stephen Richer & Lorna Weir, eds, *Beyond Political Correctness: Toward the Inclusive University* (Toronto: University of Toronto Press, 1995) 23.
- Smith, Dorothy E., “Comment on Hekman’s ‘Truth and Method: Feminist Standpoint Theory Revisited’” (1997) 22:2 *Signs* 392.
- Smith, Dorothy E., “Feminist Reflections on Political Economy” (1987) *Studies in Political Economy* 30.
- Smith, Dorothy E., “From the 14 Level Sidewalk. Writing Sociology at Ground Level” (2008) 78:3 *Sociological Inquiry* 214.
- Smith, Dorothy E., “Ideology, Science, and Social Relations: A Reinterpretation of Marx’s Epistemology” (2004) 7:4 *European Journal of Social Theory* 445.
- Smith, Dorothy E., “Incorporating Texts into Ethnographic Practice,” in Dorothy Smith, *Institutional Ethnography as Practice* (Lanham: Rowman and Littlefield Publisher, 2006) 65.
- Smith, Dorothy E., “Making Change from Below” (2008) 3:2 *Socialist Studies* 7.
- Smith, Dorothy E., “Sociology from Women’s Experience: A Reaffirmation” (1992) 10:1 *Sociological Theory* 88.

- Smith, Dorothy E., "Telling the Truth after Postmodernism" (1996) 19:3 *Symbolic Interaction* 171.
- Smith, Dorothy E., "Texts and the Ontology of Organizations and Institutions" (2001) 7:2 *Studies in Cultures, Organizations and Societies* 158.
- Smith, Dorothy E., "Textual Realities and The Boss Texts That Govern Them" [PowerPoint slides] (2010) Centre for Women's Studies in Education (Toronto, ON: Ontario Institute for Studies in Education).
- Smith, Dorothy E., "The Standard North American Family: SNAF as an Ideological Code" (1993) 14:1 *Journal of Family Issues* 50.
- Smith, Dorothy E., "Theorising as Ideology," in R. Turner, ed, *Ethnomethodology* (Harmondsworth: Penguin, 1974).
- Smith, Dorothy E., "Women's Experience as a Radical Critique of Sociology," cited by Bert N. Adams & R. A. Sydie, *Sociological Theory* (SAGE Publications, Inc. Series: Sociology for a New Century: A Pine Forge Press Series, 2001).
- Smith, Dorothy E., *Institutional Ethnography as Practice* (Oxford, UK: Rowman & Littlefield, 2006).
- Smith, Dorothy E., *Texts, Facts and Femininity: Exploring the Relations of Ruling* (London: Routledge, 1990).
- Smith, Dorothy E., *The Conceptual Practices of Power: A Feminist Sociology of Knowledge* (Northeastern University Press, 1990).
- Smith, Dorothy E., *The Everyday World as Problematic* (Northeastern University Press, 1987).
- Smith, Dorothy E., *The Everyday World as Problematic: A Feminist Sociology* (Toronto: University of Toronto Press, 1987).
- Smith, Dorothy E., *Writing the Social: Critique, Theory and Investigations* (Toronto: University of Toronto Press, 1999).
- Smith, George W., "Policing the Gay Community: An Inquiry into Textually-Mediated Social Relations" (1988) 16:2 *International Journal of the Sociology of Law* 163.
- Smith, George W., "Political Activist as Ethnographer" (1990) 37 *Social Problems* 629.

- Smith, Gilbert, *Social Work and the Sociology of Organization* (London: Routledge and Kegan Paul, 1970).
- Smith-Oka, Vania, "Microaggressions and the Reproduction of Social Inequalities in Medical Encounters in Mexico" (2015) 143 *Social Science & Medicine* 9.
- Smith-Oka, Vania, *Shaping the Motherhood of Indigenous Mexico* (Nashville: Vanderbilt University Press, 2012).
- Smulovitz, Catalina, "La Política por Otros Medios. Judicialización y Movilización Legal en la Argentina" (2008) 48 *Desarrollo Económico* 287.
- Snitow, "What's in a Name: Denise Riley's Categorical Imperatives" (1989) *Voice Literary Supplement*.
- Sojo, Ana, "La Trayectoria del Vínculo entre Políticas Selectivas contra la Pobreza y Políticas Sectoriales" (2007) 91 *Revista de la CEPAL*.
- Sojo, Ana, "Vulnerabilidad Social, Aseguramiento y Diversificación de Riesgos en América Latina y el Caribe" (2003) 80 *Revista CEPAL*.
- Soldano, Daniela, "Sociabilidad y Micropolítica en un Barrio 'Bajo Planes,'" in Luciano Andrenacci, ed, *Cuestión Social y Política Social en el Gran Buenos Aires* (Buenos Aires: Ediciones Al Margen/ UNGS, 2000).
- Somers, Margaret in Conversation with Joshua Curtis, "Socially Embedding the Market and the Role of Law" (206) *Series on Economics and Law in Conversation, Laboratory for Advanced Research on the Global Economy, Centre for the Study of Human Rights, LSE*, online < <https://www.lse.ac.uk/sociology/assets/documents/human-rights/HR-SO-4.pdf>>.
- Song, Gloria & Melisa Handl, "Institutional Ethnography as an Access to Justice Framework for Domestic Violence-Based Refugee Claims from Guyana" (2021) *Access to Justice in the Americas*.
- Soomi, Lee, "Politics of Universal and Unconditional Cash Transfer: Examining Attitudes Toward Universal Basic Income" (2021) 16:2 *Basic Income Studies* 191.
- Sourdin, Tania & Naomi Burstyner, "Justice Delayed is Justice Denied" (2014) 4 *Victoria U. L. & Just. J.* 46.

- Spaventa, Verónica, ed, “Interés Superior de las Niñas o Discriminación a la Madre por su Orientación Sexual?,” in *II Revista Interdisciplinaria de Doctrina y Jurisprudencia, Derecho de Familia* (Buenos Aires: LexisNexis, 2005).
- Sprague, Joey & Mary K. Zimmerman, “Quality and Quantity: Reconstructing Feminist Methodology” (1989) *The American Sociologist* 71.
- Spronk, Susan, “Covid-19 and Structural Inequalities: Class, Gender, Race and Water Justice,” in D.A. McDonald, S. Spronk & D. Chavez, eds, *Public Water and Covid-19: Dark Clouds and Silver Linings* (Municipal Services Project [Kingston], Transnational Institute [Amsterdam] & Latin American Council of Social Sciences [CLACSO] [Buenos Aires]: 2020).
- Srivastava, Prachi & Nick Hopwood, “A Practical Iterative Framework for Qualitative Data Analysis” (2009) (2009) 8:1 *International Journal of Qualitative Methods* 76.
- Stanchi, K.M, “Feminist Legal Writing” (2002) 39 *San Diego Law Review* 387.
- Standing, Guy, “Behavioural Conditionality: Why the Nudge Must Be Stopped - An Opinion Piece” (2011) 19 *Journal of Poverty and Social Justice* 27.
- Standing, Guy, “Conditionality and Human Rights. United Nations Research Institute for Social Development” (2014), online <<http://www.unrisd.org/sp-hr-standing>>.
- Standing, Guy, “How Cash Transfers Boost Work and Economic Security” (2007) UNDESA Working Paper N° 58.
- Standing, Guy, *Beyond the New Paternalism: Basic Security as Equality* (London: Verso, 2002).
- Standing, Guy, *The Precariat: The New Dangerous Class* (London: Bloomsbury, 2011).
- Stang Dahl, Tove, *Women’s Law. An Introduction to Feminist Jurisprudence* (Oslo: Norwegian University Press, 1987).
- Stanley, Liz & Sue Wise, “Method, Methodology and Epistemology in Feminist Research Processes,” in Liz Stanley, ed, *Feminist Praxis* (London: Routledge, 1990).
- Stanley, Liz, *Dorothy E. Smith, Feminist Sociology & Institutional Ethnography: A Short Introduction* (Independently Published, 2018).
- Star, S. L., “The Sociology of the Invisible: The Primacy of Work in the Writings of Anselm Strauss,” in D. Maines, ed, *Social Organization and Social Process: Essays in Honor of Anselm Strauss* (Hawthorne, NY: Aldine de Gruyter, 1991).

- Steinem, Gloria, *The Truth Will Set You Free, But First It Will Piss You Off!: Thoughts on Life, Love, and Rebellion* (Random House, 2019).
- Stern, Andy, *Raising the Floor: How a Universal Basic Income Can Renew Our Economy and Rebuild the American Dream* (Canada: Public Affairs, 2016).
- Sternberg Greene, Sara, "Race, Class and Access to Civil Justice" (2016) 101 Iowa Law Review 1263.
- Stiglitz, Joseph E., *More Instruments and Broader Goals: Moving toward the Post-Washington Consensus* (Helsinki: United Nations University World Institute for Development Economics, 1998).
- Stone-Mediatore, Shari, "Chandra Mohanty and the Revaluing of 'Experience'" (1998) 13:2 Hipatya 116.
- Stote, Karen, *An Act of Genocide: Colonialism and the Sterilization of Aboriginal Women* (Black Point, NS: Fernwood Publishing, 2015).
- Straschnoy, Mora, "Análisis Evaluativo de las Condicionales de la Asignación Universal por Hijo" (2017) 47 Política y Cultura 143.
- Straschnoy, Mora, "Distintas Miradas, un Mismo Instrumento: la Figura de las Condicionales en la Política Social Argentina. Los Antecedentes de un Escenario Actual" (2015) 25 Trabajo y Sociedad 131.
- Straschnoy, Mora, "Las Condicionales de la Asignación Universal por Hijo. Un Análisis desde el Enfoque de Derechos y las Capacidades Estatales" (2016) 2 Administración Pública y Sociedad (APyS) 60, online <<https://revistas.unc.edu.ar/index.php/APyS/article/view/15324>>.
- Summers, Kate, "For the Greater Good? Ethical Reflections on Interviewing the 'Rich' and 'Poor' in Qualitative Research" (2020) 23:5 International Journal of Social Research Methodology 593.
- Sunstein, Cass R., "On the Expressive Function of Law" (1996) 144 University of Pennsylvania Law Review.
- Supiot, Alain, *Beyond Employment. Changes in Work and the Future of Labour Law in Europe* (Oxford University Press, 2001).

- Svampa, Maristella, *La Sociedad Excluyente. La Argentina bajo el Signo del Neoliberalismo* (Buenos Aires: Ed. Taurus, 2005).
- Svampa, Maristella & Sebastián Pereyra, *Entre la Ruta y el Barrio. La Experiencia de las Organizaciones Piqueteras* (Buenos Aires: Biblos, Buenos Aires, 2003).
- Swan, Richelle, Linda Shaw, Sharon Cullity, Joni Halpern, Juliana Humphrey, Wendy Limbert & Mary Roche, "The Untold Story of Welfare Fraud" (2008) 35:3 *The Journal of Sociology & Social Welfare* 133.
- Sylvestre, Marie-Eve, "Disorder and Public Spaces in Montreal: Repression (and Resistance) Through Law, Politics and Police Discretion" (2010) 31:6 *Urban Geography* 803.
- Sylvestre, Marie-Eve, "Policing Disorder and Criminalizing the Homeless in Montreal and Rio de Janeiro: A Critique of the Justifications of Repression in Law and Practice" (2007) Unpublished S. J. D. Dissertation (Cambridge, MA: Harvard Law School).
- Sylvestre, Marie-Eve, "Rethinking Criminal Responsibility for Poor Offenders: Choice, Monstrosity, and the Logic of Practice" (2010) 55 *McGill Law Journal* 771.
- Sylvestre, Marie-Eve, *Policing Disorder and Criminalizing the Homeless in Montreal and Rio de Janeiro: A Critique of the Justifications of Repression in Law and Practice* (2007) Dissertation, Harvard Law School, Cambridge, MA.
- Sylvestre, Marie-Eve, William Damon, Nicholas Blomley & Céline Bellot Antipode, "Spatial Tactics in Criminal Courts and the Politics of Legal Technicalities" (2015) 47:5 *Antipode* 1346.
- Sypnowich, Christine, "The Civility of Law Between Public and Private," in Maurizio Passerin d'Entrèves & Ursula Vogul, eds, *Public and Private: Legal, Political and Philosophical Perspectives* (London: Routledge, 2000).
- Tabbush, Constanza, "Latin American Women's Protection after Adjustment: A Feminist Critique of Conditional Cash Transfers in Chile and Argentina" (2010) 38:4 *Oxford Development Studies*, Taylor & Francis Journals 437.
- Taber, Nancy, "The Profession of Arms: Ideological Codes and Dominant Narratives of Gender in the Canadian Military" (2009) 34:1 *Atlantis*.
- Tamanaha, Brian Z., "A Non-Essentialist Version of Legal Pluralism" (2000) 27:2 *Journal of Law and Society* 296.
- Tamanaha, Brian, "The Rule of Law and Legal Pluralism in Development" (2011) *Legal Studies Research Paper Series*.

- Tania Li, *The Will to Improve: Governmentality, Development, and the Practice of Politics* (Durham, NC: Duke University Press, 2007).
- Tarricone, Manuel, “Qué es la Canasta Básica Alimentaria del INDEC y Cómo se Compone” (24 January 2020), online < <https://chequeado.com/el-explicador/que-es-la-canasta-basica-alimentaria-del-indec-y-como-se-compone/>>.
- Taruselli, María Victoria, “‘Me Das una Mano Para Sacar un Turno’: La Gestión Cotidiana de la Política Social en una Organización Indígena de la Ciudad de Rosario” (2017) XIV Jornadas Rosarinas de Antropología Sociocultural: Antropología(s) en el Contexto Sociopolítico Actual, Debates y Desafíos en Clave Latinoamericana Facultad de Humanidades y Artes UNR, online < <https://rephip.unr.edu.ar/handle/2133/14898>>.
- Taussig, Mick, “Terror as Usual: Walter Benjamin’s Theory of History as a State of Siege” (1989) 23 *Social Text* 3.
- Taylor, Alan M., “The Argentina Paradox: Microexplanations and Macropuzzles” (2018) 27:1 *Latin American Economic Review*, online <<https://dx.doi.org/10.1007/s40503-017-0051-8>>.
- Tedesco, Laura, *Democracy in Argentina: Hope and Disillusion* (Routledge, 1999).
- Telles, Edward & Liza Steele, “Pigmentocracia en las Américas: ¿Cómo se Relaciona el Logro Educativo con el Color de Piel?” (2012) 73 *Perspectivas desde el Barómetro de las Américas*: 2012.
- Tenreyro, María Pamela, *Técnicas de Tutela Frente A La Inactividad Administrativa, 1st Ed* (Córdoba: Academia Nacional de Derecho y Ciencias Sociales de Córdoba, 2012).
- Teubner, Gunther, “Legal Pluralism in World Society,” in Gunther Teubner, ed, *Global Law without a State* (Dartmouth, Aldershot: Ashgate Publishing Company, 1997).
- Thaler, Richard H. & Cass R. Sunstein, *Nudge: Improving Decisions about Wealth, Health and Happiness* (New Haven, CT: Yale University Press, 2008).
- The Economist, “Give the Poor Money” (31 July 2010), online < <https://www.economist.com/leaders/2010/07/29/give-the-poor-money>>.
- Thomas, Duncan, “Intra-household Resource Allocation: An Inferential Approach” (1990) 25:34 *The Journal of Human Resources* 635.
- Thomas, Duncan, “Like Father, Like Son; Like Mother, Like Daughter: Parental Resources and Child Height” (1994) 29:4 *Journal of Human Resources* 950.

- Thomson, Susan, An Ansoms & Jude Murison, eds, *Emotional and Ethical Challenges for Field Research in Africa. The Story behind the Findings* (Houndmills: Palgrave Macmillan, 2013).
- Tobar, Federico, Sofia Olaviaga & Romina Solano, “Complejidad y Fragmentación: las Mayores Enfermedades del Sistema Sanitario Argentino” (2012) 108 Documento de Políticas Públicas. Buenos Aires: Centro de Implementación de Políticas Públicas para la Equidad y el Crecimiento [CIPPEC].
- Tobar, Federico, Sofia Olaviaga & Romina Solano, “Retos Postergados y Nuevos Desafíos del Sistema de Salud Argentino” (2011) 99 Documento de Políticas Públicas. Buenos Aires: Centro de Implementación de Políticas Públicas para la Equidad y el Crecimiento [CIPPEC].
- Tola, Florencia, “No-Humanos que Hacen la Historia, el Entorno y el Cuerpo en el Chaco Argentino” (2019) 23:2 Etnográfica 489.
- Tornarolli, Leopoldo & Adriana Conconi, “Informalidad y Movilidad Laboral: Un Análisis Empírico para Argentina” (2007) 59 Documento de Trabajo, Centro de Estudios Distributivos Laborales y Sociales (CEDLAS), Universidad Nacional de La Plata.
- Trina Grillo, “Anti-Essentialism and Intersectionality: Tools to Dismantle the Master’s House” (1995) 10 Berkeley Women’s Law Journal 16.
- Tronto, Joan C., “An Ethic of Care” (1998) 22:3 Generations: Journal of the American Society on Aging 15.
- Tronto, Joan C., *Moral Boundaries: A Political Argument for an Ethic of Care* (Routledge, New York: 1993).
- True, Jacqui, *The Political Economy of Violence against Women* (Oxford: Oxford University Press, 2012).
- Tummons, Jonathan, “Institutional Ethnography, Theory, Methodology, and Research: Some Concerns and some Comments,” in J. Reid & L. Russell, eds, *Perspectives on and from Institutional Ethnography* (Emerald Group, 2017) 147.
- Umut Türem, Ziya & Andrea Ballesterio, “Regulatory Translations: Expertise and Affect in Global Legal Fields” (2014) 21:1 Indiana Journal of Global Legal Studies 1.

- UN Population Fund (UNFPA), *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994*, 1995, A/CONF.171/13/Rev.1, online <<https://www.refworld.org/docid/4a54bc080.html>>.
- UN Women, *Progress of the World's Women 2015-2016: Transforming Economies, Realizing Rights*. Geneva: United Nations Entity for Gender Equality and the Empowerment of Women (UN Women, 2015).
- UN, “Piso de Protección Social para una Globalización Equitativa e Inclusiva. Informe del Grupo Consultivo OIT” (Ginebra: Organización de las Naciones Unidas, 2011).
- UNDESA, *The World's Women 2020: Trends and Statistics*, (2020), online <<https://worlds-women-2020-data-undesa.hub.arcgis.com/>>.
- UNDP [United Nations Development Program], *Human Development Report* (New York: Oxford University, 2003).
- UniPage, “Education in Argentina. Higher Education” (12 July 2021), online <https://www.unipage.net/en/education_argentina#:~:text=In%20Argentina%2C%20only%20%25%20of,graduates%20have%20an%20employment%20advantage.>>
- UN Secretary-General, *Legal Empowerment of the Poor and Eradication of Poverty* (13 July 2009) Report A/64/133, online <<https://www.un.org/esa/socdev/documents/reports/Legal%20empowerment%20of%20the%20poor.pdf>>.
- Vail, John, “Decommodification and Egalitarian Political Economy” (2010) 38:3 *Politics & Society* 310.
- Valencia Lomelí, Enrique, “Conditional Cash Transfer Programs: Achievements and Illusions” (2009) 9:2 *Global Social Policy* 167.
- Valencia Lomelí, Enrique, “Conditional Cash Transfers as Social Policy in Latin America: An Assessment of their Contributions and Limitations” (2008) 34 *The Annual Review of Sociology* 475.
- Valentine Palmer, Vernon, “From Lerotholi to Lando: Some Examples of Comparative Law Methodology” (2005) 53 *American Journal of Comparative Law* 261.
- Valentine Shiffrin, Seana, “Paternalism, Unconscionability Doctrine, and Accommodation” (2000) 29:3 *Philosophy & Public Affairs* 205.

- Valverde, Mariana, "Jurisdiction and Scale: Legal 'Technicalities' as Resources for Theory" 18:2 *Social Legal Studies* 139.
- Valverde, Mariana, "The Ethic of Diversity: Local Law and the Negotiation of Urban Norms (2008) 33:4 *Law and Social Inquiry* 895.
- Valverde, Mariana, *Laws Dream of a Common Knowledge* (Princeton: Princeton University Press, 2003).
- Van Parijs, Philippe, *Arguing for Basic Income: Ethical Foundations for a Radical Reform* (London: Verso, 1992).
- Varesi, Gastón, "El Giro Progresista. Apuntes sobre Alcances y Límites del Neo-Desarrollismo" (2011) *Realidad Económica*.
- Veltmeyer, Henry & James Petras, eds, *The New Extractivism: A Post-Neoliberal Development Model or Imperialism of the Twenty-First Century?* (Bloomsbury Publishing, Ted Books: 2014).
- Veronica Beechey, *Unequal Work* (New York: Verso, 1987).
- Vieira Velloso, João Gustavo, "Beyond Criminocentric Dogmatism: Mapping Institutional Forms of Punishment in Contemporary Societies" (2013) 15:2 *Punishment & Society* 166.
- Vogel, Lise, *Marxism and the Oppression of Women* (Place: Rutgers University Press, 1983).
- Vommaro, Gabriel & Mariana Gené, "Argentina: El Año de Cambiemos" (2017) 37:2 *Revista de Ciencia Política* (Santiago) 231.
- Von Gliszczynski, Moritz & Lutz Leisering, "Constructing New Global Models of Social Security: How International Organizations Defined the Field of Social Cash Transfers in the 2000s" (2016) 45:2 *Journal of Social Policy* 325.
- Vosko, Leah F., *Managing the Margins: Gender, Citizenship, and the International Regulation of Precarious Employment* (Oxford: Oxford University Press, 2010).
- Wacquant, Loïc, "Symbolic Power and Group Making: on Pierre Bourdieu's Framing of Class" (2013) 13:2 *Journal of Classical Sociology* 274.
- Wacquant, Loïc, *Urban Outcasts: A Comparative Sociology of Advanced Marginality* (Cambridge: Polity, 2008).

- Wainer, Andrés, “¿Fatalidad o Causalidad? Límites Socio-Económicos al Desarrollo en la Argentina Reciente” (2017) 34: 95 Cuadernos del CENDES 39.
- Wainerman, Catalina, “Conyugalidad y Paternidad ¿Una Revolución Estancada?,” in María Alicia Gutiérrez, ed, *Género, Familias y Trabajo: Rupturas y Continuidades. Desafíos para la Investigación Política* (Buenos Aires: Consejo Latinoamericano de Ciencias Sociales, 2007).
- Wainerman, Catalina, “División del Trabajo en Familias de Dos Proveedores: Relato desde Ambos Géneros y Dos Generaciones” (2000) 15:1:43 Estudios Demográficos y Urbanos 149.
- Waisgrais, Sebastián, Oscar Cetrángolo & Javier Curcio, eds, *Análisis y Propuestas de Mejoras para Ampliar la Asignación Universal Por Hijo*, ANSES, UNICEF, CEDLAS-UNLP, FCE-UBA (UNICEF: Argentina, 2017), online
<<https://www.unicef.org/lac/sites/unicef.org.lac/files/2019-10/AUH.pdf>>.
- Wanderley, Fernanda, “Prácticas Estatales y el Ejercicio de la Ciudadanía: Encuentros de la Población con la Burocracia en Bolivia” (2009) 34 Íconos, Revista de Ciencias Sociales 67.
- Wang, Caroline & Mary Ann Burris, “Photovoice: Concept, Methodology, and Use for Participatory Needs Assessment” (1997) 24:3 Health Education & Behavior 369.
- Ward-Batts, Jennifer, “Out of the Wallet and into the Purse: Using Micro Data to Test Income Pooling” (2008) 43:2 Journal of Human Resources 325.
- Warren, Carol A. B., *Gender Issues in Field Research* (Newbury Park, CA: Sage, 1988).
- Wasilkowska, Kamila, “Gender Impact Analysis: Unconditional Cash Transfers in South Central Somalia” (2012) The Somalia Cash Consortium, online
<<https://reliefweb.int/sites/reliefweb.int/files/resources/Somalia%20Cash%20Consortium%20Gender%20Study%20Dec%202012.pdf>>.
- Waters, Nicola, “Towards an Institutional Counter-Cartography of Nurses’ Wound Work” (2015) 42:2 *Journal of Sociology and Social Welfare* 127.
- Watt, Lisa, “(Un)Safe at School: Parents’ Work of Securing Nursing Care and Coordinating School Health Support Services Delivery for Children with Diabetes in Ontario Schools” (2015) 42:2 *The Journal of Sociology & Social Welfare* 115.
- Weber, Max, *The Theory of Social and Economic Organization* (Oxford: Free Press, 1947).

- Weeks, Kathi, *The Problem with Work Feminism, Marxism, Antiwork Politics, and Postwork Imaginaries* (Duke University Press, 2011).
- Weiner, Neil Alan, "Violent Criminal Careers and 'Violent Career Criminals.' An Overview of the Research Literature," in Neil Alan Weiner & Marvin E. Wolfgang, eds, *Violent Crime, Violent Criminals* (Newbury Park, CA: Sage, 1989) 35.
- West, Robin, "Disciplines, Subjectivity, and Law," in Austin Sarat & Thomas R. Kearns, eds, *The Fate of Law* (Ann Arbor: University of Michigan Press, 1991).
- Westerman, Pauline, "Open or Autonomous? The Debate on Legal Methodology as a Reflection of the Debate on Law," in Van Hoecke, Mark Van Hoecke, ed, *Methodologies of Legal Research Which Kind of Method for What Kind of Discipline?* (Hart Publishing, 2011) 77.
- Westmarland, Nicole, "The Quantitative/Qualitative Debate and Feminist Research: A Subjective View of Objectivity" (2001) 2 Forum: Qualitative Social Research.
- Wetterberg, Anna, "My Body, My Choice ... My Responsibility: The Pregnant Woman as Caretaker of the Fetal Person" (2004) 48 Berkeley Journal of Sociology 26.
- Whitehead, Tony L., "Basic Classical Ethnographic Research Methods: Secondary Data Analysis, Fieldwork, Observation/Participant Observation, and Informal and Semi-Structured Interviewing," in *Ethnographically Informed Community and Cultural Assessment Research Systems (EICCARS) Working Paper Series* (2005) online <<http://www.cusag.umd.edu/documents/WorkingPapers/ClassicalEthnoMethods.pdf>>.
- Whitehead, Tony L., "What Is Ethnography? Methodological, Ontological, and Epistemological Attributes," in *Ethnographically Informed Community and Cultural Assessment Research Systems (EICCARS) Working Paper Series*, Rev. Ed (2004) online <<http://www.cusag.umd.edu/documents/workingpapers/epiontattrib.pdf> at pages 6-20>.
- Widerberg, Karin & Anne Hellum, "Tove Stang Dahl – An Appreciation" (1993) 2:4 Social & Legal Studies 371.
- Wilkinson, Cai, "Positioning Security and Securing One's Position: the Researcher's Role in Investigating Security in Kyrgyzstan," in C. R. L. Wall & P. P. Mollinga, eds, *Field Work in Difficult Environments: Discussing the Divergence between Theory and Practice* (Berlin, Germany: Lit Verlag, 2008) 43.
- Williams, Joan, *Unbending Gender* (New York: Oxford University Press, 2000).

- Wing Sue, Derald, Christina M. Capodilupo, Gina C. Torino, Jennifer M. Bucceri, Aisha M. B. Holder, Kevin L. Nadal, & Marta Esquilin, "Racial Microaggressions in Everyday Life Implications for Clinical Practice" (2007) 62: 4 *American Psychologist* 271.
- Winslade, John, "Can Restorative Justice Promote Social Justice?" (2009) 22:3 *Contemporary Justice Review* 280.
- WJP Rule of Law Index, "Argentina Overall Rule of Law Score Over Time," 2015 - 2021, online <<https://worldjusticeproject.org/rule-of-law-index/country/Argentina>>.
- Wolff, Robert Paul, "On Violence" (1969) 66:19 *Journal of Philosophy* 601.
- Womankind Worldwide et al., "Feminist Movements and the Beijing Vision: Organising. Resisting. Advocating" (September 2020), online <www.womankind.org.uk/wp-content/uploads/2020/09/Feminist-movements-and-the-Beijing-vision-1.pdf>.
- Women's International League for Peace and Freedom, "25 Years, Limited Progress on Women's Rights" (18 March 2020), online <www.peacewomen.org/e-news/25-years-limited-progress-womens-rights>.
- Woodhull, Jennifer, "Etymological Root of the Word 'Violence,' Naropa University (18 April 2017), Youtube, online <<https://www.youtube.com/watch?v=GfBirU1GLiw>>.
- World Bank Group, *Argentina: Escaping Crises, Sustaining Growth, Sharing Prosperity* (Washington, DC: World Bank, 2018), online <<https://documents1.worldbank.org/curated/en/696121537806645724/pdf/Argentina-Escaping-Crises-Sustaining-Growth-Sharing-Prosperity.pdf>>.
- World Bank, "Additional Financing Children and Youth Protection Project," P167851 (2018), online <<https://www.worldbank.org/en/news/loans-credits/2018/11/01/argentina-additional-financing-children-and-youth-protection-project>>.
- World Bank, "Argentina - Basic Protection Project [Additional Financing]," P120622 (2011), online <<https://www.worldbank.org/en/news/loans-credits/2011/03/10/argentina-basic-protection-project-additional-financing>>.
- World Bank, "Children and Youth Protection Project," P158791 (2016), online <<https://projects.worldbank.org/en/projects-operations/project-detail/P158791>>.
- World Bank, "Second Additional Financing for the Children and Youth Protection Project," P173081 (2020), online <<https://projects.worldbank.org/en/projects-operations/project-detail/P173081>>.

- World Bank, *Closing the Gap: The State of Social Safety Nets, 2017* (Washington, DC: World Bank Group, 2017), online<<https://documents.worldbank.org/en/publication/documents-reports/documentdetail/811281494500586712/closing-the-gap-the-state-of-social-safety-nets-2017>>.
- World Bank, *World Development Report: Gender Equality and Development* (Washington, DC: World Bank, 2012).
- Wright, Erik O., “Introduction,” in *Foundations of a Neo-Marxist Class Analysis. Approaches to Class Analysis* (New York: Cambridge University Press, 2005).
- Yañez, Sabrina, “‘We Aren’t All the Same’: The Singularity of Reproductive Experiences amidst Institutional Objectification in Argentina’s Public Maternal Health Services” (2018) 15 *Journal of Feminist Scholarship* 61.
- Young, Iris, “Unruly Categories: A Critique of Nancy Fraser’s Dual Systems Theory” (1997) 222 *New Left Review* 147.
- Zacaria, Héctor & Juan Ignacio Zoloa, “Desigualdad y Pobreza entre las Regiones Argentinas: Un Análisis de Microdescomposiciones” (2006) 39 *Documento de Trabajo*, La Plata: Centro de Estudios Distributivos, Laborales y Sociales (CEDLAS), Facultad de Ciencias Económicas, Universidad Nacional de La Plata.
- Zacher Dixon, Lydia, “Obstetrics in a Time of Violence: Mexican Midwives Critique Routine Hospital Practices” (2015) 29:4 *Medical Anthropology Quarterly* 437.
- Zibecchi, Carla, “Programas de Transferencia de Ingresos. ¿Más Condicionalidades y Menos Derechos para Madres Pobres? Un Análisis en base a Tres Experiencias en América Latina” (2008) 21 *Revista Aportes Andinos*, Universidad Andina Simón Bolívar, Quito, Ecuador.
- Zingel, Avery, “Indigenous Women Come Forward with Accounts of Forced Sterilization, Says Lawyer,” *CBC News* (18 April 2019), online <<https://www.cbc.ca/news/canada/north/forced-sterilization-lawsuit-could-expand-1.5102981>>.
- Zwart, Hub, “Dialectical Materialism,” in Darryl Cressman, Neelke Doorn & Edison Renato Silva, *Continental Philosophy of Technoscience* (Springer, Cham, 2022).

11) Annexes

11.1 Ethics File

Project Overview

Project Overview

Ethics File Number: S-11-20-6188

Project Title: "Law, Gender Equality & Female Empowerment in the Context of Argentina's Universal Child Allowance Program: Are Conditional Cash Transfers Empowering or Entrapping Poor Women?"

Is there a pending deadline by which ethics approval is required? ☒ Yes ☐ No

Deadline Date: 15-11-2020

Provide reasons for the deadline. I need to sign a contract with IDRC so that they can provide me with the funds to conduct this research. Ideally, this contract would be signed sometime in November.

Project Type

Project Type: ☐ Professor's research project ☐ Clinician's research project ☐ Postdoctoral research project ☐ Resident's research project ☒ Doctoral thesis ☐ Master's thesis ☐ Master's major research paper ☐ 4th-year project ☐ Independent student project ☐ Other

For PhD and MA theses, please append a copy of the thesis committee approval. For programs where there are no thesis committees or formal approval procedures, append the "Confirmation of Methodology" form signed by your supervisor.

Filename	Size
Ethics_Letter of Approval of Methodology Research Supervisor.pdf	222.0 KB

Please provide any additional information that may be relevant for the ethics review of this project (e.g., relationship to another approved project, etc.). (optional)

This project will be funded by the International Development Research Centre (Doctoral Awards). Before signing contract with them, I need to have my Project approved by the University of Ottawa Office of Research Ethics and Integrity.

Research Team

Principal Investigator : Melisa Handl

Student / Étudiant / Étudiante

Position/Status:

Département/Unit:

Faculty/Unit: Faculty of Law - Common Law Section

Institution/Organization: University of Ottawa

Email address:

Address:

Phone number:

Supervisor or Preceptor : Angela Cameron

Position/Status: Professor / Professeur

Département/Unit:

Faculty/Unit: Faculty of Law - Common Law Section

Institution/Organization: University of Ottawa

Email address

Address:

Type

Personal

Phone number: Type

Please list all other research team members involved in this project.

Conflicts of Interest Disclosure



Conflicts of interest can arise naturally from a researcher's engagement inside and outside the institution, and the mere existence of a conflict of interest does not necessarily imply wrongdoing on anyone's part. However, conflicts of interest must be recognized, disclosed, and assessed.

Does anyone on the research team have an actual or potential, apparent or perceived conflict of interest (financial, personal or other) in regards to this research project ?

☐ Yes

☒ No

Funding Information

Did you receive funding for this project?

Yes

Indicate the source of funding for the project *

Organization name

International Development Research Centre (IDRC)

U of O RE No.

Project Information

Project Information

1.1 Describe the purpose and objectives of the current project. Include the research question(s).

The objective of this research project is to investigate whether conditional cash transfers (CCTs) are empowering women, and therefore contributing to greater gender equality in the context of Argentina, beyond traditional assessments of the impact of these social programs on human capital development among poor households. My research purports to identify which substantial facets of gender empowerment are being invisibilized when framing women as conduits of policy rather than agents of change; and to interpret the narrative and experiences of women through qualitative interviews together with supplementary legal and policy data in order to ignite the debate on the doubtful "gender-sensitive" aspects of conditional cash transfers. While research has begun to explore how conditional cash transfers have fared over the past several decades, the focus has largely been on macro trends such as the impacts of these programs on indicators and proxies such as health, education, and human capital accumulation (Grown et al., 2016). The experiences, attitudes, and perceptions around conditional cash transfers of those on the recipient end, however, are largely absent in the literature. My research begins to fill this gap and will complement ongoing quantitative, metric, technical-focussed research with empirical evidence on the effectiveness of gender equality anti-poverty programming as defined and expressed by those whom it targets. It will bring in the voices not being heard by researchers, evaluators, policy-makers and program designers when contemplating the benefits and disadvantages of this model of development. Thus, this project is innovative because it places beneficiaries perspectives at the centre of the inquiry; it employs a multidisciplinary, intersectional analysis; and it is informed by spheres of literature not previously combined. Ultimately, this research will contribute to improving policies and praxis of building inclusive and equal communities. It will show us how we can learn from women's voices and how we can incorporate beneficiary women's work, experiences, and narratives into the practices of human rights and gender-based equality.

Since the late 1990s, CCTs have been increasingly characterized as the magic bullet to development (UNICEF & UNDP, 2010). They have been hailed by international institutions as "empowering" to women. Indeed, women play a key role in the institutionalization of these programs because they are the legal beneficiaries of the stipend. However, that does not mean that these policies are necessary empowering poor women. CCTs are essentially social programs that involve a governmental transfer of cash to poor households – transferring the money to the mother of the household – on the condition that they make specific investments in the human capital of their children, such as periodic health check-ups, anthropometric monitoring, prenatal and postpartum care for mothers, and children's school enrolment (Adatto & Hoddinott, 2007). In the short run, CCTs are intended to alleviate poverty and boost consumption; in the long term, they are meant to allow poor families to overcome the trap of intergenerational poverty (Ferreira & Robalino, 2010). The Asignacion Universal por Hijo (henceforth AUH, interchangeably) is the axis of social protection in Argentina. Up to five children per household are eligible if their parents are informal workers or domestic workers earning less than the minimum salary, monotributistas sociales, and seasonal or unemployed workers. This program has been understudied and it is particular design and origin make it an interesting case of study. Amidst wider Latin American CCT developments, Argentina's AUH program presented until recently an uncommon design (Rabinovich & Diepeveen,

1.2 Situate the current project in the scholarly literature and provide the rationale.

2014). Firstly, the AUH stipend is transferred through a staggered payment schedule, whereby eighty per cent of the total annual amount is paid monthly, and the remaining twenty per cent is paid as an accumulated sum once a year, after demonstration by mothers of compliance with the conditionalities (kids school enrollment, health check-ups, vaccination). Secondly, the cash was until recently not transferred to women exclusively; both women and men were eligible to become recipients provided they were primary carers. However, this situation has changed since July, 2013, when by resolution of the Executive Power after recommendation by the ANSES (Argentina's National Social Security Agency), the cash is exclusively transferred to the mother of the household, independently of who was receiving the stipend until that point (Diario Día a Día, 2013). Thus, the AUH has now aligned with other CCTs in Latin America that frame women as the legal beneficiaries of the programs. Research Questions 1 -How do both State and non-State legal regimes interact to influence the lives of "beneficiarias" in Argentina? 2. How can we understand the effects of CCTs on women in Argentina?

My research examines the long-term impacts on gender equality of conditional cash transfer programming using Argentina's program as a case study. The complex socio-economic situation of Argentina marked by both cyclical political and economic crisis, the diverse racial and class complexion of its population; as well as the peculiarity of the design of its conditional cash transfer program, and my Argentine background, make Argentina a prime and timely context through which to examine my research questions. This research will apply a fresh perspective to the examination of the policy and practice of gender mainstreaming in conditional cash transfers through combining theoretical perspectives of Critical Theory and Institutional Ethnography with critiques of anti-poverty and female empowerment programming effectiveness. My approach is informed by relevant debates that will be discussed in the following literature review.

Conditional Cash Transfers & Gender Governance: Since the late 1990s, CCTs have been increasingly characterized as the magic bullet to development (UNICEF & UNDP 2010). Almost every country in Latin America adopted CCTs and other countries around the world, such as Bangladesh, Indonesia, and Turkey have also implemented large-scale programs. In Latin America and the Caribbean, for example, there are currently at least twenty-six conditional cash transfer programs in operation, benefiting over 135 million people (Stampini & Tornarolli, 2012). CCTs are also expanding at a fast pace: today, over fifty countries worldwide have implemented a program, more than twice the number in 2008 (World Bank, 2014). One of the most controversial aspects of CCTs is their conditional nature. As noted above, the notion of conditionality in the field of social policy refers to the conditions that the recipients of certain social benefits must fulfill in order to perceive the stipend (Rossel, Courtoisie & Marsiglia 2014, 2-3). In the literature, it is argued that conditionalities originate as a way to encourage families to effectively "enjoy their basic rights" (Barrientos 2011, 12). Conditionalities supposedly incentivize the poorest sectors to use health and education services for children and teenagers (Rossel, Courtoisie & Marsiglia 2014, 18; De Jenry, Finan & Sadoulet 2010). To date, most studies on the impact of conditionalities specifically – that is, whether they are necessary or not to achieve the desired results – have investigated whether the beneficiary population take their children to school and for health checks because of the conditionalities, or whether they would take them anyway, even if there were no conditionalities attached. Several studies do not find statistically significant effects on the introduction of conditionalities on the modification of the behavior of recipients, suggesting that the impact of the transfer is

the same regardless of whether a conditionality is introduced or not (De Janvry, Finan & Sadoulet, 2010).

Feminist Concerns about Conditional Cash Transfers: Feminist researchers have raised several objections to conditional cash transfer programs in the literature: state paternalism, unilateralism, and their tendency to entrench unequal gender relations. Firstly, the conditionalities (or "co-responsibilities") imposed by these programs imply a type of state paternalism which aims to discipline the behaviour of the poorest sectors of the population with the objective of teaching them how to invest into the wellbeing and human capital development of their children (CEPAL 2012, p. 25). The punitive characteristics of the conditionalities are based on the liberal assumption that poor people are in a condition of poverty because they have not known how to invest in the human capital of their offspring. It also assumes that if a poor family complies with the assigned responsibilities – "correcting" their behaviour accordingly – they will effectively manage to escape their situation of poverty. CCTs are also said to violate the basic principles of universality and non-discrimination that are intrinsic to the right to social security and a decent standard of living. This is due to the distinction between "deserving" and "undeserving" poor, and the application of a behavioural control on the poor population (Goldblatt & Lamarche, 2014). Secondly, the supposed contractual nature of conditional cash transfers also comes up in the literature. They are seen as a reciprocal agreement whereby poor families are expected to meet the conditionalities, and the state is expected to transfer the cash. "The state is seen as a partner in the process, not a nanny" (emphasis added) (Fiszbein et al 2009, 23). A problem posed by this contractualist approach to CCTs is these programs alter the demand side of services, leaving untouched the obligations of the state to comply with quantity and quality in the provision of basic social services. Thirdly, and most importantly, in these social programs, poverty has the face of a woman. CCTs in Latin America frame poverty as a "female" concern. Of course, recognizing that women of childbearing age tend to be the most vulnerable and poorest members of society reflects a certain truth. Within patriarchy, women do tend to have less economic resources than men, and are the primary members of the household responsible for social reproduction. Recognizing these two facts builds upon one of the fundamental rules of activism if we aim for social transformation: we must start where people are and begin by addressing their real issues and concerns. But what are CCTs' long-term effects on gender relations and what concept of citizenship is operating here? These research project aims to unravel those unanswered questions.

1.3 Describe all methods and procedures that will be used to obtain the data and answer the research questions.

I use Institutional Ethnography as my methodological framework, a feminist socio-legal methodology drawn from Canadian sociologist Dorothy Smith (1987). My research is qualitative, exploratory, inductive and iterative in nature. I will conduct my research online with beneficiaries who reside in the province of Chaco. The bulk of the data will be collected directly from beneficiaries of conditional cash transfers through a combination of qualitative methods comprised of individual in-depth interviews, Focus Group Discussions (FGD), Narrative Photo Voice (NPV), and Key Informant Interviews (KII). Two locally-hired Research in a related field will assist with the below methods. I have also partnered up with Caritas, a NGO [see letter of affiliation]. This will accomplish diverse purposes, including serving as gatekeepers and facilitating my opportunities to create rapport with my participants. I am excited to use this research as an opportunity to mentor aspiring local researchers. Snowball sampling will be used to identify participants.

Fieldwork in Argentina during a Pandemic: I was obliged to modify my original Research Proposal in light of the current unprecedented global

situation. Isolation measures to contain the spread of COVID-19 means that, as a social researcher engaged in fieldwork during a pandemic, I will have to avoid in-person interactions by using safer mediated forms that will obtain similar results without jeopardizing the wellbeing of the target population. There is no clear or certain future about the situation of COVID-19 pandemic in Argentina or elsewhere; even if the travelling restrictions were to be lifted in the next months, it would be unethical to travel given the risks of contagion and it will violate the principles that we as researchers have to respect when working with marginalized populations. The virus is in its initial stages of spreading (Phase I) in the locations I had intended to conduct fieldwork in Argentina. This is indeed a challenge for all of us, especially given the unprecedented character of the current global situation. However, it is important to remember that social research has been conducted online for many years and there are many examples of ethnographies using existing online interactions as research materials. Interviews have been conducted by phone, Skype, Zoom or WhatsApp for a considerable time now. In this section, I will briefly explain how I will convert fieldwork as was initially planned (face-to-face methods) into a conversation mediated by technology. Following and respecting Dorothy Smith's Institutional Ethnography (IE) (1987) main tenets (building from people's daily experiences and considering them "experts" in their own lives), I plan to conduct Online Interviews and Online Synchronous Video-Based Focus Group Interviews. Additionally, I will ask participants if they would like to participate through Photo/Video/Voice Elicitation. Online Interviews: I will maintain the same paradigm and style of interviewing I would have followed provided I had been able to be in the field, that is, interviewing beneficiaries and key informants using open ended questions and letting my participants freely talk about their daily lives and experiences. Interviewing in IE is an iterative process that follows the snowball method of sampling (Smith, 1990). I do recognize that given the distance between myself as a researcher and the participants, it will be harder to build rapport. However, participants may also feel less intimidated and have a greater sense of personal space and control over the situation, as well as a sense of privacy and comfort given that the interviews will likely take place while they are in their own homes or in places they are familiar and comfortable with. Doing "Online interviews" means that I will conduct a real time conversation with another person, in a relaxed format, but we will be in different spatial locations and contexts. It will consist of an unstructured conversation between my interviewee and me mediated by the technology used to conduct and record the interview. Unlike in-person interviews, the role of the technology in facilitating real-time co-presence and interactivity is fundamental to the success of this research. As I mentioned before, my approach as an interviewer will be key in order to build rapport and guide the conversation. I will also hire two Research Assistants (local students) who are gatekeepers in the community I am researching. Both are actively engaged in volunteering in the community for a variety of causes, including education, gender equality awareness and disability anti-discrimination campaigns. This will be a great opportunity to train two individuals who are interested in qualitative research and it will also allow me to provide a source of employment for them and help alleviate their burdens in times of financial uncertainty. Research Assistants will help recruiting participants, and they will transcribe the data (video/audio recordings) once it has been de-identified by the PI. Both Research Assistants are based in Presidencia Roque Saenz Pena, Chaco, Argentina. They will have access to the data, but only after the data has been de-identified by the researcher. Their main role will be transcribing, helping analyze, and helping translating the data from Spanish to English. Argentina stands out at a global level for the widespread use of cellphones. An advantage in using online methods for the purposes of my

research project is the widespread access and use of cellphones, and the extensive use of WhatsApp and social media platforms within the country. In Argentina, eight (8) out of ten (10) people use a mobile phone that has access to internet, according to Argentina's National Institute of Statistics and Censuses (INDEC in its Spanish acronym) 2019 Report on based on data from the Permanent Household Survey (EPH in its Spanish acronym) carried out in the last four months of the year 2018. These numbers are even higher according to a private study by the Mobile Marketing Association, a global non-profit association in the marketing and advertising industry. According to the data collected in this Report, nine out of ten local inhabitants have a Smartphone and use it to access applications and on average, Argentine cellphone users spend at least five hours a day in front of the mobile screen. The Facebook platform is also very useful for my empirical research. This is because Latin America is one of the regions with the highest level of social media activity worldwide. Facebook is the leader in the region, with 140 million users. In addition, Argentina has the largest number of Facebook users in the region, exceeding 25 million users. A ComScore Report revealed that in 2013 Argentinians spent about 22 hours per month online (only behind Brazil) and they reserved almost 95% of the time spent on social networks, specifically, spent in Facebook. Despite the challenges of using Facebook as a source (Capogrossi et al., 2015), this platform is advantageous because it also facilitates the analysis of posts, since it provides a wall for comments as a space for content circulation. In my research, I will study the content of the very active, engaging, and routinely updated Facebook Page of the ANSES (Argentina's Social Security Agency). This website will be used as a relevant text in the context of Institutional Ethnography. The online interviewing process will be carried out by everyday communicative practices and objects, such as a mobile phone or through laptops or desktops using audio-visual interfaces such as Microsoft Teams [see Encryption and Risks]. (Janghorban et al 2014). The conversation with beneficiary women and key actors will be conducted with audio-visual interactivity and textual synchronicity. Asynchronous interviewing is another option, but I decided not to use it because it lacks that live interplay that is key to IE and depends on the participant actually taking the time to write down their responses (Bampton, R., Cowton, C., & Downs, Y. 2013; Burns 2010). This is too much labour to ask from my participants, and the burden of the data analysis (transcribing and writing) should be on me as a researcher. Live interviews will then allow me to seek clarification and follow threads of the conversation, creating rapport with my participants and discovering new threads through human interaction mediated by technology and by human empathy. Live interviews will also allow me to check that I understand the meaning of what the participant has said. My questions will be flexible and open-ended. After seeking consent, I will start with soft and easy topics that draw on the life experiences of participants, focusing on "feel-good" questions that allow interviewees to feel comfortable in expressing what they think and feel, and that allow me to build rapport. I will ask broad questions as I want insights into participants' opinions and experiences. I will make sure my questions are simple, clear, relevant and to the point.

Setting up an online interview takes planning. In order to facilitate the process, I will write my interview guiding questions as a loose guide before I conduct them, testing out the process with my Research Assistants [see attached interview guide]. To coordinate interviews across time zones, I will use this handy website to determine the time overlap between myself and my interviewees: <https://www.timeanddate.com/worldclock/meeting.html>. Fortunately, the time differences between Canada and Argentina are minimal, oscillating between one to three hours of difference depending on the time of the year. I may use a meeting calendar software to show what

timeslots are available so participants can check the slot that works best for them. Otherwise, I will use e-mail or WhatsApp messaging in order to coordinate a shared time to conduct the interview. Caritas and my Research Assistants will serve as gatekeepers. They are active members of the social justice community who are in touch with several beneficiary women in the province of Chaco. Obtaining permission from my interviewees to use the content of the interview in my research project is key (see sections on consent). I will e-mail participants consent forms beforehand via e-mail or by message so that they can fill in the forms and send them back to me before we start the interviews. In cases where participants are unable to scan the forms or send the form back to me for any reason, I will seek oral consent before starting the interview. Provided I have explicit consent from my participants, I will record the interview through the software I am using to conduct the interview. I will also take notes to keep track of the questions I want to cover and that rise from the conversation. It is hard to estimate how long the interviews will last, but I will try to keep it around 30-45 minutes. I will clarify their time availability before starting the interview and ask all my key questions within that time. I will start the interview by using a short summary statement to explain what the interview is about and to ask participants if they are comfortable to proceed with it. Prior to the interview, I will send them an e-mail or message with basic information and confirming interview length, style of questions, use of technology, and location [see attached script]. During the interview, I will summarize the ideas participants have shared with me to indicate that I have understood what they have said. When concluding the interview, I will ask them if there is anything more they would like to add. Once the conversation has concluded, I will thank them for their time and let them know what I will do with the knowledge they have kindly provided me.

Focus Groups: A brief review of the literature shows that it is optimal for focus groups to have no more than 6 participants because online focus groups depend on technology issues such as internet dropouts, lagging, and interruptions (Kite & Phongsavan, 2017; Flynn, Albrecht, and Scott, 2018; Daniels, Gillen, Casson, and Wilson, 2019). I will aim to maintain the original structure of focus groups, that is, five groups of five people in each site, for a total of fifty participants. Focus groups will allow me to emphasize interpersonal interaction in analysis and are very useful to "explore perceptions, feelings, and thinking about issues, ideas, (...) services, or opportunities" (Krueger & Casey, 2014, p. 37). The dynamics of focus groups will obviously change when using an online video-based venue. However, in some cases, online focus groups can be particularly advantageous to address sensitive topics (Forrestal, D'Angelo, and Vogel, 2015). Forrestal, D'Angelo, and Vogel also argue that accessing an online venue presents less obstacles to participation than having participants spend time and resources in travelling to a focus group facility. Microsoft Teams is my preferred software to use in order to ensure a simple, face-to-face, group discussion (also because of its high level of encryption) [see attached risk register document]. During in-person focus groups, the moderator generally records the session audio for transcription later. The equivalent must be performed for online, synchronous, video-based group discussions as well. I will chose a software that supports recording, but in any case, there exists plenty of free software that can help me accomplish this if my chosen video conferencing software does not support recording, such as OBS Studio, Flashback Express, and Apowersoft (which can be used from the browser itself and requires no download), among many others. I will encourage participants to move to a quiet location if possible. Before the session, I will set up clear ground rules for group discussions and explain things like "text chat" and "hand raising" in order to facilitate interposing over a video live feed. Before the session starts, I will make

sure everyone is connected successfully and to obtain video recording consent forms.

The method of Narrative Photo Voice involves asking research participants to use a camera or their smartphone to take photos about their everyday practices and interactions that they can then share with me. For Narrative Photo Voice, participants will be provided with a guideline that will specify what photos may contain, and how the photos will be shared and discussed with the PI (see Guideline PhotoVoice). The PI will ask participants to consent to the NPV and provide permission to use their photos once the photos have been taken so participants know exactly what the content of their photos is. The PI will explain this to participants directly via e-mail when responding to participants who are interested in NPV.

Note on Sampling in Institutional Ethnography: I will conduct an empirical investigation of various AUH actors which occupy different "levers" within the AUH institution, each providing a particular window into the world of the regime, and giving me a clue on how to trace the "institutional map" of the program (DeVault & McCoy, 2002, p. 6-7). Therefore, my interviewees will be located somewhat differently. I would then "knit" their knowledge together. When sampling in Institutional Ethnography, investigations are not planned out fully in advance. (DeVault & McCoy, 2002, p. 8). Only step-by-step as a researcher I will realize and decide who I would need to interview and what documents I would need to examine. I will begin with the identification of an everyday practice I want to explore as a starting point: the everyday lives of mother's who receive the stipend. Even though I have begun to identify some of the relations of ruling work processes that are shaping female beneficiaries' everyday work (such as the ANSES – Argentina's Social Security Agency, health-care providers, school teachers, program management personnel), much more examination into the experiences of mother's beneficiaries would need to happen before shifting into organizational/ professional work sites, such as the ANSES (Social Security Agency) or the Executive. In short, my methods basically included speaking to women and examining records. I will conduct interviews with beneficiaries so as to identify their distinctive hopes of equality and wellbeing and the extent to which, obligations and identities imposed by the programs threaten, or not, such ambitions. I am aware about the contradictory views women recipients of cash transfers appear to hold, both praising the benefits of the grant as well as repeating negative discourses about receiving the stipend. I also acknowledge that the women I will interview may not necessarily represent the view of all women inhabiting all regions of Argentina. I will collect the data of my interviews with thoughtfulness and analyze it in tandem with supplementary sources of information to provide a more precise picture of the impact of the AUH on women's quality of life.

1.4 Describe how the data will be analyzed.

I will use thematic and narrative analyses to analyze qualitative data collected. Thematic analysis will allow the identification of related themes and patterns amongst respondents, while narrative analysis will help to understand how participants have grappled with and made sense of their own experiences. Institutional Ethnographers stay away from formal analytic strategies and from computer-aided analysis. According to Dorothy Smith, cited in DeVault and McCoy's article, software programs will work better in an Institutional Ethnography project when the grouping by themes or topics is done modestly, in the same way indexing for a book would work (DeVault & McCoy 2002, 31). However, the analytic work for the Institutional Ethnographer needs to be done through thinking, writing, and collaborative discussion with colleagues. I am a Spanish speaker with English as my second language, which will allow me to analyze the data in my first language and report my findings in my second. I will go over my

1.5 Provide 5-10 relevant references :
Include author, year, title, journal, page
numbers. (Revised Dec 2019)

transcripts three times to become acquainted with the information collected and to detect similarities and differences in the responses. Similarities and differences will be articulated in specific phrases that relate to the purpose of the research. The codes will help to identify trends and offer important indications about where to direct attention to best achieve the study goals. I will use NVivo only to organize data extracted from transcripts of FGDs, NPV and KIs. In order to facilitate the validation of the data obtained and for the purposes of credibility, I will triangulate the analysis of the interviews with other sources of information collected as part of the contextualizing approach (legislation, policy briefs, statistics and quantitative data, etc). There are two general strategies for presenting interview-based analyses in Institutional Ethnography studies. In the first one, the researcher uses "exhibits" of interview excerpts for readers to inspect. In the second one, the researcher uses interview data to produce an analysis in her own voice (DeVault & McCoy, 2002, p. 33). For the purposes of my research project, I decided to adopt the first, meaning my individual informants will "speak" in the text. I have made this decision based on two considerations. I would prefer to adopt the first writing strategy, creating "windows" by including quoted excerpts of transcripts within my writing whereby participants can "talk" about their experiences, while emphasizing their voices and the importance of listening to them.

Adato, Michelle & Hoddinott. John "Conditional Cash Transfer Programs: A Magic Bullet for Reducing Poverty?" (2007) Focus Brief on the World's Poor and Hungry People, International Food Policy Research Institute 1.

Alsop, Ruth & Nina Heinsohn. "Measuring Empowerment in Practice: Structuring Analysis and Framing Indicators," Policy Research Working Paper (Washington, DC: World Bank, 2005).

Alsop, Ruth, Mette Frost Bertelsen, & Jeremy Holland "Empowerment in Practice: From Analysis to Implementation" (Washington DC: World Bank, 2006).

Álvarez, C., F. Devoto y P. Winters, "Why do Beneficiaries Leave the Safety Net in Mexico? A Study of the Effects of Conditionality on Dropouts," World Development, N° 36, Vol. 4, 2008.

ANSES Institutional website, available <<http://www.anses.gob.ar/seccion/institucional-1>>

Baird, Sarah et al., "Relative Effectiveness of Conditional and Unconditional Cash Transfers for Schooling Outcomes in Developing Countries: A Systematic Review," Campbell Systematic Reviews 9, no. 8 (September 2, 2013).

Bastagli, F., "Conditionality in Public Policy Targeted to the Poor: Promoting Resilience?" Social Policy and Society, N° 8, Vol. 1, 2009.

Batliwala, Srilatha. "The Meaning of Women's Empowerment: New Concepts from Action" in G. Sen, A. Germain and L.C. Chen (eds), Population Policies Reconsidered: Health, Empowerment and Rights (Boston: Harvard University Press, 1994).

CEPAL, Observatorio de Igualdad de Género de América Latina y el Caribe. Informe Anual 2012. "Los Bonos en la Mira: Aporte y Carga para las Mujeres."

Chant, Sylvia. The "Feminisation of Poverty" and the "Feminisation of Anti-Poverty" Programmes: Room for Revision? (2008) Journal of Development Studies 44(2) 165–197.

Cornwall, Andrea & Althea-Maria Rivas. "From 'Gender Equality' and 'Women's Empowerment' to Global Justice: Reclaiming the Transformative Agenda for Gender and Development" (2015) 36 2 Third World Quarterly 396.

Cornwall, Andrea & Karen Brock K. "Beyond Buzzwords: 'Poverty Reduction', 'Participation' and 'Empowerment'" (2005) Development Policy Overarching Concerns Programme Paper UNRISD.

De Brauw, A. y J. Hoddinott, "Must Conditional Cash Transfer Programs

be conditioned to be effective? The impact of conditioning transfers on school enrollment in Mexico," IFPRI Discussion Papers 757, International Food Policy Research Institute, 2007.

de Janvry et al., Alain. "Can Conditional Cash Transfer Programs Serve as Safety Nets in Keeping Children at School and from Working When Exposed to Shocks?," *Journal of Development Economics* 79, no. 2 (2006).

Ferguson, Anne. "Can Development Create Empowerment and Women's Liberation?" (2004) Paper Presented at the 2004 Center for Global Justice Workshop Alternatives to Globalization.

Fernandes, Sujatha. "Barrio Women and Popular Politics in Chavez's Venezuela" (2007) 49 *3 Latin American Politics & Society* 97.

Ferreira, Francisco H. G. & Robalino, David. "Social Protection in Latin America: Achievements and Limitations" (2010) World Bank Policy Research, Working Paper No. 5305.

Fiszbein, A., Schady, N., Ferreira, F. H.G., Grosh, M., Keleher, N., Olinto, P., Skoufias, E. CCTs: Reducing Present and Future Poverty. A World Bank Report (Washington D.C: The World Bank, 2009).

Fraser, Nancy. "Feminism, Capitalism and the Cunning of History" (2009) 56 *97 New Left Review* 117. Available < <https://halshs.archives-ouvertes.fr/halshs-00725055/document>>

Fraser, Nancy. "From Redistribution to Recognition? Dilemmas of Justice in a 'Postsocialist' Age" in *Justice Interruptus* (New York: Routledge, 1997).

Gender Equality Observatory of Latin America and the Caribbean, (GEOLAC), "Annual Report 2012: A Look at Grants, Support, and Burden for Women" (2012) Santiago de Chile, GEOLAC.

Goldblatt, Beth & Lamarche, Lucie (eds) *Womens Rights to Social Security and Social Protection* (Oxford: Hart Publishing, 2014).

Kabeer, Naila. "Resources, Agency, Achievements: Reflections on the Measurement of Women's Empowerment" (1999) 30 *Development and Change* 435.

Lavinas, Lena "21st Century Welfare" (2013) *New Left Review* 84, available < <https://newleftreview.org/II/84/lena-lavinas-21st-century-welfare>>

León, Magdalena. "El Empoderamiento de las Mujeres: Encuentro del Primer y Tercer Mundos en los Estudios de Género" ("Women's Empowerment: An Encounter of the First and Third World in Gender Studies") (2001) 13 *La Ventana* 94.

Lincoln, Yvonna S., Susan A. Lynham, and Egon G. Guba, "Paradigmatic Controversies, Contradictions, and Emerging Controversies, Revisited," in N.K Denzin & Y.S Lincoln, eds, *Sage Book of Qualitative Research*, 4th Edition (Thousand Oaks, Canada: Sage Publications, 2012)

Loprete, Debora "Gender Policies in Argentina after Neoliberalism, Opportunities and Obstacles for Women's Rights" (2013) 30 *20 10 Latin American Perspectives* 1-10.

Malhotra, Anju, Sidney Ruth Schuler & Carol Boender, "Measuring Women's Empowerment as a Variable in International Development" (2002) *Gender and Development Group: The World Bank*.

Marchand, M. H., & Parpart, J. L. (2003). *Feminism/postmodernism /development*. Routledge.

Martínez Franzoni, Juliana & KoenVoorend. "Blacks, Whites or Greys? Conditional Transfers and Gender Equality in Latin America" (2009) 19 *3 Social Politics* 383.

McGuire, James W., "CCTs in Bolivia: Origins, Impact, and Universality" (2013) 2013 Annual Meeting of the International Studies Association, San Francisco (April, 2013).

Medeiros, M., T. Brito y F. Veras Soares, "Targeted cash transfer programmes in Brazil: BPC and the Bolsa Família", Working Paper, No 46. Centro Internacional de Políticas para el Crecimiento Inclusivo, junio 2008.

Moghadam, Valentine & Senftova, Lucie. "Measuring Women's Empowerment, Participation and Rights in Civil, Political, Social, Economic and Cultural Domains" (2005) 57 184 *International Social Science Journal* 389.

Molyneaux, Maxine. "Limits to Progress and Change: Reflections on Latin American Social Policy" (2012) 19 3 *Social Politics* 293.

Molyneux, Maxime. "CCTs: A 'Pathway to Women's Empowerment'?" (2008) 5 *Pathways to Empowerment Brief IDS Research Paper*.

Molyneux, Maxine & Thomson, Marilyn. "Cash Transfers, Gender Equity and Women's Empowerment in Peru, Ecuador and Bolivia" (2011) *Gender & Development* 19:2.

Molyneux, Maxine. "Mothers at the Service of the New Poverty Agenda: Progresa/Oportunidades, Mexico's Conditional Transfer Programme" (2006) *Social Policy and Administration* 40(4) 425- 449.

Recruitment of Participants

2.1 Who is being recruited? Describe the specific inclusion criteria for participants to be involved in the project.

Participants will need to meet all the following specific criteria in order to be invited for an in-depth interview or be part of a focus group discussion:

- Age 18 or older, self-identified as a woman;
- Residing in Chaco, province of Argentina;
- Beneficiary of the program AUH (Asignacion Universal por Hijo);
- Being able to converse in Spanish and has access to a phone/computer with access to internet

Additionally, I will conduct up to seven key informant interviews crucial informants (civil servants, political leaders, lawyers, governmental officials, leaders of grassroots women organizations, researchers, and/or academics and activists based in the region) as a means to provide a more valid and accurate picture of the politics of poverty alleviation in Argentina.

2.2 In some projects, there are additional constraints which require the exclusion of potential participants (e.g., medical condition, prescription medication). Does this apply to your project?

- ☐ Yes
☒ No

2.3 Indicate the intended number of participants in the project.

Approximately 64 participants in total, made up of:
 - up to 15 beneficiary women for individual, in-depth interviews;
 - 20 beneficiary women in 4 focus groups of five women each;
 - up to 22 key informants;
 - 7 narrative photo voice participants, if anybody is willing to participate, drawn from the pool of focus groups;

2.4 What is the rationale for the intended number of participants?

The rationale of the intended number of participants is to listen to enough stories and experiences so as to gain enough information to answer my research questions as completely and in-depth as possible. For this qualitative research project, I am not focusing on quantity but on quality, on gaining a deep understanding of beneficiaries' experiences. I will first interview the key informants and then continue with interviewing 5 beneficiary women and begin summarizing and analyzing the interview data immediately after. As the following interviews proceed, I will know when data saturation will be reached so as to get a full answer to my research questions.

2.5 If the number of interested individuals who volunteer exceeds the intended number of participants for your project, will these individuals be included?

- ☐ Yes
☒ No

Describe how you will make the selection (e.g., first come/first served) and how individuals will be informed of the

The selection will be made in a "first come/first served" basis. Individuals will be informed of the selection method in the recruitment script [see attached Script and Poster] and only those who have been selected for an

selection method and that they have not been included.

interview will be contacted. This will also be clearly stated in the recruitment scripts.

Source of Participants

Name of Source	Location
Non-Governmental Organizations (NGO), Other(I have partnered up with Caritas, a NGO [see letter of affiliation]. This will accomplish diverse purposes, including serving as gatekeepers and facilitating my opportunities to create rapport with my participants. I will also identify beneficiary women through contacting through gatekeepers, two research assistants who work and volunteer with different grassroots organizations and who are active in the social justice community in the province, Andrea Schaffer (graduate student in Gender Studies at local University) and Gianna Tourn (Sociology student at local university). Additionally, I will conduct up to seven key informant interviews crucial informants (civil servants, political leaders, lawyers, governmental officials, leaders of grassroots women organizations, researchers, and/or academics and activists based in the region). I will contact the institutional head of the agencies from which I wish to recruit, specifically, the ANSES or Social Security Agency, Regional Branch.)	Caritas Argentina: Caritas Diocesana San Roque. Belgrano 281. Presidencia Roque Saenz Pena, Chaco, Argentina. Telephone: +54 0364-4426045. Email: caritassanroque@gmail.com ANSES: Agencia Nacional de Seguridad Social. 9 de Julio 364, 3700, Presidencia Roque Saenz Pena, Chaco, Argentina. Telephone: +54 362 525-9955. Andrea Fabiana Acuna Schaffer. Teacher, Gender Studies Student (Universidad de la Cuenca del Plata). Barrio Ramseyer, Mz. 61 Pc. 17. Telefono: +54 3644546722. Email: andyschaffer88@gmail.com Gianna Denise Tourn. Psychopedagogist, Office of Diversity and Gender. Student of Sociology (Universidad Nacional Chaco Austral, UNCAUS). Marrio Amudoch, Mz 1 Pc 21. Telefono: +54 3644528790. Email: giannadtourn@gmail.com

2.6 Is organizational permission needed to conduct research with the participants (e.g., school boards, employer, hospitals, etc.)?

- ☒ Yes
☐ No

Describe how and from whom permission will be obtained.

Women participants who are beneficiaries of the AUH will be identified through contacting Caritas (an organization I am affiliated with and working with under the funding of the IDRC) [see attached letter of affiliation with Caritas], and the following participants will be identified through snowballing. I will first contact the administrators of Caritas to seek permission to recruit participants. If prohibitive policies or practices do exist, recruitment will not be pursued for Caritas. If it is permitted to refer participants to this study, administrators in Caritas will be provided with an introductory letter that can be given to relevant beneficiary women. [See attached poster]. If the woman agrees to be referred to this study, I will have the administrator confirm in writing that the woman has given her permission to pass on her name to me for participation in this study. I will also confirm, upon contacting the referred woman that she did authorize the initial contact person to pass on her name to me for participation in this study. As well, with permission of Caritas, the study might be advertised on their contact list and on posters on their premises. In all cases, basic information about the study will be provided, and individuals will be asked to contact the researcher directly if they would like to be involved in the project. [See attached as email and poster] From these initial contacts, I will resort to snowball sampling to recruit the rest of the women.

Service Providers – Key Informant Interviews: I will contact the institutional head of the agencies from which I wish to recruit, specifically, the ANSES

or Social Security Agency, Regional Branch. [See attached poster and email] I will ask if they have existing policies or practices that prohibit them from: 1) allowing employees or volunteers at the organization becoming potential participants or 2) referring clients that have used their services that are appropriate for this research study. If the agencies I contact have policies that do not allow for such referrals then I will not use them in my recruitment process. If I receive a positive response I will contact individual service providers at these agencies by telephone or e-mail. [See attached telephone script and email]. If service providers are able and willing to participate I will continue the phone call and address the issues of: research objectives, confidentiality concerns, i.e. destruction of data, time necessary for the interviews, administrative needs, i.e. online interviews, informed consent considerations, i.e. ability to withdraw from process if they choose, and that their online interviews will be recorded. All the material covered on the phone will reflect what is in the Consent Form [see Attached consent form], that participants will be asked to consent to before participating in this research study.

Please include copies of any permissions, if applicable.

Filename	Size

2.7 Is research being conducted in another country?

- ☒ Yes
☐ No

Provide details:

Argentina



Article 8.3 of the TCPS 2 states that research conducted under the auspices of a Canadian research institution and conducted outside its jurisdiction, whether elsewhere in Canada, or outside Canada, shall undergo prior research ethics review by both: i) the REB at the Canadian institution under the auspices of which the research is being conducted; and ii) the REB or other responsible review body or bodies, if any, at the research site.

Is research ethics review required at the site(s) at which the research will be carried out?

- ☐ Yes
☒ No

Please explain the measures that were taken to determine if local ethical clearance from selected countries is necessary and provide written confirmation (i.e., website link, policy document, or email correspondence).

In regards to the existence of any responsible body at the research site, I have contacted the local university ethics review body. The local national University is the UNCAUS (Universidad Nacional de Chaco Austral). I contacted their department equivalent to that of Research and Ethics. I have been in contact with the head of the department, Dr. Alicia Judis. She has confirmed via e-mail that my project does not need to undergo ethics review at the local level (a review performed for certain projects under the supervision of their committee of bioethics). She explained to me that given the nature and field of my project (law, social science, sociology), it

does not need to be reviewed. Please see attached e-mail thread and confirmation [InvestigacionUncaus_Noreviewneeded (1& 2)] I have also attached a screenshot of their Research Department, and you can notice the official e-mail at the end of the file.

Append any relevant documents. (optional)

Filename	Size
SICYT - Secretaría de Investigación, Ciencia y Técnica - Universidad Nacional del Chaco Austral.pdf	1009.0 KB
InvestigacionUncaus_Noreviewneeded1.pdf	194.0 KB
InvestigacionUncaus_Noreviewneeded2.pdf	188.0 KB

2.8 Who will be recruiting / contacting participants?

Caritas (NGO) and Research Assistants will be helping with recruitment. Potential participants will be contacting me (PI) directly then. I am a doctoral candidate at the University of Ottawa. I have taken courses on methodology and theory during my graduate studies and also undertaken one graduate level course in Qualitative Research Methods (SOC7141) at the Faculty of Social Sciences.

2.9 Are there any supervisory relationships (e.g., professor-student, doctor-patient) or trust-based relationships (e.g., relative, friend) between persons conducting recruitment and the participants?

- ☒ Yes
☐ No

Describe the relationships and the steps that will be taken to ensure that there is no coercion or undue influence.

Potential participants could feel pressured to participate should they be approached by the NGO or RAs. The PI will take several measures to minimize such influence. The NGO Caritas and the RAs will be solely distributing recruitment information about the study to potential participants. They will not ask specific women directly to participate, nor approach them more than once – directly or indirectly –. Participants will not be asked to decide on the spot, but solely to distribute recruitment information. In order minimize influence, participants will not be identified in future publications. When recruiting participants, and at the time of obtaining consent, the PI will emphasize that the study is independent from any NGO, that their decision to participate or not will not impact any arrangement they may have, that participation is voluntary, and they can refuse and withdraw at any time without any penalty or consequence. The PI will minimize the possibility of NGO or RA influence by including the aforementioned information/measures in the Recruitment Script.

2.10 Describe how participants will be recruited.

Women participants who are beneficiaries of the AUH will be identified through contacting Caritas (an organization I am affiliated with and working with under the funding of the IDRC) [see attached letter of affiliation with Caritas], and the following participants will be identified through snowballing. I will first contact the administrators of Caritas to seek

permission to recruit participants. If prohibitive policies or practices do exist, recruitment will not be pursued for Caritas. If it is permitted to refer participants to this study, administrators in Caritas will be provided with an introductory letter that can be given to relevant beneficiary women. [See attached poster]. If the woman agrees to be referred to this study, I will have the administrator confirm in writing that the woman has given her permission to pass on her name to me for participation in this study. I will also confirm, upon contacting the referred woman that she did authorize the initial contact person to pass on her name to me for participation in this study. As well, with permission of Caritas, the study might be advertised on their contact list and on posters on their premises. In all cases, basic information about the study will be provided, and individuals will be asked to contact the researcher directly if they would like to be involved in the project. [See attached as email and poster] From these initial contacts, I will resort to snowball sampling to recruit the rest of the women.

Service Providers – Key Informant Interviews: I will contact the institutional head of the agencies from which I wish to recruit, specifically, the ANSES or Social Security Agency, Regional Branch. [See attached poster and email] I will ask if they have existing policies or practices that prohibit them from: 1) allowing employees or volunteers at the organization becoming potential participants or 2) referring clients that have used their services that are appropriate for this research study. If the agencies I contact have policies that do not allow for such referrals then I will not use them in my recruitment process. If I receive a positive response I will contact individual service providers at these agencies by telephone or e-mail. [See attached telephone script and email]. If service providers are able and willing to participate I will continue the phone call and address the issues of: research objectives, confidentiality concerns, i.e. destruction of data, time necessary for the interviews, administrative needs, i.e. online interviews, informed consent considerations, i.e. ability to withdraw from process if they choose, and that their online interviews will be recorded. All the material covered on the phone will reflect what is in the Consent Form [see Attached consent form], that participants will be asked to consent to before participating in this research study.

Women will be given the option to participate in either individual in-depth interviews or focus groups, and it will be filled on a first-come, first-served basis. Their decision will be confirmed in written.

Participants will be selected to participate in the Narrative Photo Voice from In-depth Interviews/Focus Groups participants, on a 'first come, first served' basis. The PI will read a script inviting focus groups participants to participate in Narrative Photo Voice (see Script Invitation PhotoVoice). The script will be read before starting Focus Group Discussions. If participants are interested in photovoice, they will contact the PI directly by e-mail.

In regard to "snowball sampling," participants will be invited to distribute the recruitment text to other potential participants, who then can contact researchers directly if they are interested in participating. The researcher will not have access to participants' personal contact information.

Please append copies of any recruitment material (e.g., posters, advertisements, recruitment scripts, letters of information).

Filename	Size
LetterofAffiliation_Caritas_MelisaHandl.pdf	2.02 MB
Poster_Community Association Recruitment Text -Revised.docx	15.0 KB
Recruitment Email - Revised.docx	14.0 KB
Script Invitation PhotoVoice.docx	13.0 KB

[Telephone Script - Revised.docx](#)

23.0 KB

Participation

3.1 Describe what participants will be asked to do. Include how often participants will be asked to participate and how long each research activity will last.

For beneficiary women participants, each semi-structured interview will consist of a series of factual questions regarding their experiences and perceptions of the AUH program. This will be followed by open-ended discussion questions about participants' experiences, and their opinions regarding the program and what could be improved. Each interview will take approximately 30-45 minutes. In the focus groups, the questions will be similar, semi-structured and open-ended, with the difference that women will participate taking turns and answering the questions if they so want, and with the hope that the comments made by fellow beneficiary women may prompt others to comment and/or add something. Focus group discussion will take a little longer, between 45 and 60 minutes. For key informant interviews and service providers, each interview will consist of a series of factual questions regarding their professional knowledge, work, expertise, experience in the field and/or their understandings of how the processes of the AUH program work. This will be followed by open-ended discussion questions about their own opinions on the program, and users' experiences, and opinions regarding the outcomes of the AUH as a social policy initiative. Each interview will take approximately 30-45 minutes.

3.2 Describe when data collection will occur (e.g., interviews with school children will take place outside of class time; focus groups with employees will take place during working hours, etc.).

Due to the situation with Covid-19, interviews with beneficiary women and key informants will be conducted online (using Microsoft Teams or a software of similar quality and level of encryption) [Encryption and Risks] at the time that is convenient to the interviewees. Please find attached document explaining different levels of software encryption and risks [Encryption and Risks].

3.3 Describe the location of data collection (e.g., library of John Smith Elementary School, uOttawa laboratory, etc.).

Interviews will be conducted online. Given the current situation with the global pandemics, it is very likely that both researcher and participants will be located in their own homes when the interviews happen.

Please append any data collection instruments (e.g., questionnaires, interview guides, focus group guides, etc.).

Filename	Size
Encryption and Risks.docx	24.0 KB
Guiding Questions.docx	12.0 KB
Guideline PhotoVoice -Revised.docx	39.0 KB

3.4 Will scientific equipment involving direct or indirect physical contact be used (e.g., electrodes, sensory devices, probes)?

- ☐ Yes
☒ No

3.5 Does the project involve any

- ☐ Yes

invasive procedures whereby a scientific instrument, such as an esophageal probe, will be inserted into the body?

☒ No

3.6 Will audio recording be used in the project?

☒ Yes

☐ No

Which research activities will be audio recorded?

All the interviews will be recorded. I have decided I will use Microsoft Teams software in order to record individual interviews and Focus Groups because of their high level of encryption and low possibility of hacking and/or interference. I will create a specific Microsoft Teams account(s) for the research study. At the termination of the study, the account(s) will be closed and subsequently all the participants' online details and data will be removed. This might help to protect participants' anonymity in the face of the increasing data surveillance, but of course I cannot completely ensure it as that goes beyond my possibilities. The use of the recording feature of sound and video of the interviews will require additional ethical safeguards: the participants may not notice when recording started unless they are informed by the interviewer. In order to address this, participants will be informed when recording had begun, when it was paused, or when recording stopped. All participants will also be offered the opportunity to listen to a copy of the video/audio recording of the interview, in order to mitigate for unintended deception and to contribute to the accuracy of portrayal.

Participants will be offered an opportunity to listen to a copy of a video /audio recording of the interview if they want to. This would happen after the interview takes place, after the researcher uploads the recording in question and creates a password-protected folder. The PI would send them (separately and individually) a password-protected link to access a folder containing their recording. The folder will be located in the OneDrive of the Researcher (University of Ottawa OneDrive). Only the researcher and the interviewee in question will have access to the folder. After the interviewee reviews the recording, it will be deleted by the researcher.

Participants in Focus Group Discussions will be offered an opportunity to listen to a copy of a video/audio recording of their own personal clips (from the interview) if they want to. This would happen after the interview takes place, after the researcher edits the videos/recordings into personal clips, uploads the recordings in question and creates separate and individual password-protected folders. The PI would send each participant interested in accessing the recording a separate, unique and individual password-protected link to access a folder containing only their personal recordings. The folders will be located in the OneDrive of the Researcher (University of Ottawa OneDrive). Only the researcher and the interviewee in question will have access to the folder with their own personal clips. After the interviewee reviews the recording, it will be deleted by the researcher.

3.7 Will video recording or photographs be used in the project?

☒ Yes

☐ No

Which research activities will be video recorded or photographed?

Interviews and focus group discussions will be video-recorded. In regards to NPV, Simmonds (2013) has developed a hybrid method that moves beyond traditional Participatory Action Research applications of photo voice to include one-on-one narrative interview metadata, written-narrative reflections, and focus group narrative interviews. This Narrative Photo Voice (NPV) method has been shown particularly valuable in exploring topics such as poverty and inequalities in everyday life (Simmonds, Roux, & ter Avest, 2015). The method of Narrative Photo Voice involves asking research participants to use a camera or their smartphone to take photos about their everyday practices and interactions that they can then share with the researcher. If any of my participants is interested in this method, I would provide them with questions or prompts to direct their documentations and recordings. It would be a free-flowing exercise used as an interval-based sampling (recording something every day) or event based (when something when it occurs in an irregular fashion) according to the decision and desires of the participant in question. Participants will be drawn from the pool of beneficiary women. I have to emphasize that this will be a complementary, voluntary and contingent method, to the extent that it will only proceed if any participant beneficiary volunteers to participate in photo voice.

How will the video recordings or photographs be used? Note that if video recordings or photographs will be used in presentations, conferences, or publications, please ensure that participant permission is obtained and documented.

Videos and photographs will be used and analyzed in the main Dissertation (Thesis) and may also be used in Dissemination work. Dissemination outputs may include:

- Opinion-editorial pieces written and published in Canadian and Spanish-language newspapers of record or importance ;
- Photo exhibit of photos and narratives produced during Narrative Photo Voice sessions, to be displayed in relevant institutions in Ottawa (IDRC, GAC offices) and Resistencia, Buenos Aires (eg. Ministry of Social Development, Ministry of Women and Child Affairs; Ministry of Health; National Social Security Agency, Casas de la Cultura);
- Conference papers delivered, one presented at a local or regional conference and in the Canadian context.
- Peer-reviewed journal articles published in relevant, mid- to high-impact journals such as Gender and Development; Women and the Law; Law and Development; or Signs;
- Policy brief published and circulated for a donor and practitioner audience.
- Seminar in the communities where fieldwork took place.

Participant permission will be obtained from those who volunteer to participate in narrative photo voice. Please see [Informed Consent Form for Photovoice Participants] and [Photovoice General Release Form].

3.8 Will participants be compensated?

- ☒ Yes
☐ No

Provide details about the type and amount of the compensation.

Participants will be compensated with a total amount of CA\$15 for their time and any costs they may have incurred in. The money will be wired by their researcher to their bank account. All beneficiary women of the AUH in

principle must have a bank account in order to receive the stipend. That means that is not possible for a beneficiary woman not to have a bank account as they could not receive the stipend without one. All participants will be compensated, even if they want to withdraw or interrupt their participation.



Please note that since research participation is voluntary, participants are free to withdraw at any time without negative consequences. The Research Ethics Board generally requests that after a project has begun any participant who chooses to withdraw should still receive the compensation that had been offered.

Will participants be fully compensated if they choose to withdraw from the project?

- ☒ Yes
☐ No

Assessment of Risks and Benefits

Risks

4.1 Indicate if the participants might experience any of the following:

Physical harm (e.g., falling, muscle pain) ☐ Yes
☒ No

Physical discomfort (e.g., tiredness, weakness, nausea) ☐ Yes
☒ No

Psychological or emotional harm (e.g., trauma) ☐ Yes
☒ No

Psychological or emotional discomfort (e.g., anxiety, loss of confidence, regret for disclosing personal information) ☒ Yes
☐ No

Legal repercussions (e.g., possibility of being sued, charged with criminal activity) ☐ Yes
☒ No

Social repercussions (e.g., possibility of marginalization, being negatively judged by peers or employer) ☐ Yes
☒ No

Economic inconveniences (e.g., expenses incurred for participation, loss of income during time of participation) ☒ Yes
☐ No

Other inconveniences (e.g., long travel to research site, time consumed, disruption of family routines) ☒ Yes
☐ No

Describe the harms, discomforts, or inconveniences.

- 1- Research participants may feel uncomfortable and therefore be unwilling to discuss personal/sensitive issues with research team. Online interaction may soften discomfort in certain cases.
- 2- Research participants disclose experience of violence and/or abuse.
- 3- Mental/emotional stress or burnout of Research Assistants or Principal Investigator.
- 4- Fear that the Researcher has a hidden political agenda and/or will judge participants for their political affiliation.
- 5- Economic inconveniences, loss of income during participation or need for childcare.
- 6-Potentially experience social/legal repercussions should they share

Specify the measures taken to mitigate any foreseeable risks, discomforts, or inconveniences. Please include names and contact information of appropriate resources to which participants can be directed (if relevant).

views and opinions that differ from the ones amongst the group or share compromising information.

1- Researcher of the same gender and language group as research participants; obtain informed consent; explain research including how findings will be used; inform participants of right to end participation at any time; ice breakers and warm ups used at the start of each online session. 2 & 3-Principal Investigator and Research Assistants identify available supportive resources in case of disclosure of an experience of violence and/or abuse. Principal Investigator will provide basic training on how to make safe referrals and handling disclosures to research assistants. Principal Investigator may consult with social worker for next steps to take respecting anonymity and confidentiality of informant. While domestic violence is NOT a central point of inquiry of this research, there is a minimal risk of disclosure by participants directly and indirectly involved. It is not clear yet which are the causal pathways through which cash transfer programming can affect violence-related outcomes. There is no unified understanding as to the association between income and domestic violence. Sociological marital dependency theories assert that women who are economically dependent on their partner are at greater risk of domestic violence (Hidrobo & Fernald, 2012). Cash transfers lead to financial equality and therefore, could lower the prevalence of domestic violence. On the other hand, others argue that an increase in her income could increase domestic violence if it leads to men feeling powerless or to atypical roles within the household (Hidrobo & Fernald, 2012). Prior to conducting any participatory methods, myself as the Principal Investigator along with the Research Assistants will make every attempt to identify locally available supportive resources with the guidance and support of a Caritas social worker (notably, psychosocial, health, legal resources) in order to be prepared to offer information and make safe referrals to trained experts. Where these resources do not exist, foundational principles of working with domestic violence– safety, confidentiality, respect – will be observed by the Principal Investigator and Research Assistants. As for the appropriate resources in this case, participants will be directed to the Oficina de Diversidad y Género Saenz Peña, Chaco (Office of Diversity and Gender of Saenz Peña, Chaco), telephone +54 9 364 446-4000, situated in street 1, between 8 and 10, Facebook: Oficina de Diversidad y Género Saenz Peña Chaco @OficinadeDiversidadyGenerosp, email: oficinadiversidadygenero@hotmail.com. This Office is prepared to receive victims of violence and abuse, and provides psychological counselling and social-legal support. Recognizing that working on topics of gender may be sensitive and pose unintended professional, personal and even safety risks, concerted efforts will be made to ensure the safety and well-being of myself and all those who will be working on the project. This will include daily online debriefs with the Research Assistant to raise concerns and share observations. These debriefings will also be used to identify strategies to reduce future risks and promote well-being, such as taking adequate rest breaks between online focus group discussions. This research design draws upon guidelines and best practices of working on issues of domestic violence, trauma, and women's health, such as Putting Women First: Ethical and Safety Recommendations for Research on Domestic Violence Against Women (World Health Organization, 2001) and the Ethical and Safety Recommendations for Researching, Documenting and Monitoring Sexual Violence in Emergencies (World Health Organization, 2007). 4- Researcher and Research Assistants will explicitly inform participants that they do not have any political agenda nor affiliation to any political party. 5- Each participant will be compensated with CA\$20 for their time and inconveniences (continued at 4.2)

4.2 Please provide any additional information that may be relevant for assessment of risk for this project. (optional)

6- (continued) The researcher will moderate the discussion and set general rules in order to ensure smooth, respectful participation. The researcher will communicate to participants that the focus group strives to be a safe, inclusive space. The researcher will ask participants to mute their microphones and ask participants to take turns in order to intervene and to be respectful of other's opinions and interventions. In the event of conflicting viewpoints, the researcher will diffuse conflict by explaining that there are no "right or wrong" answers, that everyone's experience is valid and important, and that diversity of opinion and perspectives is valuable. In order to minimize risk of social and/or legal repercussions, the PI will make all participants anonymous (no name, no face) during the recordings, so no one is visible in the screen/recordings. Video cameras will not be used by participants, only audio.

*PI will refer participants, if necessary, to the Office of Diversity and Gender of the city, the first of its kind in the province of Chaco. It provides support (psychological, social, and legal) to those experiencing discrimination, violence and/or abuse.
<http://www.larednoticias.info/noticia/68170/la-titular-de-la-oficina-de-diversidad-y-genero-municipal-hablo-de-la-ley-de-matrimonio-igualitario>

One of the Research Assistants, Gianna Tourn, works for this Office and will serve as advisor for guidance in cases where referral may be needed. Oficina de Diversidad y Género Saenz Peña, Chaco (Office of Diversity and Gender of Saenz Peña, Chaco), telephone +54 9 364 446-4000, situated in street 1, between 8 and 10, Facebook: Oficina de Diversidad y Género Saenz Peña Chaco @OficinadeDiversidadyGenerosp, email: oficinadiversidadygenero@hotmail.com

4.3 Describe the research team's experience or training relevant to this project (e.g., population, topic, methodology). [Revised July 2019; now mandatory]

I have volunteered for Caritas in the past and I have conducted preliminary research with this population as part of an activity for the Advanced Qualitative Research Methods Course (SOC 7141) I took at the Faculty of Social Sciences. However, I have no direct influence over the women participants who may be affiliated with these institutions.

Benefits

4.4 Describe the potential benefits individuals may experience from participating in the research.

To the participant: participation in the study will not guarantee any particular gain. However, subjects may experience some of the following benefits:

1. Service providers:
 There may be some psychological benefits from participating in the study, including:
 - The opportunity to have their professional experience and their expertise documented and validated;
 - The opportunity to contribute to legal and academic knowledge;
 - The opportunity to contribute to social and political change in Argentine society;
 - The opportunity to have their voices and opinions documented and validated, and their recommendations taken into consideration, with the ultimate objective of helping to improve this model of development/social policy.

2. Women participants:

4.5 Describe the potential contributions and benefits of the research to the community and/or to society.

- There may be some psychological benefits from participating in the study, such as:
- Women may benefit from being able to speak openly about their experiences with this program;
- The opportunity to have their experience documented and validated;
- The ability to contribute to legal and academic knowledge;
- The ability to highlight and provide insight into the lived experiences of those who are end users of this models of social policy;
- The opportunity to be acknowledged and validated about the significance of their experiences, to be able to recommend changes and/or suggest modifications and/or pinpoint areas for improvement;
- To contribute to social, legal, and political change in Argentine society.

This research will help to shed light on the multiple ways in which women's lives are affected and disturbed by the implementation and expansion of conditional cash transfers as the axis of social policy in Argentina. The study will promote a much needed gender perspective for legal reforms and social policies in relation to the politics of human resource development in Latin America and in the rest of the world. This research project aims to ultimately contribute to better crafting effective legal responses and gender-just social policies and programs to tackle poverty and inequality.

This research is poised to make unique contributions to current discourse and practice. Firstly, this research will provide a significant contribution to knowledge produced particularly by donors and practitioner agencies who have largely focused on ex-poste evaluations of conditional cash transfers to demonstrate effectiveness. Basing my inquiry on the case of Argentina and the changes of its conditional cash transfer program allows for a retrospective analysis of cash transferred during and after the modifications of rules which now only allow mothers, in principle, to receive the stipend that will reveal the extent and nature of long-term impacts of these programs on gender equality and intra-household relations. Secondly, through emphasizing the voice of those that anti-poverty initiatives seeks to assist, this research will provide a much-needed complement to current research and policies around conditional cash transfers. In answering Spivak's (1988) titular question, "Can the Subaltern Speak?", this research replies in the positive, and seeks to showcase the value of otherwise silenced voices.

Privacy



TCPS 2 states that "Privacy is respected if an individual has an opportunity to exercise control over personal information by consenting to, or withholding consent for, the collection, use and/or disclosure of information" (p. 56).

Collecting anonymous data is the most robust way of safeguarding the identity of research participants. When the data is not anonymous, safeguards may be required to protect the identities of participants when working with the data, in case of loss or theft of data, and when disseminating research results. These could include anonymizing the data (permanently removing identifiable information) or replacing direct identifiers with pseudonyms or codes.

Particular attention may be needed to ensure that participants in small communities or groups will be protected from inadvertent identification through a combination of identifiers such as date of birth, place of residence or unique, personal characteristics. See TCPS 2, Chapter 5.



Please consider all information to be obtained during the course of the project, including names on consent forms, contact information for recruitment, demographic data, etc.

5.1 Will any of the following data be obtained during the course of the project?

Directly identifying information:
Information that identifies a specific individual through direct identifiers (e.g., name, email address).

- ☒ Yes
☐ No

Indirectly identifying information:
Information that can reasonably be expected to identify an individual through a combination of indirect identifiers (e.g., date of birth, IP address, place of residence, unique personal characteristic).

- ☐ Yes
☒ No

a) Describe the identifying information that will be obtained.

The name, e-mail and phone number of participants will be collected by the researcher in order to reach, recruit, and contact them. Only the researcher will have access to their real name and e-mail. Once the information has been coded by the researcher, research assistants will have access to the information in order to help transcribe. They will not have access to the real name, e-mail address or telephone of participants.

b) Who will have access to the identifying information (including codes or pseudonyms) to link data to participant identities?

- ☒ Principal Investigator
☐ Thesis / Project supervisor
☐ Co-researcher
☐ Research assistant
☐ Other

c) Describe if and how the identity of the individuals will be safeguarded (e.g., anonymization of data, use of codes or pseudonyms).

In order to establish and maintain responsible "data stewardship" practices, I will remove all personal identifying information from the data set, and each participant will be assigned a nickname/code. Data will be catalogued, sub-filed, and stored by participant code/nickname. A copy of the list that matches the participants' name to their code will be kept in a locked filing cabinet at the researcher's apartment in Ottawa. Only the researcher has access to that cabinet. Data will only be shared with the research assistants after all identifiers are removed (Boruch & Donnelly, 2015). The hard copy data will be stored for five years after the study ends. Caritas and the other gatekeepers are simply assisting in identifying potential participants and distributing recruitment information about the study to potential participants. Data will be anonymized and contextual information, specific situations and experiences that could contribute to identifying participants will be removed to preserve the anonymity of participants. The PI will remove contextual information, roles, positions, expertise, or any kind of personally identifiable information (PII), situation, roles, job titles, positions, or expertise from the transcripts. Key Informants Organizations or roles/positions will not be revealed in future publications. The PI will only refer to KII in general terms and in regard to very broad sectors, such as: working for the government, civil society, grassroots organizations, or academia. In the case that a focus group participant also participates in Narrative Photo Voice, that participant will use different pseudonyms in order to further protect their identity.

d) Are there any conditions under which the protection of the identity of participants will not be guaranteed (e.g., participant chooses to be identified, legally required disclosure, focus groups, etc.)?

☒ Yes

☐ No

Explain how this will be addressed and how participants will be informed of this.

Focus Groups: The nature of a focus group is such that confidentiality cannot be guaranteed. I will provide participants with the procedures in place to maintain confidentiality of the research data and inform participants not to repeat what is said in the focus group to others. I added a paragraph to the informed consent detailing issues of confidentiality for focus groups, stating that the researcher would like to remind participants to respect the privacy of fellow participants and not repeat what is said in the focus group to others. I will also add a non-disclosure statement to the consent form explaining that participants agree to maintain the confidentiality of the information discussed by all participants and researcher during the focus group session. Confidentiality will also be discussed explicitly during recruitment process and when consent is provided. Confidentiality will be emphasized to all group members during online session, explaining why it is important for all involved to respect confidentiality. I will also have participants give themselves a pseudonym upon arrival or assign them one, so no one else in the focus group knows their true name. No video cameras will be used by participants, following a "no name, no face" policy.

The PI is not in a position of duty to report should a participant mention domestic violence. In Canada and in Argentina, there is no mandatory obligation to report domestic abuse to the police. It is the woman's right to choose if she wishes to have police involvement and she must consent to

this involvement prior to the researcher initiating such action. We must respect the woman's decision and advocate for her right to choose.

5.2 Will you ask participants to review their transcripts?

- ☐ Yes
☒ No

Confidentiality



The ethical duty of confidentiality refers to the obligation of an individual or organization to safeguard entrusted information. This includes obligations to protect information from unauthorized access, use, disclosure, modification, loss or theft. [...] Security refers to measures used to protect information. It includes physical, administrative and technical safeguards. [...] Physical safeguards include the use of locked filing cabinets, and the location of computers containing research data away from public areas. [...] Technical safeguards include use of computer passwords, firewalls, anti-virus software, encryption and other measures that protect data from unauthorized access, loss or modification (TCPS 2, Chapter 5)

6.1 Who will collect the data?

I will collect the data. I am a PhD candidate at the University of Ottawa. I have also undertaken one graduate level course in Advanced Qualitative Research Methods (SOC7141) in the Faculty of Social Science. I will also transcribe the data in Spanish with the help of two research assistants, both local students: Andrea Schaffer (graduate student in Gender Studies) and Gianna Tourn (undergraduate student in Sociology). Both research assistant's contracts are funded by the IDRC. Research assistants will only have access to the data once it has been coded/given a nickname by the researcher.

6.2 Who will have access to the data?

- ☒ Principal Investigator
- ☒ Thesis / Project supervisor
- ☐ Co-researcher
- ☒ Research assistant
- ☐ Other

6.3 In addition to the research team members identified in this application, there may be other individuals (e.g., research assistants, translators, interpreters) who will have access to the data. Confirm that any such individuals who will have access to the data will sign a confidentiality agreement.

- ☒ I Confirm



Best practices for data safety: All electronic devices which contain research data (laptops, USB keys, etc.) should be securely stored at all times. To minimize risks of loss of identifiable data in case of theft or loss of mobile devices, project data on these devices should be de-identified as much as possible, the devices encrypted and electronic files should be password protected. Hard copies must be kept in locked cabinets.

6.4 During data collection and analysis: Describe the PHYSICAL safeguards and their location (e.g., locked cabinet at home, safe at a hotel in the field) that will be used to securely store all hard copies of data and research documents (e.g., written records, consent forms).

6.5 During the collection and analysis of data: Describe the TECHNICAL safeguards (e.g., encryption, passwords) that will be used to securely store all electronic data and project documents (e.g., online survey data, recordings, computer files).

6.6 Indicate how long data and research documents will be retained (e.g., five years, indefinitely).

6.7 Indicate the anticipated starting time of the retention period (e.g., following the completion of data collection).

6.8 During the retention period: Describe the location and safeguards that will be used to securely store all data (e.g., password protected computer, locked briefcase in home office).

All data collected, any interview transcripts and/or USB's and copies of consent forms will be kept the researcher's home in the city of Ottawa in a locked cabinet. I am the only person who has access to the key of that cabinet. Any hard copy and/or USB containing information about the participants and/or transcripts will be always coded, and the codes will remain in a hard copy in a locked cabinet in the apartment of the researcher in Ottawa. My computer is protected by Norton anti-virus and special privacy controls.

I will remove all personal identifying information from the data set, and each participant will be assigned a code. Data will be catalogued, sub-filed, and stored by participant code. Data will only be shared with the members of the research team after all identifiers are removed (Boruch & Donnelly, 2015). The hard copy data will be stored for five years after the study ends.

The data collected (video recording of interviews) will be stored in electronic format, in MP4 format and/or MP3 audio, as well as transcripts from the aforementioned formats. It will be kept in a secure manner in a password-protected local computer (the researcher's personal computer), in an external password protected hard drive/USB for back-up (with no access to the internet), and in a password protected cloud (outlook services) owned by the University of Ottawa. The data is going to be collected via Microsoft Teams or via a software of comparable level of encryption. It will be recorded locally (in the researcher's computer), and through the platform used and it will be deleted from the platform 30 days after. The data will be password protected and the only people who can have access to the recording in the platform are the researcher and the participant. The research assistants will have access to the recordings in video and audio format and to the transcripts once they have been coded by the researcher.

All tapes, notes and transcripts of interviews will be destroyed after the research results have been published or five years after the completion of this research project, whichever comes later.

From June 2021 to June 2026, approximately.

All data collected will be kept the researcher's home in the city of Ottawa in a locked cabinet during the retention period. I am the only person who has access to the key of that cabinet. All electronic files will be password protected during the retention period. Any hard copy, hard-drive and/or USB containing information about the participants and/or transcripts will be always coded, and the hard copy of the codes will remain in my locked cabinet during the retention period. My computer will be protected by Norton anti-virus and special privacy controls at all times. Electronic files will be password protected on the researcher's USB storage during the retention period. The USB storage/hard-drive will be locked in a secure cabinet (key protected) in my home. Finally, any hard-drive of USB used to store information will also be password protected. Obviously, none of the passwords will be the same.

6.9 Describe the methods of disposal which will be used for all types of data and research documents, as applicable (e.g., shredding, secure deletion), once the retention period has ended. If these will be kept indefinitely, please indicate "N/A".

- I will shred all written records once the retention period has ended.
- I will delete all delete all electronic files from USB storage and physically destroy it.
- I will delete all information from hard-drive and format it.
- All related files will be removed from my personal computer. Computer will be formatted after retention period has ended so there is no way to recover deleted files.

Free and informed consent



Free and informed consent means that individuals agree to participate in research voluntarily and that each participant understands as fully as possible the purpose of the research, the details of participation, and the potential risks and benefits (see TCPS 2, Chapter 3). When the participant population is comprised of both Francophones and Anglophones, consent forms should be provided in both French and English regardless of the language of the study, in order to ensure the greatest degree of understanding of what the research entails.

7.1 Describe the procedures that will be followed to obtain informed consent and/or assent from individuals (e.g., participants, parents, third parties), including when it will be obtained and how it will be documented.

I will secure the permission of the organization from which I am recruiting, Caritas. I will send an email to the administrator of this organization to secure permission. I have already partnered up with this organization (Caritas) as part of my IDRC Doctoral Award Project. I will provide Caritas with a poster/introductory letter [see poster attached] that can be given to relevant beneficiary women. If a woman agrees to be referred to this study, I will have the administrator confirm in writing that the woman has given her permission to pass on her name to me for participation in this study. I will also confirm, upon contacting the referred woman that she did authorize the initial person to pass on her name for participation in this study.

Before the start of interviews, I will go over the consent form [see attached Consent Form] in detail. I would have sent the consent form file to all participants via e-mail before the interviews start. I will ask participants to reply either by the e-mail or by message, consenting to the interviews and the attached consent forms. If participants feel they understand and are able/willing to consent to the parameters of the research, I will seek oral consent on the forms before the interviews/focus group discussions begin. The PI will ask participants to consent to the NPV and provide permission to use their photos once the photos have been taken so participants know exactly what the content of their photos is. The PI will explain this to participants directly via e-mail when responding to participants who are interested in NPV. The PI will send the consent forms and guidelines to participants via e-mail and ask them to send the consent forms back once they have already taken the photos, but before or at the same moment of sharing the photos with the PI.

7.2 In some situations, it is possible for exceptions to be made to the general rules regarding informed consent. If you are asking for a waiver or variation of the requirement, describe why this is the case and explain if/how participants will be informed of the research project.

N/A



Individuals who lack the capacity, either permanently or temporarily, to decide for themselves whether to participate in the research should be given the opportunity to agree to their involvement in the study. This is usually done with an assent text, in addition to consent from their authorized third parties.

7.3 Does the project involve minors or individuals who may lack the capacity (e.

- ☐ Yes
☒ No

g., developmental or medical condition)
to decide for themselves whether to
participate in the project?

Please append all consent documents (e.g., consent form, parental consent form, assent form, debriefing text, verbal script). To consult available templates, please consult the uOttawa Ethics Office website.

Filename	Size
FocusGroupDiscussion-Consent Form-Revised.docx	40.0 KB
Individual Interviews Consent Form- Revised.doc	54.0 KB
Informed Consent Form for Photo Voice Participants-Revised.docx	38.0 KB
Key Informant Interviews- Consent Form-Revised.docx	40.0 KB
Photovoice general release form-Revised.docx	36.0 KB

7.4 Who will be obtaining consent from the participants?

- ☒ Principal Investigator
☐ Thesis / Project supervisor
☐ Co-researcher
☐ Research assistant
☐ Other

7.5 Are there any supervisory (e.g., professor-student, employer-employee, doctor-patient) or trust-based (e.g., relative, friend) relationships between persons obtaining consent and the participants?

- ☐ Yes
☒ No

7.6 Are there other factors by which participants could feel pressure to participate or perceive that they may be penalized for choosing not to participate in the project?

- ☐ Yes
☒ No

7.7 Partial Disclosure/Deception: In certain research contexts, incomplete disclosure of relevant information or an element of deception is necessary for the successful conduct of the research (see TCPS 2, Articles 3.7A, 3.7B and 3.8 for details). Will any of the procedures in this project include partial disclosure of information to participants or an element of deception?

- ☐ Yes
☒ No

Consent Form Individual Interviews

Title of the study: Law, Gender Equality & Female Empowerment in the Context of Argentina's *Universal Child Allowance* Program: Are Conditional Cash Transfers Empowering or Entrapping Poor Women?"

Melisa N. Handl, Graduate Studies, Faculty of Law, University of Ottawa, Canada. E-mail: XXXX
XXXXX; phone: XXXXXXXXX

Supervisor: Angela Cameron, Faculty of Law, University of Ottawa, Canada. E-mail: XXXX
XXXXX; phone: XXXXXXXXX

Invitation to Participate: I am invited to participate in the abovementioned research study conducted by Melisa N. Handl and funded by the IDRC (International Development Research Centre). The project is being conducted for the purpose of Ms. Handl's PhD Thesis.

Purpose of the Study: The purpose of the study is to investigate the effects of the "Asignacion Universal por Hijo" (AUH) program in the lives of beneficiary women. This study aims to understand what effects the program has on gender dynamics and how it impacts on women who receive the stipend, their perceptions, and expectations. The key of this project is to keep beneficiary women's voices at the center of the inquiry. This project is being conducted independently from any organization and/or agency from which participants may be recruited.

Participation: My participation will consist essentially of attending online sessions, one session of approximately half an hour (30 minutes) of duration to a maximum of 45 minutes, during which I will be interviewed by the researcher. The session has been scheduled for (*place, date, and time of each session*).

Risks: My participation in this study will entail that I share information about my personal life, my perceptions of the program, my work, my home, my daily routines, and my family, and this may cause me to feel uncomfortable and mistrusting of the researcher's political affiliation. I have received assurance from the researcher that every effort will be made to minimize these risks. This study is anonymous and confidential, my real name will not be used and the researcher will ask me to pick a nickname or assign one to me. I can withdraw from this study at any time and refuse to answer any questions. The researcher has not political affiliations or political agenda. All the information I share with the researcher will remain confidential.

Benefits: My participation in this study will benefit me as a participant as it will allow me to share my views on the AUH program, share my experiences with others, and it may help revealing aspects of the AUH program that can be improved, contributing to the advancement of knowledge and to designing better social policies in the future.

Confidentiality and anonymity: I have received assurance from the researcher that the information I will share will remain strictly confidential. I understand that the contents will be used only for the purposes of research and that my confidentiality will be protected. The researcher will ask me to pick a nickname I can use during the interviews if I so wish; if not, one will be assigned to me. The researcher and I will discuss in detail how I want to be identified in the transcripts and in the study. In the case of this study, data collection will be done via email and internet. The interviews will be recorded and I will be asked to use my camera and my audio. Only the researcher and her research assistants will have access to the video recordings. Only the researcher knows my real identity; the research assistants will only know my nickname. In order to minimize the risk of security breaches and to help ensure my confidentiality, the researcher recommends to use standard safety measures such as signing out of my account, closing my browser, and locking my screen or device when you I am no longer using them / when I have completed the study.

Anonymity will be protected in the transcripts and publications using nickname/codes for all participants. The identity of participants or any information that could lead to identifying participants will not be revealed during publications. The researcher will take all measures necessary to mitigate the risks of deductive disclosure; the researcher will avoid releasing as much demographic information as is possible, will use pseudonyms and codes, intentionally conceal information which may reveal my identity, and, before disseminating the data, asking her research assistants to read the report to ensure that the identities of the participants are not made explicit and cannot be deduced in any way.

Conservation of data: The data collected (video recording of interviews) will be stored in electronic format, in MP4 format and/or MP3 audio, as well as transcripts from the aforementioned formats. It will be kept in a secure manner in a local computer (the researcher's personal computer), in an external hard drive for back-up (with no access to the internet), and in a cloud (google services) owned by the University of Ottawa. The data is going to be collected via Microsoft Teams or a software of comparable level on encryption. It will be recorded locally (in the researcher's computer), and through the platform used and it will be deleted from the platform 30 days after. The data is password protected and the only people who can have access to the recording in the platform are the researcher and the participant.

Compensation: As a woman who is a beneficiary of the AUH Program, I will receive the equivalent in Argentine pesos to \$CA 20 for my time and inconveniences. If I choose to withdraw from the study, I will still receive this compensation.

Voluntary Participation: I am under no obligation to participate and if I choose to participate, I can withdraw from the study at any time and/or refuse to answer any questions, without suffering any negative consequences. If I choose to withdraw, all data gathered until the time of withdrawal will be deleted from the platform and from all devices.

Acceptance: I, ...agree to participate in the above research study conducted by Melisa N. Handl of the Faculty of Law of the University of Ottawa, which research is under the supervision of Prof. Angela Cameron.

If I have any questions about the study, I may contact the researcher or her supervisor.

If I have any questions regarding the ethical conduct of this study, I may contact the Protocol Officer for Ethics in Research, University of Ottawa, Tabaret Hall, 550 Cumberland Street, Room 154, Ottawa, ON K1N 6N5

Tel.: (613) 562-5387

Email: ethics@uottawa.ca

There are two copies of the consent form, one of which is mine to keep.

Participant's signature:

Date:

Researcher's signature:

Date:

Consent Form

Focus Group Discussion

Title of the study: Law, Gender Equality & Female Empowerment in the Context of Argentina's *Universal Child Allowance* Program: Are Conditional Cash Transfers Empowering or Entrapping Poor Women?"

Melisa N. Handl, Graduate Studies, Faculty of Law, University of Ottawa, Canada. E-mail:

XXXXXXXXXX; phone: XXXXXXXXX

Supervisor: Angela Cameron, Faculty of Law, University of Ottawa, Canada. E-mail: XXXX

XXXXX; phone: XXXXXXXXX

Invitation to Participate: I am invited to participate in the abovementioned research study conducted by Melisa N. Handl and funded by the IDRC (International Development Research Centre). The project is being conducted for the purpose of Ms. Handl's PhD Thesis.

Purpose of the Study: The purpose of the study is to investigate the effects of the "Asignacion Universal por Hijo" (AUH) program in the lives of beneficiary women. This study aims to understand what effects the program has on gender dynamics and how it impacts on women who receive the stipend, their perceptions, and expectations. The key of this project is to keep beneficiary women's voices at the center of the inquiry. This project is being conducted independently from any organization and/or agency from which participants may be recruited.

Participation: My participation will consist essentially of attending online focus group discussion sessions. I will not turn my video camera as only audio will be necessary in order to protect anonymity of participants. One session will last approximately 45 minutes to a maximum of one hour of duration. In each session, there will be a total of 5 woman who are beneficiary of the AUH program and the researcher. The session has been scheduled for (*place, date, and time of each session*). I will also be asked if I would like to participate in narrative photo voice, which consists of me taking photos/videos that represent my experience with the AUH program with my own phone. If I agree to participate, I will contact the researcher by e-mail and I will later sign an additional consent form called "Informed consent form for photovoice participants" and a "photovoice photography general release form."

Risks: My participation in this study will entail that I share information about my personal life, my perceptions of the program, my work, my home, my daily routines, and my family, and this may cause me to feel uncomfortable and mistrusting of the researcher's political affiliation. I have received assurance from the researcher that every effort will be made to minimize these risks. The researcher has not political affiliations nor political agenda. Since my participation entails the participation of four other women in the same focus group, I may feel uncomfortable sharing information about my personal life in that context, too. I can answer any question I want or refuse to answer a question or give my opinion at any time. This study is anonymous and confidential and I can pick and use a nickname during the focus group discussions as

well. I can withdraw from this study at any time and refuse to answer any questions. I agree not to divulge the information shared with the group during the discussions.

Benefits: My participation in this study will benefit me as a participant as it will allow me to share my views on the AUH program, share my experiences with other beneficiaries, and it may help revealing aspects of the AUH program that can be improved, contributing to the advancement of knowledge and to designing better social policies in the future.

Confidentiality and anonymity: I have received assurance from the researcher that the information I will share will remain strictly confidential. I understand that the contents will be used only for the purposes of research (doctoral thesis of the researcher and related work) and that my confidentiality will be protected. The researcher will ask me to pick a nickname I can use during the focus group discussions. The researcher will ask me not to use video during the discussion, and to only use audio. In the case of this study, data collection will be done via email and internet. The interviews will be recorded and I will be asked to use my audio. Only the researcher and her research assistants will have access to the video recordings. In order to minimize the risk of security breaches and to help ensure your confidentiality we recommend that you use standard safety measures such as signing out of your account, closing your browser and locking your screen or device when you are no longer using them / when you have completed the study.

Anonymity: will be protected in the transcripts and publications using nickname for all participants. The identity of participants or any information that could lead to identifying participants will not be revealed during publications. Video camera will not be used during the discussions, only audio. This is a focus group discussion, which means that there are certain limitations to anonymity because there are also other participants in the discussions. The researcher asks all participants to treat the discussions as confidential. I understand that other participants will listen to my voice, even though I will be using a nickname. I understand these risks and I have talked about them with the researcher.

Non-Disclosure Statement: please be advised that although the researcher will take every precaution to maintain confidentiality of the data, the nature of focus groups prevents the researchers from guaranteeing confidentiality. The researcher would like to remind participants to respect the privacy of your fellow participants and not repeat what is said in the focus group to others. I agree to maintain the confidentiality of the information discussed by all participants and researchers during the focus group session.

Conservation of data: The data collected (video recording of interviews) will be stored in electronic format, in MP4 format and/or MP3 audio, as well as transcripts from the aforementioned formats. It will be kept in a secure manner in a local computer (the researcher's personal computer), in an external hard drive for back-up (with no access to the internet), and in a cloud (google services) owned by the University of Ottawa. The data is going to be collected via Zoom, Skype or Microsoft Teams. It will be recorded locally (in the researcher's computer), and through the platform used and it will be deleted from the platform 30 days after. The data is password protected and the only people who can have access to the recording in the platform are the researcher and the participant. The researcher's research assistants will have access to the recordings in video and audio format and to the transcripts.

Compensation: As a woman who is a beneficiary of the AUH Program, I will receive the equivalent in Argentine pesos to \$CA 20 for my time. If I choose to withdraw from the study, I will still receive this compensation”.

Consent Form

Informed Consent Form for Photovoice Participants

Title of the study: Law, Gender Equality & Female Empowerment in the Context of Argentina's *Universal Child Allowance* Program: Are Conditional Cash Transfers Empowering or Entrapping Poor Women?"

Melisa N. Handl, Graduate Studies, Faculty of Law, University of Ottawa, Canada. E-mail: XXXXXXXXXXXX; phone: XXXXXXXXXXXX

Supervisor: Angela Cameron, Faculty of Law, University of Ottawa, Canada. E-mail: XXXX XXXX; phone: XXXXXXXXXXXX

Invitation to Participate: I am invited to participate in the abovementioned research study conducted by Melisa N. Handl and funded by the IDRC (International Development Research Centre). The project is being conducted for the purpose of Ms. Handl's PhD Thesis.

Purpose of the Study: The purpose of the study is to investigate the effects of the "Asignacion Universal por Hijo" (AUH) program in the lives of beneficiary women. This study aims to understand what effects the program has on gender dynamics and how it impacts on women who receive the stipend, their perceptions, and expectations. The key of this project is to keep beneficiary women's voices at the center of the inquiry. This project is being conducted independently from any organization and/or agency from which participants may be recruited.

Participation in Photovoice: photovoice is a participatory photographic research method. It involves the participants of a study taking photographs and/or videos that represent their individual perspectives and lived experiences with the AUH Program. As a participant of photovoice, I will be asked to take photos and/or videos of my experiences with the AUH program. The researcher may give me guiding or probing questions, but I am free to be creative and take any pictures and/or videos that I think best reflect my experience with the program. I will then send the video/photo files I want to the researcher.

Risks: My participation in this study will entail that I share information about my personal life, my perceptions of the program, my work, my home, my daily routines, and my family, and this may cause me to feel uncomfortable. I have received assurance from the researcher that every effort will be made to minimize these risks. Narratives or stories explaining the significance of the pictures can be attached to the photographs, but all efforts will be used to maintain confidentiality among research participants and researchers, and anonymity of all photographers when results are shared with broader audiences. This study is anonymous and confidential and I can pick and use a nickname. I can withdraw from this study at any time and I can ask the researcher to not use the

photo/videos I have taken at any time. The researcher has not political affiliations or political agenda.

Benefits: My participation in this study will benefit me as a participant as it will allow me to share my views and on the AUH program, to be creative, to share my experiences with others, and it may help revealing aspects of the AUH program that can be improved, contributing to the advancement of knowledge and to designing better social policies in the future.

Confidentiality and anonymity: the contents will be used only for the purposes of research and my confidentiality will be protected. The researcher will ask me to pick a nickname I can use if I so wish. The researcher and I will discuss in detail how I want to be identified in as the photographer. Only the researcher will have access to the original files, and her research assistants will have access to the photo/video files once they have been coded by the researcher, so that they do not know who the photographer/author is. In order to minimize the risk of security breaches and to help ensure your confidentiality I recommend that you use standard safety measures such as signing out of your account, closing your browser and locking your screen or device when you are no longer using them / when you have completed the study.

Anonymity will be protected in the transcripts and publications using nickname for all participants. The identity of participants or any information that could lead to identifying participants will not be revealed during publications.

Use of Photos/Videos: please note that video recordings or photographs will be used and analyzed in the main Dissertation (Thesis) and also may be used in presentations, conferences, or publications. Those presentations and publications include, but are not limited to:

- Opinion-editorial pieces written and published in Canadian and Spanish-language newspapers of record or importance ;
- Photo exhibit of photos and narratives produced during Narrative Photo Voice sessions, to be displayed in relevant institutions in Ottawa (IDRC, GAC offices) and Resistencia, Buenos Aires (eg. Ministry of Social Development, Ministry of Women and Child Affairs; Ministry of Health; National Social Security Agency, Casas de la Cultura);
- Conference papers delivered, one presented at a local or regional conference and in the Canadian context.
- Peer-reviewed journal articles published in relevant, mid- to high-impact journals such as Gender and Development; Women and the Law; Law and Development; or Signs;
- Policy brief published and circulated for a donor and practitioner audience.
- Seminar in the communities where fieldwork took place.

The researcher will ask me to provide consent in another form [Photovoice Photography General Release Form] that will specifically refer to the release of the information for different research-related activities.

Conservation of data: The data collected (video/photos) will be stored in electronic format. It will be kept in a secure manner in a local computer (the researcher's personal computer), in an external hard drive for back-up (with no access to the internet), and in a cloud (google services)

owned by the University of Ottawa. The data is password protected and the only people who can have access to the recording in the platform are the researcher and the participant.

Voluntary Participation: I am under no obligation to participate and if I choose to participate, I can withdraw from photovoice at any time, without suffering any negative consequences, if I choose to withdraw, all data gathered until the time of withdrawal will be deleted from the platform and from all devices.

Acceptance: I, ...agree to participate in photovoice in the above research study conducted by Melisa N. Handl of the Faculty of Law of the University of Ottawa, which research is under the supervision of Prof. Angela Cameron.

If I have any questions about the study, I may contact the researcher or her supervisor.

If I have any questions regarding the ethical conduct of this study, I may contact the Protocol Officer for Ethics in Research, University of Ottawa, Tabaret Hall, 550 Cumberland Street, Room 154, Ottawa, ON K1N 6N5

Tel.: (613) 562-5387

Email: ethics@uottawa.ca

There are two copies of the consent form, one of which is mine to keep.

Participant's signature:

Date:

Researcher's signature:

Date:

Consent Form

Key Informant Interviews

Title of the study: Law, Gender Equality & Female Empowerment in the Context of Argentina's *Universal Child Allowance* Program: Are Conditional Cash Transfers Empowering or Entrapping Poor Women?"

Melisa N. Handl, Graduate Studies, Faculty of Law, University of Ottawa, Canada. E-mail: XXXXXXXXXX; phone: XXXXXXXXXX

Supervisor: Angela Cameron, Faculty of Law, University of Ottawa, Canada. E-mail: XXXX XXXXX; phone: XXXXXXXXXX

Invitation to Participate: I am invited to participate in the abovementioned research study conducted by Melisa N. Handl and funded by the IDRC (International Development Research Centre). The project is being conducted for the purpose of Ms. Handl's PhD Thesis.

Purpose of the Study: The purpose of the study is to investigate the effects of the "Asignacion Universal por Hijo" (AUH) program in the lives of beneficiary women. This study aims to understand what effects the program has on gender dynamics and how it impacts on people who receive the stipend, their perceptions, and expectations. The key of this project is to connect a technocratic understanding of human rights with the lived experiences of people on the ground. this project is being conducted independently from any organization and/or agency from which participants may be recruited.

Participation: My participation will consist essentially of attending online sessions, one session of approximately half an hour (30 minutes) of duration to a maximum of 45 minutes, during which I will be interviewed by the researcher. The session has been scheduled for (*place, date, and time of each session*).

Risks: My participation in this study will entail that I share information about my perceptions of the program, my work, my daily routines, and any other bureaucratic aspects about the program. This may cause me to feel uncomfortable and mistrusting of the researcher's political affiliation. I have received assurance from the researcher that every effort will be made to minimize these risks. This study is anonymous and confidential and I can pick and use a nickname if so I wish. Otherwise, one will be assigned to me. Data will be anonymized by the researcher, and contextual information, specific situations and experiences that could contribute to identifying participants will be removed to preserve anonymity. I can withdraw from this study at any time and refuse to

answer any questions. The researcher has not political affiliations nor political agenda. All the information I share with the researcher will remain confidential.

Benefits: My participation in this study will benefit me as a participant as it will allow me to share my views and expertise on the AUH program, my work, share my experiences with others, and it may help revealing aspects of the AUH program that can be improved, contributing to the advancement of knowledge and to designing better social policies in the future.

Confidentiality and anonymity: I have received assurance from the researcher that the information I will share will remain strictly confidential. I understand that the contents will be used only for the purposes of research and that my confidentiality will be protected. The researcher will ask me to pick a nickname I can use during the interviews if I so wish; otherwise, one will be assigned to me. The researcher and I will discuss in detail how I am going to be identified in the transcripts and in the study. In the case of this study, data collection will be done via email and internet. The interviews will be recorded and I will be asked to use my camera and my audio. Only the researcher and her research assistants will have access to the video recordings. Only the researcher will know my real identity; the research assistants will only know the nickname/code assigned to me. In order to minimize the risk of security breaches and to help ensure my confidentiality, the researcher recommends me to use standard safety measures such as signing out of my account, closing my browser, and locking my screen or device when I am no longer using them / when I have completed the study.

Anonymity will be protected in the transcripts and publications using nickname for all participants. The identity of participants or any information that could lead to identifying participants will not be revealed during publications. The researcher will remove contextual information, roles, positions, expertise, or any kind of personally identifiable information (PII) from the transcripts. The researcher will take all measures necessary to mitigate the risks of deductive disclosure; the researcher will avoid releasing as much demographic information as is possible, will use pseudonyms and codes, intentionally conceal information which may reveal my identity, and, before disseminating the data, asking her research assistants to read the report to ensure that the identities of the participants are not made explicit and cannot be deduced in any way.

Conservation of data: The data collected (video recording of interviews) will be stored in electronic format, in MP4 format and/or MP3 audio, as well as transcripts from the aforementioned formats. It will be kept in a secure manner in a local computer (the researcher's personal computer), in an external hard drive for back-up (with no access to the internet), and in a cloud (google services) owned by the University of Ottawa. The data is going to be collected via Microsoft Teams or a software of comparable level of encryption. It will be recorded locally (in the researcher's computer), and through the platform used and it will be deleted from the platform 30 days after. The data is password protected and the only people who can have access to the recording in the platform are the researcher and the participant.

Compensation: I will receive the equivalent in Argentine pesos to \$CA 20 for my time. If I choose to withdraw from the study, I will still receive this compensation.

Voluntary Participation: I am under no obligation to participate and if I choose to participate, I can withdraw from the study at any time and/or refuse to answer any questions, without suffering any negative consequences, if I choose to withdraw, all data gathered until the time of withdrawal will be deleted from the platform and from all devices.

Acceptance: I, ...agree to participate in the above research study conducted by Melisa N. Handl of the Faculty of Law of the University of Ottawa, which research is under the supervision of Prof. Angela Cameron.

If I have any questions about the study, I may contact the researcher or her supervisor.

If I have any questions regarding the ethical conduct of this study, I may contact the Protocol Officer for Ethics in Research, University of Ottawa, Tabaret Hall, 550 Cumberland Street, Room 154, Ottawa, ON K1N 6N5
Tel.: (613) 562-5387
Email: ethics@uottawa.ca

There are two copies of the consent form, one of which is mine to keep.

Participant's signature:

Date:

Researcher's signature:

Date:

Photovoice Photography/Videos General Release Form

Title of the study: Law, Gender Equality & Female Empowerment in the Context of Argentina's *Universal Child Allowance* Program: Are Conditional Cash Transfers Empowering or Entrapping Poor Women?"

Melisa N. Handl, Graduate Studies, Faculty of Law, University of Ottawa, Canada. E-mail: XXXXXXXXXX; phone: XXXXXXXXXX

Supervisor: Angela Cameron, Faculty of Law, University of Ottawa, Canada. E-mail: XXXX XXXX; phone: XXXXXXXXXX

I, _____
_____, give permission to Melisa N. Handl for the use my photographs/videos developed during the aforementioned project on the AUH Program. This project is being conducted independently from any organization and/or agency from which participants may be recruited.

The project is being conducted for the purpose of Ms. Handl's PhD Thesis. The researcher is free to use the photographs/videos for research purposes and project related reports, exhibits, conferences, publications and presentations, including but not restricted to:

- Opinion-editorial pieces written and published in Canadian and Spanish-language newspapers of record or importance ;
- Photo exhibit of photos and narratives produced during Narrative Photo Voice sessions, to be displayed in relevant institutions in Ottawa (IDRC, GAC offices) and Resistencia, Buenos Aires (eg. Ministry of Social Development, Ministry of Women and Child Affairs; Ministry of Health; National Social Security Agency, Casas de la Cultura);
- Conference papers at a local or regional conference and in the Canadian context.

- Peer-reviewed journal articles published in relevant, mid- to high-impact journals.
- Policy brief published and circulated for a donor and practitioner audience.
- Seminar(s) in the communities where fieldwork took place.

Confidentiality and anonymity: the contents will be used only for the purposes of research and my confidentiality will be protected. The researcher will ask me to pick a nickname I can use. Only the researcher will have access to the original files, and her research assistants will have access to the photo/video files once they have been coded by the researcher, so that they do not know who the photographer/author is. In order to minimize the risk of security breaches and to help ensure your confidentiality I recommend that you use standard safety measures such as signing out of your account, closing your browser and locking your screen or device when you are no longer using them / when you have completed the study.

Anonymity will be protected in the transcripts and publications using nickname for all participants. The identity of participants or any information that could lead to identifying participants will not be revealed during publications.

Conservation of data: The data collected (video/photos) will be stored in electronic format. It will be kept in a secure manner in a local computer (the researcher's personal computer), in an external hard drive for back-up (with no access to the internet), and in a cloud (google services) owned by the University of Ottawa. The data is password protected and the only people who can have access to the recording in the platform are the researcher and the participant.

Voluntary Participation: I am under no obligation to participate and if I choose to participate, I can withdraw from photovoice at any time, without suffering any negative consequences, if I choose to withdraw, all data gathered until the time of withdrawal will be deleted from the platform and from all devices.

If I have any questions, I may contact the researcher or her supervisor.

If I have any questions regarding the ethical conduct of this study, I may contact the Protocol Officer for Ethics in Research, University of Ottawa, Tabaret Hall, 550 Cumberland Street, Room 154, Ottawa, ON K1N 6N5

Tel.: (613) 562-5387

Email: ethics@uottawa.ca

There are two copies of the consent form, one of which is mine to keep.

Participant's signature:

Date:

Researcher's signature:

Date:

Seeking Mothers Beneficiaries of the AUH Program

Researcher at the University of Ottawa is seeking mothers who are beneficiaries of the Asignacion Universal por Hijo Program to speak with them online about their experiences with the program, their perceptions of it and concerns!

The project is aimed at learning about the effects of the “Asignacion Universal por Hijo” (AUH) program in the lives of beneficiary women. This study aims to understand what effects the program has on gender dynamics and how it impacts on women who receive the stipend, their perceptions, and expectations. The key of this project is to keep beneficiary women’s voices at the center of the inquiry.

We are looking for participants who:

1. Are above 18 years old;
2. Mothers;
3. Beneficiaries of the AUH;
4. Residing in the Province of Chaco; and
5. Being able to converse in Spanish.

This study is independent from any NGO, and your decision to participate will not impact any arrangement you may have with any association. Your participation is voluntary, and you can refuse to continue and withdraw at any time without any penalty or consequence.

As a participant in this study, you would be asked to tell the researcher about your experiences with the AUH program, and its impact on your family and on yourself. You can participate in online interviews, either participating in a private interview with the researcher (30-45 minutes) or participating in a focus group (45-60 minutes) with the researcher and a group of other four beneficiary women, at a time and place that is convenient for you.

Participants will be selected on a “first-come, first-served basis,” including both interviews and focus groups, and only those who have been selected for an interview will be contacted.

This study has been reviewed by, and has received ethics approval from the Research Ethics Board at the University of Ottawa.

If you’re interested in learning more about the project, and are willing to share your experiences, please contact:

Melisa N. Handl, University of Ottawa, Faculty of Law (e-mail: XXXX; phone: XXXX)

Dear XYZ,

I am conducting a project at the University of Ottawa's Faculty of Law, funded by the International Development Research Centre (IDRC) focused on the effects of the *Asignacion Universal por Hijo* Program on the lives of beneficiary women and their families.

I am writing/calling to ask if you are willing to speak with us about your experiences, your perceptions and your work related to the program. Your experiences will help me to understand the impact of the program and the ways it works and, ideally, to understand where this social policy initiative can be improved to help the lives of those on the receiving end.

The project is being conducted by Melisa N. Handl, a researcher from the University of Ottawa, Faculty of Law, under the supervision of Prof. Angela Cameron. She can be reached at XXXXXXXXXXXX.

This study is independent from any NGO, and your decision to participate will not impact any arrangement you may have with any association. Your participation is voluntary, and you can refuse to continue and withdraw at any time without any penalty or consequence.

The interview will be online and can be done at your convenience and would take, I estimate, between 30-45 minutes. Interviews will be conducted on a first come/first served basis, and only those who have been selected for an interview will be contacted.

I will be happy to provide you with any additional information, so please don't hesitate to be in touch with questions or concerns.

I can be reached at XXXXXXXXXXXX.

Best wishes,

Melisa Handl

Script

Invitation for Photovoice

(read before starting individual in-depth interviews/focus group discussions)

Principal Investigator: I would like to take this opportunity to invite you to participate in Narrative Photo Voice. As a participant of Photo Voice, you would take photographs relating to an object that best describes your experience with the AUH program, and/or tasks related to the AUH program. It would allow you to share your perspective in a visual manner, and to be creative. The researcher, with your consent, will then use the photographs/videos for research purposes and project related reports, exhibits, conferences, publications and presentations. This will be a separate exercise, it is completely voluntary, and you can withdraw at any moment and for any reason. It will be done on a first come, first served basis. This project is being conducted independently from any organization and/or agency from which participants may be recruited.

If you are interested in participating in Narrative Photo Voice, please send the researcher (Melisa N. Handl) an e-mail directly to XXXXXX and I will respond and follow up with detailed instructions, guidelines, and consent form.

Telephone Script

“Hello, may I please speak with {insert the name of the potential participant here}.”

- *If the potential participant is not home/available I will ask if there is a better time to call. I will not leave a message as it may be a confidential matter I am calling about that may not be apparent to me. If they are available, I will, continue with the conversation.*

“Hi, {insert the name of the potential participant here} this is Melisa N. Handl calling from the office of the University of Ottawa, Faculty of Law.

“I am calling today to ask if you are interested in a research study that I am conducting. The study is being conducted by me with funding from the IDRC (International Development Research Center) and will look at the effects of the *Asignacion Universal por Hijo* Program on the lives of beneficiary women and their families. Would you be interested in hearing more about this study?”

- *If person says “No”, I will thank them for their time and say good-bye.*

If person says “Yes,” I will provide them with a description of the study and what their participation would entail: The purpose of the study is to investigate the effects of the “Asignacion Universal por Hijo” (AUH) program in the lives of beneficiary women. This study aims to understand what effects the program has on gender dynamics and how it impacts on women who receive the stipend, their perceptions and expectations. The key of this project is to keep beneficiary women’s voices at the center of the inquiry.

- *At the end of the description, I will ask if they would consider participating. If “Yes” I will describe next steps. These will include:*
 - *asking screening questions to confirm eligibility, whereas as beneficiary or as service provider (key informants);*
 - *I will emphasize: “This study is independent from any NGO, that your decision to participate will not impact any arrangement you may have with any association. Your participation is voluntary, and you can refuse to continue and withdraw at any time without any penalty or consequence.”*
 - *I will provide the person with information on how and when consent will be obtained and next steps.*
- *After all of the necessary information has been provided, I will end the conversation with the following:*

“Thank you for speaking with me today. My phone number is XXXXXXXXXX, and my email is XXXXXXXXXX. Please contact me if you have any more questions or would like to have more information about the study.

Guiding Questions

Individual Interviews – Focus Groups Discussions

Since when have you been a beneficiary of the AUH?
Can you tell me a little bit about your family?
What does the program mean for you and for your family?
Are there particular actions/activities you need to do because of the program? If so, could you please develop?
What kind of work do you do? (Questions related to household)
Do you know any other beneficiaries of the program? If so, what do you think they think about the program?
What do you like about the program? What is the biggest benefit of it to your family?
What aspects of the program need to be improved, in your opinion? What would you change?
How has life changed since you starting receiving the stipend? What was the impact of the stipend on your family life?
How did the program impact on your life?
Do you feel like the program improved your sense of independence? Do you feel more independent/empowered since you started receiving the stipend?
How do you use the stipend? What kind of costs does it help you covering?
Do you feel like your work at home has decreased, increased or remained the same since you became a beneficiary of the program?
Do you think that mothers should receive the stipend within the household? If so, why?
Do you think the AUH program is a “right,” a “human right”?

Key Informant Interviews

Can you please tell me about your work? What do you do for work?
How important is the AUH in your work?
Can you please explain to me about the AUH program? How does it work? What kind of activities are involved?
What do you think are the goals of the AUH program?
Do you directly relate to AUH beneficiaries?
What can of AUH bureaucratic procedures are involved in your work?
Which institutions are crucial in the administration and management of the AUH, in your opinion?
Are there any important texts that relate to the AUH that you encounter in your work? Can you tell me about these documents?
What is your perception of the AUH program?
What things about the program you think work well?
What things about the program need to be improved/changed in your opinion?
Do you think the AUH program is a permanent policy? Do you think it is part of the social security net of the country or that it may change in time?
Do you think that mothers should be the main beneficiaries of the program? If so, can you develop more on the topic.
Do you see the AUH as a “right” or the “human right” of the beneficiaries?

Photo Voice Guidelines & Prompts

Title of the study: Law, Gender Equality & Female Empowerment in the Context of Argentina's *Universal Child Allowance* Program: Are Conditional Cash Transfers Empowering or Entrapping Poor Women?"

Melisa N. Handl, Graduate Studies, Faculty of Law, University of Ottawa. E-mail: XXXXXXXX; phone: XXXXXXXX.

As a participant of Photo Voice, you will take photographs relating to your personal experiences that you feel answers the research questions/prompts below.

Research Question / Prompt:

- Can you take a picture of an object/objects that best describes your experience with the AUH program?
- It can include any type of object you consider relevant or related to the program, it can be related to your daily routine, a tool, an instrument, a place within your household, scenery, or anything that reminds you of your participation and experience with the program.
- An object can also be the daily routine and context where you do the tasks related to the AUH program, such as administrative tasks, care responsibilities, education, hospital visits, etc.

Photovoice Considerations:

When Taking the Photo:

- You will need a camera to take photos in digital format; it can be the camera of your own cellphone or a digital camera.
- If you take a photo of your household, or your community or neighbourhood, avoid identifiable faces of other people.
- You can take pictures of public places provided there are not identifiable faces in the pictures.
- There should not be any identifiable information in the photos, such as faces, names, personal documents, addresses, etc.
- You cannot take pictures inside someone else's private property.
- Never put yourself in risky situations. Do not do anything you would not usually do (i.e., take a photograph while driving or taking a photograph in a location that puts you in danger).
- Do not go anywhere you would not usually go.
- Be aware of your surroundings.
- The number of photos you take is really up to you. Ideally, 5 photos would be sufficient. However, if you want to take 1, 2, or 10 photos that best explain your experience, please go ahead.

When sharing the Photo with the Principal Investigator:

- You will share the photos you want to share with the researcher via e-mail. The researcher is Melisa N. Handl and her e-mail is XXXXXXXXXXXX.

- When you attach the photo to the e-mail, the researcher will ask you to briefly explain/describe in the e-mail, in a few lines, what the photo represented to you and why you took that photo, that is, explaining the meaning the photos have **for you**.
- Here are a few questions that may guide you when taking and describing the photo:
 - *What do you see? Describe your photo.*
 - *What happened or is happening in the picture?*
 - *Why did you take a picture of this?*
 - *What does this picture tell us about your life?*
 - *Why does this happen?*
 - *How could this image educate others?*
 - *What can we do about it? How can this picture provide opportunities for us to improve life?*
- You do not need to reply to all of the questions listed above, they are just a simple guide. You can write as much or as little as you want to explain your experience.
- When you share the photos with the Principal Investigator, all identifiable data will be removed. Your name and identity will remain anonymous and confidential (see Informed Consent Form for Photo Voice and General Release Form). Any metadata included in the file itself (digital photo) will be carefully removed by the researcher.

What happens with the photos?

- The photos will be used and analyzed in the main Dissertation (Melisa N. Handl's Thesis) and also may be used in presentations, conferences, or publications. Those presentations and publications may include: opinion-editorial pieces written and published in Canadian and Spanish-language newspapers; photo exhibit of photos and narratives produced during Narrative Photo Voice sessions, to be displayed in relevant institutions in Ottawa (IDRC, GAC offices) and Resistencia, Buenos Aires (eg. Ministry of Social Development, Ministry of Women and Child Affairs; Ministry of Health; National Social Security Agency, Casas de la Cultura); conference papers; peer-reviewed journal articles published in relevant journals; policy brief published and circulated for a donor and practitioner audience; seminar in the communities where fieldwork took place.

If I have any questions about the study, I may contact the researcher or her supervisor. If I have any questions regarding the ethical conduct of this study, you may contact the Protocol Officer for Ethics in Research, University of Ottawa, Tabaret Hall, 550 Cumberland Street, Room 154, Ottawa, ON K1N 6N5, Tel.: (613) 562-5387, Email: ethics@uottawa.ca

11.1.1 Ethics Certificate



Bureau d'éthique et d'intégrité de la recherche

University of Ottawa

Office of Research Ethics and Integrity

S-11-20-6188 - REG-6188 - Certificat d'approbation éthique / Certificate of Ethics Approval

(English message follows)

Cher/Chère Melisa Handl,

Veuillez trouver ci-joint le certificat d'approbation éthique pour le projet intitulé «Law, Gender Equality & Female Empowerment in the Context of Argentina's Universal Child Allowance Program: Are Conditional Cash Transfers Empowering or Entrapping Poor Women? ».

Le certificat est valide jusqu'au : 12-03-2022

Recherche financée : veuillez faire suivre une copie du certificat au Service de gestion de la recherche.

Si vous avez des questions, n'hésitez pas à communiquer avec le Bureau d'éthique à ethique@uottawa.ca ou en composant le 613-562-5387.

Vous pouvez voir votre demande en vous connectant à votre compte [eReviews](#).

Cordialement,

Kim Thompson
Responsable d'éthique en recherche

Ceci est une réponse automatisée, merci de ne pas répondre à ce courriel.

Dear Melisa Handl,

Please find attached the certificate of ethics approval for your research project titled "Law, Gender Equality & Female Empowerment in the Context of Argentina's Universal Child Allowance Program: Are Conditional Cash Transfers Empowering or Entrapping Poor Women?".

This certificate is valid until: 12-03-2022

Funded research: A reminder that you must provide a copy of this certificate to Research Management Services.

If you have any questions, please contact the Ethics Office at ethics@uottawa.ca or by telephone at 613-562-5387.

You can view your project at any time by logging into [eReviews](#).

Best regards,

Kim Thompson
Protocol Officer

This is an automated message. Please do not reply directly to this email.

Attachement(s) / Attachment(s)
[approvalLetter1615670064316.pdf](#)

550, rue Cumberland, pièce 154 550 Cumberland Street, Room 154
Ottawa (Ontario) K1N 6N5 Canada Ottawa, Ontario K1N 6N5 Canada

613-562-5387 • 613-562-5338 • ethique@uOttawa.ca / ethics@uOttawa.ca
www.recherche.uottawa.ca/deontologie | www.recherche.uottawa.ca/ethics

Université d'Ottawa

Bureau d'éthique et d'intégrité de la recherche

University of Ottawa

Office of Research Ethics and Integrity

CERTIFICAT D'APPROBATION ÉTHIQUE | CERTIFICATE OF ETHICS APPROVAL

Numéro du dossier / Ethics File Number

S-11-20-6188

Titre du projet / Project Title

"Law, Gender Equality & Female Empowerment in the Context of Argentina's Universal Child Allowance Program: Are Conditional Cash Transfers Empowering or Entrapping Poor Women?"

Type de projet / Project Type

Thèse de doctorat / Doctoral thesis

Statut du projet / Project Status

Approuvé / Approved

Date d'approbation (jj/mm/aaaa) / Approval Date (dd/mm/yyyy)

13/03/2021

Date d'expiration (jj/mm/aaaa) / Expiry Date (dd/mm/yyyy)

12/03/2022

Équipe de recherche / Research Team

**Chercheur /
Researcher**

Affiliation

Role

Melisa HANDL

Faculté de droit - Section de common law / Faculty of Law - Common Law Section

Chercheur Principal / Principal Investigator

Angela CAMERON

Faculté de droit - Section de common law / Faculty of Law - Common Law Section

Superviseur / Supervisor

Conditions spéciales ou commentaires / Special conditions or comments

S-11-20-6188 - MOD1-6188 - Modification approuvée / Modification Approved

(English message follows)

Cher/Chère Melisa Handl,

Merci d'avoir soumis une demande de modification pour votre projet de recherche intitulé «"Law, Gender Equality & Female Empowerment in the Context of Argentina's Universal Child Allowance Program: Are Conditional Cash Transfers Empowering or Entrapping Poor Women?" ».

Ces modifications ont été approuvées et sont assujetties au certificat d'approbation éthique, valide jusqu'au 12-03-2022.

Participant Sample: The number of recruited participants has increased (10-15 for individual interviews, and 15 Key Informants).

Si vous avez des questions, n'hésitez pas à communiquer avec le Bureau d'éthique au ethique@uottawa.ca ou au 613-562-5387.

Vous pouvez voir votre demande en vous connectant à votre compte [eReviews](#).

Cordialement,

Kim Thompson
Responsable d'éthique en recherche
Président(e) : Barbara Graves
CÉR : Comité d'éthique de la recherche en sciences sociales et humanités / Social Sciences and Humanities Research Ethics Board

Ceci est une réponse automatisée, merci de ne pas répondre à ce courriel.

Dear Melisa Handl,

Thank you for submitting a modification request for your research project titled ""Law, Gender Equality & Female Empowerment in the Context of Argentina's Universal Child Allowance Program: Are Conditional Cash Transfers Empowering or Entrapping Poor Women?" ".

These modifications are now covered under the certificate of ethics approval, valid until 12-03-2022.

Participant Sample: The number of recruited participants has increased (10-15 for individual interviews, and 15 Key Informants).

If you have any questions, please contact the Ethics Office at ethics@uottawa.ca or 613-562-5387.

You can view your project at any time by logging into [eReviews](#).

Best regards,

Kim Thompson
Protocol Officer
Chair: Barbara Graves
REB: Comité d'éthique de la recherche en sciences sociales et humanités / Social Sciences and Humanities Research Ethics Board

This is an automated message. Please do not reply directly to this email.

550, rue Cumberland, pièce 154 550 Cumberland Street, Room 154
Ottawa (Ontario) K1N 6N5 Canada Ottawa, Ontario K1N 6N5 Canada

613-562-5387 • 613-562-5338 • ethique@uOttawa.ca / ethics@uOttawa.ca
www.recherche.uottawa.ca/deontologie | www.recherche.uottawa.ca/ethics

S-11-20-6188 - MOD2-6188 - Modification approuvée / Modification Approved

(English message follows)

Cher/Chère Melisa Handl,

Merci d'avoir soumis une demande de modification pour votre projet de recherche intitulé « "Law, Gender Equality & Female Empowerment in the Context of Argentina's Universal Child Allowance Program: Are Conditional Cash Transfers Empowering or Entrapping Poor Women?" ».

Ces modifications ont été approuvées et sont assujetties au certificat d'approbation éthique, valide jusqu'au 12-03-2022.

Participant Sample: The number of total participants for Key Informant Interviews (KII) has been increased to approximately 22-25 (from 15).

Si vous avez des questions, n'hésitez pas à communiquer avec le Bureau d'éthique au ethique@uottawa.ca ou au 613-562-5387.

Vous pouvez voir votre demande en vous connectant à votre compte [eReviews](#).

Cordialement,

Kim Thompson
Responsable d'éthique en recherche
Président(e) : Barbara Graves
CÉR : Comité d'éthique de la recherche en sciences sociales et humanités / Social Sciences and Humanities Research Ethics Board

Ceci est une réponse automatisée, merci de ne pas répondre à ce courriel.

Dear Melisa Handl,

Thank you for submitting a modification request for your research project titled ""Law, Gender Equality & Female Empowerment in the Context of Argentina's Universal Child Allowance Program: Are Conditional Cash Transfers Empowering or Entrapping Poor Women?" ".

These modifications are now covered under the certificate of ethics approval, valid until 12-03-2022.

Participant Sample: The number of total participants for Key Informant Interviews (KII) has been increased to approximately 22-25 (from 15).

If you have any questions, please contact the Ethics Office at ethics@uottawa.ca or 613-562-5387.

You can view your project at any time by logging into [eReviews](#).

Best regards,

Kim Thompson
Protocol Officer
Chair: Barbara Graves
REB: Comité d'éthique de la recherche en sciences sociales et humanités / Social Sciences and Humanities Research Ethics Board

This is an automated message. Please do not reply directly to this email.

550, rue Cumberland, pièce 154 550 Cumberland Street, Room 154
Ottawa (Ontario) K1N 6N5 Canada Ottawa, Ontario K1N 6N5 Canada

613-562-5387 • 613-562-5338 • ethique@uOttawa.ca / ethics@uOttawa.ca
www.recherche.uottawa.ca/deontologie | www.recherche.uottawa.ca/ethics

S-11-20-6188 - ANN1-6188 - Fermeture de dossier / Project Closure

(English message follows)

Cher/Chère Melisa Handl,

Merci d'avoir soumis une demande de fermeture pour votre projet de recherche intitulé «"Law, Gender Equality & Female Empowerment in the Context of Argentina's Universal Child Allowance Program: Are Conditional Cash Transfers Empowering or Entrapping Poor Women?" ». Ce projet est maintenant fermé.

Recherche financée : Veuillez faire suivre cette confirmation de fermeture au [Service de gestion de la recherche](#).

Si vous avez des questions, n'hésitez pas à communiquer avec le Bureau d'éthique à ethique@uottawa.ca ou en composant le 613-562-5387.

Vous pouvez voir l'historique de votre demande en vous connectant à votre compte [eReviews](#).

Cordialement,

Safaa Lamhoujeb
Coordonnateur de l'éthique

Ceci est une réponse automatisée, merci de ne pas répondre à ce courriel.

Dear Melisa Handl,

Thank you for submitting the project closure request for your research project titled ""Law, Gender Equality & Female Empowerment in the Context of Argentina's Universal Child Allowance Program: Are Conditional Cash Transfers Empowering or Entrapping Poor Women?" ". The project has now been closed.

Funded research: A reminder that you must provide a copy of this confirmation to [Research Management Services](#).

If you have any questions, please contact the Ethics Office at ethics@uottawa.ca or by telephone at 613-562-5387.

You can view your project history at any time by logging into [eReviews](#).

Best regards,

Safaa Lamhoujeb
Ethics Coordinator

This is an automated message. Please do not reply directly to this email.

Attachement(s) / Attachment(s)

550, rue Cumberland, pièce 154 550 Cumberland Street, Room 154
Ottawa (Ontario) K1N 6N5 Canada Ottawa, Ontario K1N 6N5 Canada

613-562-5387 • 613-562-5338 • ethique@uOttawa.ca / ethics@uOttawa.ca
www.recherche.uottawa.ca/deontologie | www.recherche.uottawa.ca/ethics

11.2 Tables Detailing Informants' General Demographic Data

11.2.1 In-Depth Individual Interviews with AUH Recipient Women							
Pseudonym assigned to Informant	Age	Occupation	Formal Education	Institutions Attended	Number of Children	Relationship Status	Number of Pages of Transcripts
Olivia	24	Homemaker. Part-cashier in an amusement park.	Bachelor's degree.	ANSES, hospital, <i>salita</i> , schools, Civil Registry, civil society organizations, university, bank.	1	Separated from the father of her child.	33
Uma	26	Homemaker. Nurse (currently unemployed).	College degree.	ANSES, private health centre, schools, Civil Registry, college, bank.	1	Married to a man.	32
Ruth	26	Homemaker. Administrative Assistance. College student.	High school.	ANSES, hospital, <i>salitas</i> , Civil Registry, schools, bank.	1	Separated from the father of her child.	27
Valentina	19	Homemaker. Student (undergrad) and works part-time as a caregiver in a daycare.	High school.	ANSES, hospital, <i>salitas</i> , daycare, Civil Registry, university, bank.	1	In a relationship with a man.	19
Aurora	21	Homemaker. Self-employed, sells homemade pastries.	Elementary school.	ANSES, hospital, <i>salitas</i> , schools, Civil Registry, bank.	1	Separated from her son's father. Married to a man.	14
Consuelo	36	Homemaker. Domestic Worker. Caregiver/nanny. Self-employed: bakes and sells pastries.	Elementary school.	ANSES, hospital, <i>salitas</i> , schools, Civil Registry, Municipality, Bank.	3	Married to a man.	18
Elena	32	Homemaker. Domestic Worker. Self-employed: bakes and sells empanadas.	Elementary school.	ANSES, hospital, <i>salitas</i> , schools, Civil Registry, municipality, bank.	2	Single mother.	18
Lilen	31	Homemaker. Domestic worker.	Elementary school.	ANSES, hospital, <i>salitas</i> , schools,	6	Separated from the	32

				Civil Registry, municipality, bank.		father of her children.	
Francesca	30	Homemaker. Student (College).	High school.	ANSES, private health centre, schools, Civil Registry, bank.	2	Married to a man.	15
Isabel	45	Homemaker. Journalist.	Bachelor's degree.	ANSES, hospital, <i>salitas</i> , schools, Civil Registry, university, municipality, bank.	1	Separated from the father of her daughter.	27
Leonor	34	Homemaker. Administrative assistant. Activist.	High school.	ANSES, hospital, <i>salitas</i> , schools, Civil Registry, civil society organizations, bank.	3	Single mother. In an informal relationship with a woman.	22
Anahí	40	Homemaker.	Illiterate.	ANSES, hospital, <i>salitas</i> , Civil Registry, bank.	5	Single mother.	21

11.2.2 Focal Group 1 – AUH Recipient Mothers

Pseudonym assigned to Informant	Age	Occupation	Institutions Attended	Number of Children	Relationship Status	Number of Pages of Transcripts
Aitana	23	Homemaker.	ANSES, hospital, <i>salitas</i> , schools, Civil Registry, Argentine Post, bank.	1	Single mother.	27
Macarena	32	Homemaker. Domestic worker.	ANSES, hospital, <i>salitas</i> , schools, Civil Registry, Argentine Post, bank.	1	Single mother.	
Ursula	30	Homemaker. Caregiver. Teacher (currently unemployed). Works at	ANSES, hospital, <i>salitas</i> , schools,	1	Single mother.	

		the hospital (administration).	Civil Registry, bank.			
Ernestina	42	Homemaker. Caregiver.	ANSES, hospital, <i>salitas</i> , schools, Civil Registry, bank.	1	Married to a man.	
Muriel	27	Homemaker. Yogi.	ANSES, hospital, <i>salitas</i> , schools, Civil Registry bank.	1	Married to a man.	

11.2.3 Focal Group 2 – AUH Recipient Mothers

Pseudonym assigned to Informant	Age	Occupation	Institutions Attended	Number of Children	Relationship Status	Number of Pages of Transcripts
Zuny	58	Homemaker. Self-employed cook.	ANSES, hospital, <i>salitas</i> , schools, Civil Registry, <i>Postal</i> , Argentine Post, bank.	4	Divorced.	28
Brenda		Homemaker. Cook. Caregiver.	ANSES, hospital, <i>salitas</i> , private health centre, schools, Civil Registry, Argentine Post, bank.	1	In a relationship with a man.	

11.2.4 Focal Group 3 – AUH Recipient Mothers

Pseudonym assigned to Informant	Age	Occupation	Institutions Attended	Number of Children	Relationship Status	Number of Pages of Transcripts
Magnolia	22	Homemaker. Student (high school).	ANSES, hospital, <i>salitas</i> , schools, Civil Registry, high school, bank.	1	Separated.	30

Rosario	19	Homemaker. Student (high school). Self-employed: sells makeup products.	ANSES, hospital, <i>salitas</i> , schools, Civil Registry, high school, bank.	1	Single mother.	
Olimpia	44	Homemaker. Domestic worker.	ANSES, hospital, <i>salitas</i> , schools, Civil Registry, bank.	2	Single mother.	
Josefina	N/A	Homemaker. Domestic worker.	ANSES, hospital, <i>salitas</i> , schools, Civil Registry, bank.	3	Separated/widow.	
Esmeralda	22	Homemaker. Studies Hairstyling.	ANSES, hospital, <i>salitas</i> , schools, Civil Registry, college, bank.	1	Single mother.	

11.2.5 Focal Group 4 – AUH Recipient Mothers

Pseudonym assigned to Informant	Age	Occupation	Institutions Attended	Number of Children	Relationship Status	Number of Pages of Transcripts
Florencia	28	Homemaker.	ANSES, Hospital, Salitas, Schools, Civil Registry, Bank.	2	Separated/re-married.	27
Merceditas	23	Homemaker.	ANSES, Hospital, Salitas, Schools, Civil Registry, Bank.	1	In a common-law relationship with a man.	
Malvina	N/A	Homemaker.	ANSES, Hospital, Salitas, Schools, Civil Registry, Bank.	7	Separated. Re-married to a man.	
Leticia	19	Homemaker.	ANSES, hospital, <i>salitas</i> , schools, Civil Registry, bank.	1	Single mother.	
Celeste	25	Homemaker. Barista (currently unemployed). Self-employed: sells vegetables.	ANSES, hospital, <i>salitas</i> , schools, Civil Registry, bank.	1	Single mother.	

11.2.6 Focal Group 5 – AUH Recipient Mothers

Pseudonym assigned to Informant	Age	Occupation	Institutions Attended	Number of Children	Relationship Status	Number of Pages of Transcripts
Taina	34	Homemaker. Domestic worker.	ANSES, hospital, <i>salitas</i> , schools, Civil Registry, bank.	5	Single mother.	34
Luna	23	Homemaker. Domestic worker.	ANSES, hospital, <i>salitas</i> , schools, Civil Registry, bank.	1	Single mother.	
Azul	36	Homemaker.	ANSES, hospital, <i>salitas</i> , schools, Civil Registry, bank.	4	Single mother.	
Nara	40	Homemaker. Municipality informal worker (cleaner).	ANSES, hospital, <i>salitas</i> , schools, Civil Registry, municipality, bank.	2	Single mother.	

11.2.7 Narrative Photovoice Participants

Pseudonym assigned to informant	Photos shared
Lili	

Valeria	  
Emilia	  
Carmen	 
Reina	 
Ornella	

11.2.8 Key Informants' Interviews

Pseudonym assigned to Informant		Profession/Role/Position within the AUH Institution
1	Eliana	Family lawyer – Family Law expert.
2	Constanza	Public hospital obstetrician.
3	Cecilia	Principal in an Adults' High School in a marginalized city area.
4	Mariana	Nurse in a <i>salita</i> in a marginalized neighbourhood.
5	Carlota	Nurse in a <i>salita</i> in a marginalized neighbourhood.
6	Giuliana	Elementary school teacher in a marginalized <i>barrio</i> .
7	Lola	Gender expert and activist.
8	Simona	Scholar. Expert in sociology, gender, cash transfers, reproductive rights and health.
9	Tomas	Social psychologist – Ministry of Social Development of the Province of Chaco.
10	Paulina	Principal of an Indigenous Elementary School.
11	Paulo	Scholar expert in human rights, social policy, care, gender, and law.
12	Micaela	Psychologist. Expert in VAW and trauma.
13	Marco	Scholar. Sociologist, anthropologist, social worker.
14	Dante	Scholar. Constitutional rights expert.
15	Mateo	Scholar. Sociologist, expert in social policy and social rights.
16	Pedro	World Bank economist.
17	Lautaro	World Bank expert in social policies.
18	Ignacio	ANSES – Legal counsel and former frontline worker.

19	Mauro	ANSES – High-ranking technocrat.

11.2.9 Short Biographies of Informant AUH Recipient Women

11.2.9.1 Elena

Elena is thirty-two years old and has received the AUH program for ten years. She is a single mother to a fourteen-year-old girl and an 11-year-old boy, and they live together. She works as a domestic worker for a “good family” and sells *empanadas*. Elena regularly wakes up at 6:30-7 a.m., drinks *mate*, and bikes to her workplace. She described her job as quiet and relaxed. She takes a break at lunch, takes a *siesta* at her place, and returns to work at 4 p.m., returning to her family at around 7 p.m. Elena’s former partner abandoned them, so she is raising them without kinship support; her children are independent and stay at home alone when their mother is working outside the household.

11.2.9.2 Valentina

Valentina is nineteen years old and studies Medicine at the local University: *Chaco Austral*. She has been enrolled in the AUH program since 2018. Her son was born prematurely, so they spent long periods at the city’s hospital. Valentina’s child is two years old and has a disability. Thus, she gets the AUH for Disability and spends it all on diapers and physiotherapy for her child. She works at a private daycare that teaches young children about music because she studied music and singing. Valentina lives with her son’s father’s family, who are “well-off” and supported her while she was unemployed.

11.2.9.3 Ruth

Ruth is twenty-six years old and has received the AUH program since the birth of her five-year-old daughter. She lives in a house with her mom, sister, daughter, and boyfriend. She manages social networks and social media for *The University of Chaco Austral* for a living. Ruth studies social communication and works in a radio station as a host and invited me to be a guest on her radio show and to talk about my work. She is separated from the father of her daughter, and her child stays with Ruth’s former partner when Ruth needs to study or has any other obligation.

11.2.9.4 Consuelo

Consuelo is a thirty-six-year-old mother to two boys and a girl. She is reserved and introverted. Her family used to be one of the exceptional cases where the father was cashing the AUH. However, as Consuelo's husband started to work *en blanco*, they switched the recipient's name to Consuelo so they would not lose the stipend. Consuelo works as a caregiver (nanny) and a domestic worker specializing in cleaning. She also makes and sells "*torta parrilla*" (flat bread) and other baked goodies. Consuelo's daughter helps her with household chores.

11.2.9.5 Uma

She is twenty-six years old and received the AUH since her baby was born a year and three months before the interview date in 2021. Her pregnancy was high-risk, and she struggled to complete the paperwork at ANSES. In fact, she had been rejected several times when she applied for welfare. Uma lives with her husband and child in a house on the city's outskirts. She was trained as a nurse and worked caring for older adults at their homes. Currently, she is not practicing as a nurse because she is settling into her new house, which is distant from the city, and Uma finds it challenging to travel for work. Moreover, she needs someone to look after her baby, so she needs to use her motorbike to travel to her mother's or mother-in-law's. She does not feel safe using the motorcycle and avoids it at all costs: she fears being mugged.

11.2.9.6 Olivia

Olivia is twenty-four years old and the mother to a three-year-old boy. Olivia is originally from a different city and now lives in Chaco. She has cashed the AUH for three years and uses the money to pay for transportation for her baby's health check-ups and private health care for her son. Olivia completed a degree in Labour Relations and recently submitted her thesis. She was eager to share her dissertation with me. Olivia no longer lives with her child's father and currently shares an apartment with her grandmother. Her former partner does not help raise their child. She cannot find work in her field, so she works part-time as a cashier in an amusement park. She organized a "circle of mothers" in 2019 to share experiences with mothers mothering in solitude and support each other.

11.2.9.7 Lilen

Lilen is thirty-one years old and has received the AUH for ten years. She has six children and receives an “allowance” for each. They are twelve, eleven, nine, seven, five and three years old. She lives with her mother and her children in a marginalized neighbourhood. Lilen is enrolled in a municipal workfare program known as the PAM (*Plan de Asistencia Municipal* or municipal aid plan); thus, she works as a janitor’s assistant cleaning a kindergarten. The father of her children did not help her raise them, and he was physically, emotionally, and psychologically abusive. Lilen separated from her children’s father after a severe domestic violence incident. He was arrested, and she obtained a restraining order. The lawyers of her ex-husband threatened to take the children away from her, but Lilen got help from members of activists who help VAW survivors.

11.2.9.8 Leonor

Leonor is a thirty-four-year-old AUH recipient who identifies as a lesbian woman who is poor and “a bastard” (in her own words, as in “rejected by her family”). Leonor was born in a different province and has a different accent; she was enrolled in law school but had to drop out as she could not afford to study anymore. Leonor has an autistic son with severe disabilities and twins with respiratory problems and other health complications. Leonor escaped an abusive relationship with the father of her children and fled to another province after being harassed and threatened. She feared the court would take away her children because she was poor and lonely, and she escaped the violence of her former partner by moving to Chaco. Leonor is a progressive thinker and always uses inclusive language. She has joined several social justice groups and is an activist for the federal campaign for the separation between State and church in Argentina. She also meets with other vulnerable mothers to share their experiences and works for an association of parents of children with autism.

11.2.9.9 Aurora

Aurora is twenty-one years old and has received the AUH since she was seventeen. She lives with her husband and four-year-old son in her mother-in-law’s house. Her current husband is not the father of her son. She is a homemaker and bakes and sells *rosquitas* (donuts). Aurora’s son has a maturational delay, and she needs to pay for specialized health care. She currently cannot afford to seek therapy for her son, and since her child does not fit into the parameters of what is legally

considered a disability, they do not receive any financial support to cover the costs incurred in helping her son develop and learn. Aurora is worried because she anticipates her child will need a specialized teacher in the future, and she does not know whether she will manage to ensure one.

11.2.9.10 Francesca

Francesca is thirty years old and has received the AUH since 2016, when her first daughter was born. She lives with her husband and her two daughters. They rent an apartment in the city's central area because it was hard to find and afford transportation when they lived on the city's outskirts, and the pandemic made it challenging to move out. Francesca's family does not own a car or motorbike, so they rely on public transportation or walking. She cannot find an appointment at the hospital, so she is paying for private health care for her daughters. Francesca mentioned she does not know how to consult with ANSES, and there are always technological problems or delays in the bureaucratic procedures. Francesca is a homemaker, cares for her daughters and is enrolled in college, training to become a kindergarten teacher.

11.2.9.11 Isabel

Isabel is forty-five and has been an AUH recipient for eleven years. She has an eleven-year-old daughter, and they are originally from a different province. Isabel is a journalist by profession but sometimes works as a domestic worker. After moving to Chaco, she became a "*monotributista*" – a small taxpayer. She is entitled to receive the AUH but must first pay the *monotributo* every month; otherwise, she will not get the AUH money. Isabel's daughter is enrolled in a religious school, often considered "private," but is, in fact, public. Thus, Isabel does not receive the financial aid parents with children who attend public schools receive to cover school supplies at the beginning of the school year. Isabel wanted me to make sure I mentioned this injustice. Isabel is fighting depression and sees a counsellor whenever she can afford it. She is still legally married to the father of her child, but they are separated; her former partner is an addict, cheated on her, abandoned them, and does not pay child support. She does not have any kinship support and is facing severe financial difficulties and trying to recover from the emotional and financial abuse her ex-partner inflicted on her and grieving the loss of her marriage and her family as she knew it.

11.2.9.12 Aitana

Aitana has received the AUH since she was eighteen, when she became a mother. She is now twenty-three years old and works as a secretary for the municipality. Aitana described the hurdles she faced in queuing to do AUH work and was withdrawn from the program during the pandemic because she could not cash it out. Aitana emphasized that the AUH is a child's right. She is a young mother who had faced social criticism for giving birth so young, but she admits that, in her opinion, it was the perfect age to have children because she had already finished high school. Aitana showed great compassion to other mothers and understood their complaints and aspirations.

11.2.9.13 Macarena

She is thirty-two years old and has been a recipient of the AUH for seven years. She is a single mother to a seven-year-old daughter and works as a domestic worker. Macarena has been suspended from the AUH program in the past because she was unable to cash it during the pandemic. She was mistreated at the ANSES and was open in her anger and frustration about such mistreatment. Macarena also recounts her experience of having to cash the stipend at the Argentine Post and going through hurdles to cash it at the bank instead. In that process, she missed a few AUH payments.

11.2.9.14 Ursula

Ursula is thirty years old and a single parent to a three-year-old. She has worked *en negro* at the hospital with social workers for nine years. During the focus group discussions, Ursula mentioned that hospital workers were on strike because of their precarious work conditions. Ursula studied and was trained as an elementary school teacher but does not practise as one. She is a single mother to a three-year-old girl and takes care of her uncle, who has a disability. Ursula lives with her mother and uncle in a house they inherited from their grandmother.

11.2.9.15 Ernestina

Ernestina is a forty-two-year-old mother who has received the AUH stipend for seven years since her youngest daughter was born. She is a grandmother to her oldest daughter's child, and her second pregnancy was unexpected. During focus group discussions, Ernestina emphasized that the AUH is not sufficient to survive and that using it for a particular expense always involves a trade-

off: if she used it to pay for food, she would not be able to use it to afford the internet, and her daughter will not be able to attend online schooling. Ernestina is facing severe financial challenges that worsened due to the pandemic; before, she ran a cellphone repair store but had to close her store due to Covid-19. She rents a house and barely makes ends meet. Ernestina provides care for her child and her husband – who has health problems – and her ninety-year-old mother-in-law, who lives in the house Ernestina rents.

11.2.9.16 Muriel

Muriel is twenty-seven years old and has received her AUH allowance for a year. She has been instructing yoga for more than five years, and she moved to the city of Sáenz Peña recently, less than two years ago. She lives with her baby and her husband. During the focus group discussions, we could hear the adorable babbling of her infant child. Muriel emphasized how lonely she felt after becoming a mother and pointed out that her friends have grown apart from her because she does not have time and has many new responsibilities due to mothering-related responsibilities. She pointed out that the sense of loneliness and lack of support became more intense due to the pandemic and that the changes involved in motherhood were complex for her. Muriel wanted to share those experiences with other mothers during focus group discussions and sought to look for common denominators to validate her experiences. She mentioned, with a hint of desperation and sadness in her voice, that whenever the weekend approaches, she feels an emptiness inside herself and boredom.

11.2.9.17 Zuny

She is fifty-eight years old and has received the AUH since the program was enacted in 2009, right from the beginning of the program. She has four children at different developmental stages in their lives. All her children, except the youngest one, are older than eighteen. Thus, Zuny only collects one AUH stipend for her youngest child, who will turn eighteen in September 2021. After that, she will not be entitled to the AUH anymore. Zuny is divorced and works as a cook: she has a small business and bakes and cooks food that she sells herself. Zuny prepares fast food such as hamburgers, cupcakes, croissants, and other pastries. Zuny talked about the waiting and mistreatment she received when trying to cash the AUH money. She emphasized that because of health issues, she is not very mobile, and thus queuing for many hours is challenging. Her children

helped her wait in line as she could not stand for extended periods. They covered for her and reserved her spot in the line until it was her turn to talk to the frontline worker or cashier. Zuny described her health problems and how she underwent surgery multiple times but did not want to have any other procedure because her health was fast deteriorating. She does not have mobility because walking is a severe challenge for her.

11.2.9.18 Brenda

She is twenty years old and has a six-month-old baby. She started to get the *Pregnancy Allowance* from the third month of her pregnancy. She does not understand how she started receiving the AUH and how she was switched from one program to another. Brenda's parents are from the countryside. They live in a rural, distant area. She comes from a family of seven siblings, and her parents recently adopted another child. She finished high school in the countryside and then moved to Saenz Peña city to live with her partner, with whom she has a baby. They live with her partner's mother and are all self-employed: they cook and bake pastries and other goodies. Brenda talked in detail about the horrific experiences of mistreatment and neglect she suffered at the public hospital. Because of those experiences of obstetric violence, Brenda now travels to the countryside to get her infant seen by a healthcare practitioner in a *salita*. She does not want to set foot at the public hospital ever again.

11.2.9.19 Magnolia

Magnolia is twenty-two years old and has received the AUH for a year since the month her son was born. She is separated, and she has custody of her child. Magnolia did not finish high school and profoundly regretted it: she is looking to take accelerated courses to pass the three courses she needs to complete to get her high-school diploma. She lives with her parents, who are "well-off," and thus, she does not struggle to make ends meet by the end of the month. Magnolia loves cooking and baking, taking several courses to sharpen her skills. She also loves hairstyling, and she is enrolled in an academy considered "fancy," or, as she called it, "*salada*" (salty), which means that it is expensive to be trained in that institute. Magnolia was the only mother who admitted to spending the AUH stipend on costs other than children's expenses. She was assertive and confident in affirming that she partially covered the tuition of her hairstyling school and that she is not embarrassed to say so because that is her passion, and she will be able to better provide for her son

once she becomes a hairstylist. She wants to leave the province of Chaco and settle in Patagonia; Magnolia points out that Chaco has limited work prospects.

11.2.9.20 Rosario

Rosario is nineteen and has received the AUH stipend for about eight months. Her child is one year and seven months old. Rosario's family comprises her mother, father, and four siblings. She lives with her two older siblings: her twenty-three-year-old brother and her twenty-year-old sister. Because Rosario got pregnant when she was a minor, her mother helped her enroll in the AUH program and collected the money for her. At that time, her mother also managed the AUH stipend for her. Rosario is finishing high school and is self-employed: she sells cosmetic products.

11.2.9.21 Olimpia

Olimpia has collected the AUH stipend since the program was enacted in 2009. She is forty-four years old and lives with her mother, father, and twelve siblings. Each sibling has their own family. Olimpia is a single mother to two children: twenty-one and seventeen. She has raised her children alone for more than ten years. Olimpia works as a domestic worker and completed elementary school. She joked that she did not attend high school because, in her words, she is "lazy." However, sense of humour aside, Olimpia later explained that she could not attend high school because her father could not afford to send all children to school. There were thirteen children, and everyone could not get an education. Olimpia later studied dressmaking but did not enjoy or like that trade. She is now a domestic worker and wants a better life for her children – specifically, for her son—so they can "become something." She is helping her son financially and psychologically so he can achieve his dreams of becoming a *gendarme* or police officer. Olimpia clarified that her daughter already has her own family and thus has other responsibilities and aspirations.

11.2.9.22 Josefina

Josefina did not share her age but shared that she has received the AUH stipend for seven years. When I asked her about her family composition, she explained that she has ten siblings: four women and six men. She lives at the house they inherited from their mother with one of her brothers, who cohabits with his wife and two children. They have biological children and are

fostering two other children whose parents passed. Josefina and her brother now have legal guardianship of the children. Josefina has three biological children: two of them with her husband, who passed. She has another child from a different relationship and used to take care of her former partner's children. Josefina still sometimes cares for his children when her ex goes to work. She often takes them to school, picks them up, and supplies them with school materials. Josefina completed high school later in life and is considering studying something else, such as a trade: hairdressing, handicrafts, or baking. She wants to get into *gendarmería* (police officer's school).

11.2.9.23 Esmeralda

She is twenty-two years old and has a six-year-old boy. Her child is enrolled in primary school. She was only sixteen when she gave birth to her child. She did not apply for the AUH for most of her boy's life. However, she recently applied for the AUH, and even though she is enrolled in the program and has presented all the required paperwork to prove compliance, she still did not receive her first payment. At ANSES, they told her to come back in a month. When asked about her family composition, Esmeralda pointed out that she has a mother and a father, but the father lives separately. Esmeralda lives with her mother, her two brothers, and her child. She explains that motherhood for her meant the transition from being a child to becoming an adult: since she gave birth to her baby, her family stopped treating her as a child. Her mother helps her by caring for and providing for her boy. Esmeralda is studying hairdressing.

11.2.9.24 Anahí

Anahí is a forty-year-old Indigenous woman from the Qom Indigenous community. Her narrative was marked by intense grief, loss, and the suffering Anahí and her loved ones endured because of State-enacted violence and police brutality. Anahí is a mother to five children, two of whom were brutally murdered by Chaco police officers. Anahí was the only recipient mother I interviewed that responded to my question about "work" broadly; she referred to the activities and the effort she puts into helping other single mothers as an effort at the centre of her life. Anahí explained that she had helped four families who were homeless. Anahí's work involves materially supporting other families, networking, fundraising for building materials and groceries, and helping to build their homes. "A single mom lived here [in the neighbourhood], and she is living here with me, so she has a roof over her head. She used to live in a tent, and it was freezing. I brought her here to

live with me. It is nobody's fault ... I thank all those who collaborated, each with a grain of sand, because if we wait for the State to help, we will not have achieved any of this." [Anahí 00:28:58]. Joining efforts with neighbours and friends within the community is vital to get something done and fighting for a "*buen vivir*" [good living] [Anahí 00:11:37]. This is because, in Anahí's words, "the Government and the State are not reflected in the eyes of women who want to have a good life, they are only reflected in the heights" [*en lo alto*, Anahí 00:11:37], representing only the aspirations of those who occupy the highest positions in the socio-economic, cultural ladders, those who are "up there." When I asked Anahí what poverty meant to her, she emphasized its temporal, everyday aspect. "Poverty... Poverty is measured day by day. Get up in the morning and think about that what you are going to earn today, you are going to spend it all today once you return home. It is like living day-to-day with money" [Anahí 00:16:14].

11.2.9.25 Florencia

Florencia is twenty-eight years old and a mother to two children. She has always lived alone; after getting pregnant for the first time, Florencia stayed with her mother until she remarried and managed independently. Florencia was pregnant at the time of the interview and shared her disappointment because she was expecting a girl. She is a homemaker, and throughout the interview, she emphasized how expensive grocery shopping was and how the AUH is not nearly enough to satisfy those needs. Florencia also explained that some mothers use the stipend to buy cellphones or other leisure items because they get the support of their mothers to raise their children. Florencia explained that she wanted to get her tubes tied, but her doctors did not allow her. However, she has submitted paperwork again to have her tubes tied after she gives birth.

11.2.9.26 Merceditas

Merceditas is twenty-three years old. She has been with her male partner for approximately seven years; they have a seven-year-old child. Merceditas was quite active during the focus group discussions and was characterized by her mischievous sense of humour and her ability to keep the conversation fun and dynamic. She is very social and was well-liked in the group, as she made other women laugh. Merceditas was open and vocal about her privileges and concerns. She acknowledged that she had a personal contact working at ANSES (a relative); thus, the paperwork was easier for her as she could show up without an appointment, unlike other women. Merceditas

explained that she worked in a well-known shoe retailer in the city until two weeks before the focus group discussion, but she was laid off “supposedly” due to the pandemic. Merceditas recognized she was privileged because she could rely on her husband’s salary and that they could make a living on it. However, she knows that mothers usually have a tough time making ends meet and that living off the AUH stipend is impossible; “it is a lie” that you can survive on the AUH alone [Merceditas 00:26:42]. Merceditas went through serious incidents of obstetric violence at the hospital, and she was vocal and outraged about her experiences. She explained that hospital personnel failed to put her on a drip to dilate faster as she was in labour, mistreated her, and asked her why she did not go to a private clinic. After giving birth to her child, Merceditas stayed with her mother, who took care of her and her baby for three months; after that, Merceditas and her child returned to Merceditas’ husband’s house. She also pointed out that she is upset about school (kindergarten) being suspended for young children, as Merceditas wanted to enrol her daughter, but she will not be able to attend due to the pandemic.

11.2.9.27 Malvina

Malvina did not share her exact age with the group, but she is approximately in her late forties. She had a sense of humour and a contagious laugh, making other women in the group laugh and relax. Malvina explained that she is “just a housewife” [00:17:40]. She has seven children, but only one has not reached the majority age yet and is still receiving the AUH. He is seventeen years old. Malvina did not have problems with ANSES, but she recognized that she was privileged because she has a relative who worked at the social security agency, and thus she got paid right away. Malvina explains that she used the AUH to buy binder paper sheets, a few pencils, and a pen her son needed for high school. She could not afford anything else with the AUH stipend. When he turned sixteen, Malvina let her son use the AUH debit card. With the money, he can afford a pair of sneakers or pants, nothing more. Malvina’s experiences at the hospital were generally positive, but she explained how she gave birth to one of her children in the back of a taxi she had to call because ambulances were unresponsive. Malvina explains that there is a stigma surrounding the AUH, that recipient women are said to be “kept women” (*mujeres mantenidas*) or “maintained by the government.” “Even my neighbours say so,” adds Malvina [00:52:16].

11.2.9.28 Leticia

Leticia is nineteen years old and a single mother to a three-year-old child. She lives with her mother, her brother, and her child. Leticia was quiet during focus group discussions and did not talk much. She described her bureaucracy experiences as generally positive. Leticia uses the AUH stipend to buy clothes for her child or things for the house. She recognizes it is not much money, so she cannot buy a lot with the AUH cash. Leticia uses the *Alimentar* card to buy groceries. She also explained that now that her child is starting kindergarten, she spends the AUH mostly on school supplies and slippers for her child.

11.2.9.29 Celeste

Celeste is twenty-five years old and has been a recipient of the AUH for six years. She was quiet and preferred listening to speaking during focus group discussions. Her participation was partially complicated due to precarious network connectivity. Celeste illustrated how the pandemic left her vulnerable and in a challenging financial situation. She had to move into her mother's house as she could not afford rent anymore. Celeste used to work in a bar but lost her job due to the pandemic. She then started to sell vegetables to make a living. According to Celeste, her experiences with health actors "seemed fine" [Celeste 01:03:21] though she got a thrombosis after undergoing a cesarean section for delivering her baby. Complying with the AUH conditionalities was difficult for Celeste after the pandemic, as it got challenging to visit hospitals and schools, ANSES was closed, and she was unsure how to submit the required paperwork.

11.2.9.30 Taina

Taina is thirty-four years old and a single mother to five children. She started receiving the AUH approximately ten years ago. Taina has five children but receives the AUH for four, as one of her children receives a disability pension incompatible with the AUH. Her children are fourteen, thirteen, eleven, seven, and one year old. Taina works inside the home and outside as a domestic worker. She has taken cooking and baking courses and often takes orders to bake cakes. Taina explains that she cannot work in the afternoons because she must be available to help her children with homework. Taina was explicit about the endless hustles involved in dealing with State actors in compliance with conditionalities. She described the endless queues, lengthy appointments, how the system is often "down," you must sit and wait, and how useless it is to confront the bureaucrats

because they may retaliate. Taina also shared the name of a cyber café with other women where ANSES appointments can be obtained the fastest. She recognizes that as paperwork became “virtual,” she struggled with using technology, but her thirteen-year-old child helps and teaches her how to handle online paperwork. She explains that the AUH does not suffice and that prices are constantly increasing; she is resourceful and manages her family budget; for example, she shares cable TV and the internet with her neighbours. Besides the social security agency, Taina also complained about the hospital appointment system and mistreatment: they only provide appointments for two children at a time, which is a burden for a five-children family like Taina’s. She also mentioned the hurdles mothers face at the Civil Registry; attending the Registry for Taina is so challenging that she still has not obtained documentation for her baby.

11.2.9.31 Luna

Luna is a domestic worker and a twenty-three-year-old single mother to a girl. She has been enrolled in the AUH Program for six years. However, her grandmother collected the allowance for her child for the first three years because Luna got pregnant at sixteen and thus could not cash the stipend until she turned eighteen. Luna’s mother completed all the paperwork and cared for Luna and her baby. Luna was a domestic worker until recently, but that changed with the pandemic. The lady Luna worked for was an older adult and thus let Luna go because she feared contagion. Luna now receives the “PAN” program, a municipal workfare program in exchange for which Luna does administrative work at the school and helps the principal. Even when she was a minor and could not cash the AUH money herself, Luna accompanied her mother to queue: she described how they left their home at 5:30 a.m. and queued until noon at the doors of the ANSES because the system “was down.” Luna welcomes the online submission of paperwork: “I find it easier with the internet. I submit everything online” [Luna 00:09:29]. However, Luna recognizes they cannot afford the internet and use the neighbours’ line. Luna relies on the AUH to afford meat or vegetables, which she said helped considerably. She sometimes used the AUH to pay for electricity as well. Luna described her experience of being abused at the Civil Registry when trying to get her child’s documentation. Luna explained how helping her daughter comply with schooling-related activities was a considerable burden. She spends from 2 p.m. until 6 p.m. daily with her daughter completing schoolwork. Luna explained that becoming a mother changed her life. She was “a little girl” when she had her daughter and still attended school. “And school was hell

because they make fun of me. I was very young. And well, then, when I got pregnant, and my belly started to show, I quit school.” [Luna 01:01:30] When the baby was born, Luna studied during the evenings and did not sleep at night because it was the only time her baby slept. She explains that women must “get ahead no matter what” and work or study even if they have a baby.

11.2.9.32 Azul

Azul is thirty-six years old and a single mother to four children: an eighteen-year-old boy, a sixteen-year-old girl, a fifteen-year-old boy, and a nine-year-old boy. She shared in detail how often the social security system was “down,” and there were often glitches or delays. Thus, appointments often get scheduled, but first, you must wait for lengthy periods and head to a cyber café and pay someone to set an appointment for you. Azul illustrated in detail all the hurdles imposed on women who receive the AUH when they face the bureaucratic apparatus. She was active and engaged in focus group discussions. She recognizes that she does not understand how to submit paperwork online or get an appointment, so she always pays for the service at a cyber café. She explains that getting appointments at the hospital is challenging, and people must queue all night long to find a spot for their children. Azul explained that mothers who receive the AUH and their families are frequently stigmatized for being *planeros*, a despective term used to degrade those receiving a “plan.” In this case, the “plan” would mean welfare or social security payments from the State. Azul wants to ask people to see reality instead of judging.

11.2.9.33 Nara

Nara is forty years old. She is a single mother to two children. She works *en negro* as a cleaner for the municipality. She explains that for the municipality, her contract “does not exist.” This municipal contract requires her to work at a school or kindergarten where she cleans and helps to feed children in need. The pay is meagre, and she works in the morning and the first hours in the afternoon. The rest of the afternoon must be left unoccupied so Nara can care for her children and household. Nara explains that her children had virtual and face-to-face classes; she describes completing all the homework and schoolwork assigned as a “waste of time” because children get bored and distracted, and the process is very time-consuming. Nara explains that the AUH stipend is significant for her and “especially for single mothers” [00:35:03]. She prompts parents to spend the stipend on their children and not buy things such as cellphones or televisions. Nara explains

that many mothers are alone because their partners abandoned them after they got pregnant. “There are girls, younger than my daughter, friends who are fifteen years old, pregnant, and abandoned” [00:39:52]. Nara says that in these cases, the AUH helps because the fathers of the children are missing or do not pay child support. Raising a child is not easy, adds Nara. Men abandon women, and their responsibilities towards the new life they bring into the world, but women cannot do the same because they carry the baby in their wombs. Besides describing the challenges of single motherhood, Nara explained that she and her children had to queue in cold, drizzly weather to get the paperwork done at the Civil Registry and that it often happens that the system is “saturated” and that mothers are charged for services that should be free, such as the ANSES forms that they end paying for at the cyber cafés. Nara asks people not to judge, but she understands that “everyone judges. Because we all judge the other person, but we are not in their position to know how to live ... you must look at the reality of those who want to get ahead” [Nara 01:09:44].

11.3 Proof of CUIL

ANSES

Constancia de CUIL/CUIT

Emitida el: 11/01/2022 at 19:01 hs
Fecha de alta: 09/09/2010

Titular
MARIA ELENA MARTINEZ

Documento
DU 31415570

CUIL/CUIT
27-31415570-4

Recordá que solo podés tener un único CUIL / CUIT.
Esta constancia no tiene vencimiento y es GRATUITA.
"La presente no requiere autenticación con sello y firma de un agente de ANSES." - Art. 1 - Res. DE 76/2009.

ANSES

Proof of CUIL/CUIT

Issued on: 11/01/2022 at 19:01 hs
Date of Creation: 09/09/2010

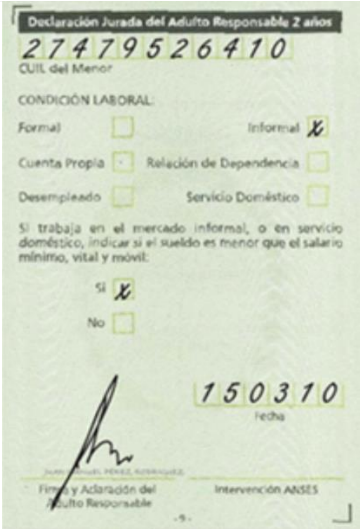
Holder
MARIA ELENA MARTINEZ

Document
DU 31415570

CUIL/CUIT
27-31415570-4

Remember that you can only have a single CUIL / CUIT.
This proof does not expire and is FREE OF CHARGE.
"This proof does not require authentication with the seal and signature of an ANSES agent". - Art. 1 - Res. DE 76/2009.

11.4 Old Version of the *Libreta*

Images of Old <i>Libreta</i>	Content
	Affidavit of Responsible Adult (2 years) CUIL (Unique Code of Labour Identification) of the Minor EMPLOYMENT STATUS Formal Independent Unemployed Informal Relation of Dependency Domestic Service If you work in the informal market or the domestic service, indicate if your salary is less than the minimum, vital, and mobile salary: Yes No Date Signature and Clarification of Responsible Adult ANSES Intervention
	Education 6 Years CUIL of the Minor Number of Unique Code of Educational Establishment (CUE) Name of Educational Establishment MANAGEMENT: LEVEL: Public ☐ Primary ☐ Private ☐ Other: ☐ Other ☐ Is the child a regular student in the current school period 20__? Yes ☐ No ☐ Grade Was the child a regular student in the previous school period 20__? Yes ☐ No ☐ Date Signature and Stamp from the Educational Establishment Authority ANSES Intervention

Vacunas y Controles de Salud **6 años**

CUIL del Menor
Cumple con el/los controles de salud para la edad

Nombre del Establecimiento de Salud

Código del Establecimiento de Salud

Fecha Firma y Sello del Profesional

Esquema de vacunación para la edad

Completo ☐ En Curso ☐

Nombre del Establecimiento de Salud

Código del Establecimiento de Salud

Fecha Firma y Sello del Profesional

Intervención ANSES

- 19 -

Vaccine and Health Checks

6 years

CUIL of the Minor

Does it Comply with the Age-Appropriate Health Checks?

Name of the Health Establishment

Code of the Health Establishment

Date

Signature and Stamp of the Professional

Vaccination Schema for the Age

Completed ☐

In Process ☐

Name of the Health Establishment

Code of the Health Establishment

Date

Signature and Stamp of the Professional

ANSES Intervention

11.5 Formulario Base, Form 1.47.

Formulario Libreta		Versión 1.1	
		Form. PS.1.47	Asignación Universal - Salud, Educación y Declaración Jurada
Responsable: CUIL Apellido y Nombre Menor: CUIL Apellido y Nombre Complete Edad Menor: Domicilio del Titular: Calle: Número: Piso: Depto: Código Postal: Localidad: Provincia: Teléfono: Email: Es Celular? ☐		Declaración Jurada del Adulto Responsable CUIL del Menor Condición Laboral: Formal ☐ Informal ☐ Cuenta Propia ☐ Relación de Dependencia ☐ Desempleado ☐ Servicio Doméstico ☐ Si Trabaja en el mercado Informal, o en el servicio Doméstico, Indicar si el sueldo es menor que el salario Mínimo, Vital y Movil: SI ☐ NO ☐ Fecha Firma y Aclaración del Adulto Responsable Intervención ANSES	
NO RECORTAR			
Vacunas y Controles de Salud CUIL del Menor Cumple con el/los Controles de Salud para su Edad Nombre del Establecimiento de Salud Código Establecimiento Apellido y Nombre del Profesional Certificante Tipo de Matricula Número de Matricula Fecha Firma y Sello del Profesional Esquema de Vacunación para la Edad Completo ☐ En Curso ☐ Nombre del Establecimiento de Salud Código Establecimiento Apellido y Nombre del Profesional Certificante Tipo de Matricula Número de Matricula Fecha Firma y Sello del Profesional Intervención ANSES		Educación CUIL del Menor N° de Código Único del Establecimiento (CUE) Nombre del Establecimiento de Educación Gestión: Estatal ☐ Nivel Inicial ☐ Privada ☐ Primario ☐ Otra ☐ Secundario ☐ Otro ☐ ¿Es alumno Regular en el presente Ciclo 20 ? SI ☐ NO ☐ Grado/Año ¿Fue Alumno Regular en el ciclo Anterior 20 ? SI ☐ NO ☐ Fecha Firma y Sello de la Autoridad del Establecimiento Intervención ANSES	
Ministerio de Trabajo, Empleo y Seguridad Social			

Responsable:

CUIL

Apellido y Nombre

Menor:

CUIL

Apellido y Nombre

Complete Edad Menor:

Domicilio del Titular:

Calle:

Número:

Piso:

Depto:

Código Postal:

Localidad:

Provincia:

Teléfono:

Email:

Es Celular? ☐

NO REQ

Responsable:

CUIL

Name and Surname

Minor:

CUIL

Name and Surname

Complete Age of the Minor:

Address of the Holder:

Street:

Number:

Floor:

Apartment:

Postal Code:

City:

Province:

Phone:

Email:

Declaracion Jurada del Adulto Responsable

CUIL del Menor

Condicion Laboral:

Formal

☐

Informal

☐

Cuenta Propia

☐

Relacion de Dependencia

☐

Desempleado

☐

Servicio Domestico

☐Si Trabaja en el mercado Informal, o en el servicio Domestico,
Indicar si el sueldo es menor que el salario

Mínimo, Vital y Movil:

SI

☐

NO

☐

Fecha

Firma y Aclaración del

Intervencion ANSES

:ORTAR Adulto Responsable

Affidavit of Responsible Adult

CUIL of the Minor

Employment Status:

Formal

☐

Informal

☐

Independent

☐

Dependent Relation

☐

Unemployed

☐

Domestic Service

☐If you work in the informal market or domestic
service, indicate if your salary is less than the
minimum, vital, and mobile salaryYES ☐NO ☐

Date

Signature and Clarification of
Intervention
Responsible Adult

ANSES

Vacunas y Controles de Salud

CUIL del Menor

Cumple con el/los Controles de Salud para su Edad

Nombre del Establecimiento de Salud

Código Establecimiento

Apellido y Nombre del Profesional Certificante

Tipo de Matrícula Número de Matrícula

Fecha

Firma y Sello del Profesional

Esquema de Vacunación para la Edad

Completo ☐ En Curso ☐

Nombre del Establecimiento de Salud

Código Establecimiento

Apellido y Nombre del Profesional Certificante

Tipo de Matrícula Número de Matrícula

Fecha

Firma y Sello del Profesional

Ministerio de Trabajo,
Empleo y Seguridad Social

Intervención ANSES

Vaccinations and Health Checks

CUIL of the Minor

Does it Comply with Age-Required Health Checks?

Name of the Health Establishment

Code of the Establishment

Name and Surname of Certifying Professional

Type of Professional License Number of License

Date

Signature and Stamp of the Professional

Vaccination Schema for Age

Completed ☐ In Process ☐

Name of the Health Establishment

Code of the Establishment

Surname and Name of Certifying Professional

Type of License Number of License

Date

Signature and Stamp of the
Professional

ANSES

Intervention

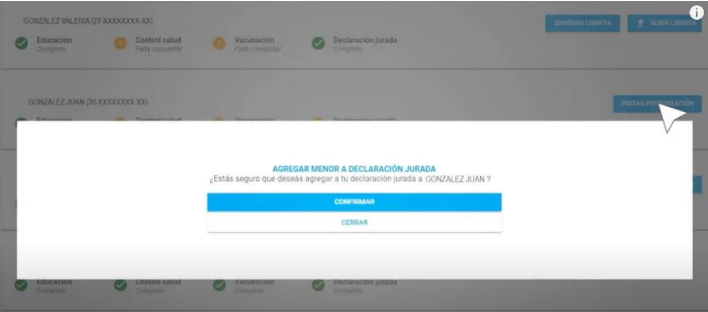
Ministry of Work,
Employment and Social Security

Educación		Education	
CUIL del Menor		CUIL of the Minor	
N° de Código Único del Establecimiento (CUE)		Number of Unique Code of Education Establishment (CUE)	
Nombre del Establecimiento de Educación		Name of Educational Establishment	
Gestión: Estatal ☐ Nivel Inicial ☐ Privada ☐ Primario ☐ Otra ☐ Secundario ☐ Otro ☐		Management: Public ☐ Initial Level ☐ Private ☐ Elementary Level ☐ Other ☐ Secondary Level ☐ Other ☐	
¿Es alumno Regular en el presente Ciclo 20__?		Is the child a regular student in the current Cycle 20__?	
SI ☐ NO ☐ Grado/Año		YES ☐ NO ☐ Grade/Year	
¿Fue Alumno Regular en el ciclo Anterior 20__?		Was the child a regular student in the previous cycle 20__?	
SI ☐ NO ☐ Fecha		YES ☐ NO ☐ Date	
Firma y Sello de la Autoridad del Establecimiento		Signature and Stamp of Establishment's Authority	
Intervencion ANSES		ANSES Intervention	

11.6 Sworn Declaration at ANSES

ANSES		Form 1.72		Sworn Declaration- AUH Libreta 2020	
(Apellido y Nombre) CUIL ____-____-____					
Presento esta Declaración Jurada en reemplazo de la Libreta Nacional de Seguridad Social, Salud y Educación, según lo establecido en el artículo 10 del Decreto 840/20, por las niñas, niños y/o adolescentes detallados a continuación.					
(Apellido y Nombre) CUIL ____-____-____					
(Apellido y Nombre) CUIL ____-____-____					
(Apellido y Nombre) CUIL ____-____-____					
(Apellido y Nombre) CUIL ____-____-____					
(Apellido y Nombre) CUIL ____-____-____					

11.7 Step-by-Step Online Presentation of *Libreta* as of 2021.

	1. Go to “anses.gov.ar/libreta.” Enter CUIL number [Unique Code of Labour Identification] and Social Security password.
	2. Check each child’s <i>libreta</i>. You do not need to do any paperwork if all sections are complete. Check if you need to complete the affidavit; if you need to complete the affidavit of any of your children, click “start presentation.”
	3. Click on “confirm” to add your child or minor under your care.
	4. Select your employment status. To finish, click on “save.”

LIBRETA GENERADA CORRECTAMENTE

La libreta de las secciones faltantes fue generada. Podés imprimirla o enviarla por correo electrónico.

Nombre y apellido: **GONZALEZ VALERIA**
 CUIL: **27-XXXXXXX-XX**
 Año: 2017

DESCARGAR

Enviar por correo

Ingresá tu correo

ENVIAR

CERRAR

5. If you have already completed the affidavit and still need to submit a *libreta* section, click “generate *libreta*”. You can download the *libreta* to print it or send it by email to print it later.

anses PS 1.47 Libreta Asignación Universal por Hijo 2017

DATOS DEL RESPONSABLE
 Nombre y apellido: **LOPEZ MARIA** CUIL: **27XXXXXXX**

DATOS DEL MENOR
 Nombre y apellido: **GONZALEZ VALERIA** CUIL: **27XXXXXXX**

EDUCACIÓN


 Completo

CONTROL SALUD

☐ Bien ☐ Enfermo

Código del establecimiento de salud (15): Nombre del establecimiento de salud (15):

Tipo de institución: ☐ HS ☐ SP ☐ MS ☐ AS

Apellido y nombre del profesional certificado (15):

Número de matrícula (15):

Firma (15):

VACUNACIÓN

☐ Subordinado completo ☐ Subordinado en curso

Código del establecimiento de salud (15): Nombre del establecimiento de salud (15):

Tipo de institución: ☐ HS ☐ SP ☐ MS ☐ AS

Apellido y nombre del profesional certificado (15):

Número de matrícula (15):

Firma (15):

Los datos deben completarse con letra de imprenta o con máquina en cada momento, según corresponda. Sin tachaduras ni enmendaduras.

6. Remember that it is important that the *libreta* is printed on an A4 paper sheet and that the marks at the four corners are visible. Take the printed *libreta* to the school and health center to be completed. Remember that the *libreta* must be completed with (a) legible print; (b) one number for each box; (c) black or blue ink with no erasures.

anses PS 1.47 Libreta Asignación Universal por Hijo 2017

DATOS DEL RESPONSABLE
 Nombre y apellido: **LOPEZ MARIA** CUIL: **27XXXXXXX**

DATOS DEL MENOR
 Nombre y apellido: **GONZALEZ VALERIA** CUIL: **27XXXXXXX**

EDUCACIÓN


 Completo

CONTROL SALUD

☐ Bien ☐ Enfermo

Código del establecimiento de salud (15): Nombre del establecimiento de salud (15):

Tipo de institución: ☐ HS ☐ SP ☐ MS ☐ AS

Apellido y nombre del profesional certificado (15):

Número de matrícula (15):

Firma (15):

VACUNACIÓN

☐ Subordinado completo ☐ Subordinado en curso

Código del establecimiento de salud (15): Nombre del establecimiento de salud (15):

Tipo de institución: ☐ HS ☐ SP ☐ MS ☐ AS

Apellido y nombre del profesional certificado (15):

Número de matrícula (15):

Firma (15):

Los datos deben completarse con letra de imprenta o con máquina en cada momento, según corresponda. Sin tachaduras ni enmendaduras.

7. When you have the *libreta* completed and signed, take a photo of it, considering: (a) good lighting; (b) that it is not wrinkled; (c) that the picture is well focused; (d) that it is centred and in a vertical position and; (e) that all four corner marks show.

ANSES

GONZALEZ VALERIA (27-XXXXXXX-XX)

Generar Libreta SUBIR LIBRETA

☒ Educación Completo
☐ Control salud Faltó completar
☐ Vacunación Faltó completar
☒ Declaración jurada Completo

GONZALEZ JUAN (29-XXXXXXX-XX)

☒ Educación Completo
☐ Control salud Faltó completar
☐ Vacunación Faltó completar
☐ Declaración jurada Faltó completar

INICIAR PRESENTACIÓN

GONZALEZ MELISA (27-XXXXXXX-XX)

☐ Educación Faltó completar
☐ Control salud Faltó completar
☐ Vacunación Faltó completar
☐ Declaración jurada Faltó completar

INICIAR PRESENTACIÓN

GONZALEZ MAURO (29-XXXXXXX-XX)

☒ Educación Completo
☒ Control salud Completo
☒ Vacunación Completo
☒ Declaración jurada Completo

8. Go back to “anses.gov.ar/libreta” to present the photo of the *libreta*; click on “upload *libreta*”.

SUBIR LIBRETA

Nombre y apellido: GONZALEZ VALERIA
CUIL: 27-XXXXXXX-XX
Año: 2017

Tomá una foto de la libreta apoyada sobre una superficie plana, orientada verticalmente y en un lugar con buena luz

SUBIR LIBRETA CANCELAR

Si no tenés la libreta, podés generarla desde acá

9. Click on “upload *libreta*”. Select the photo file of the *libreta* saved on your computer or cell phone. Remember that only the *libretas* generated through this application can be uploaded. Check and confirm the sections to be uploaded and click on “save.”

anses PS 1.47 Libreta Asignación Universal por Hijo 2017

DATOS DEL RESPONSABLE
Nombre y apellido: LÓPEZ BARRA
CUIL: 27XXXXXXX-XX

DATOS DEL MENOR
Nombre y apellido: GONZALEZ VALERIA
CUIL: 27XXXXXXX-XX

EDUCACIÓN

Completo

CONTROL SALUD

☐ Plan
☒ Salud

Código del establecimiento de salud^(*) XXXXXXXXXX Hospital
Nombre del establecimiento de salud^(*)

Tipo de matrícula
☒ H ☐ P ☐ U ☐ O
Apellido y nombre del profesional verificado^(*) S. Doctor

Nombre de matrícula^(*) XXXXXXXXXX
Fecha^(*) XXXXXXXX

Firma y sello del profesional

VACUNACIÓN

☐ Calendario completo ☒ Calendario en curso

Código del establecimiento de salud^(*) XXXXXXXXXX Centro Vacunación
Nombre del establecimiento de salud^(*)

Tipo de matrícula
☒ H ☐ P ☐ U ☐ O
Apellido y nombre del profesional verificado^(*) T. Vacunas

Nombre de matrícula^(*) XXXXXXXXXX
Fecha^(*) XXXXXXXX

Firma y sello del profesional

* Los campos deben completarse con datos de inscripción o en relación con datos recientes, según corresponda. Sin limitación de caracteres.

10. The process of presenting the *libreta* is now completed. You will receive the confirmation via email.

11.8 Formulario Madres - “Mothers” Form

Translation of the form is mine. The form has been slightly modified to allow for the inclusion of translation to English.

Form.
PS.2.73

Request of Allowances by Application of Decree 614/13

Frente
Front

Código Dependencia	
Dependency Code	

UDAI
UNIT OF INTEGRAL ATTENTION

Trámite N°							
Procedure N°							

First Item - Applicant details

CUIL :

UNIQUE WORK IDENTIFICATION CODE:

Nº de Documento : | | | | | | | |
ID Number: | | | | | | | |

Apellido/s y Nombre/s:

Surnames and names:

Teléfono Fijo : _____
Telephone Number: _____

Teléfono Celular : _____
Cellphone Number: _____

Correo Electrónico : _____

Second item - Data of the children for whom you request to receive the Allowances by Birth

[illegible]

Third item-Prenatal data you request to receive

CUIL del cónyuge/conviviente CUIL of the spouse/partner	Apellido/s y Nombre/s del cónyuge/conviviente Last name/s and First name/s of the spouse/partner

Item 4 - Birth / Adoption Information that you wish to receive

☐ **Nacimiento**
Birth☐ **Adopción**
Adoption

CUIL del Hijo UNIQUE WORK IDENTIFICATION CODE/SON'S CUIL	Apellido/s y Nombre/s del Hijo Surnames and Names of the Son	CUIL del Otro Progenitor Other's Parent CUIL	Apellido/s y Nombre/s del Otro Progenitor Surnames and Names of the Other Parent

Item 5-Payment Method

* Boca de Pago

Payment's place

Provincia: _____ Localidad: _____ Código Postal: | | | |

Provincia: _____ Localidad: _____ Código Postal: _____
 Province: _____ Location: _____ Postal Code: _____

Banco:					Agencia:					Descripción:								

Bank:	_____	Agency:	_____	Description:	_____

* CBU

Número de CPU: 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120

[illegible]

Item 6 - Natural / Legal Representative of the applicant under 18 years of age

Este Rubro debe ser completado **únicamente** cuando el Solicitante sea menor de 18 años.

This Item must be completed **only** when the Applicant is under 18 years of age.

Apellido/s y Nombre/s Representante Natural/Legal Surname/s and Name/s Natural/Legal Representative		CUIL CUIL
Teléfono de Contacto Telephone Contact	Correo Electrónico Email	

Form. PS.2.73 (Dorso)

Form. PS.2.73 (Back)

Rubro 7 - DDJJ de Personas a Cargo

Item 7 - Affidavits of Persons in Charge

En, a los.....\ días del mes de del año, yo.....
.....manifiesto que tengo a mi cargo a mi/s hijo/s declarado/s en el Rubro 2 del
presente Formulario y autorizo a ANSES a que genere el derecho al cobro de las Asignaciones Familiares al otro/s progenitor/es
y me deriven los montos liquidados por aplicación del Decreto N° 614/13.

On, on day of the month of of the year, I
..... declare that I am in my charge of my child declared in Item 2 of this Form and I authorize ANSES to generate the right to collect Family Allowances from
the other parent / s and I derive the amounts settled by application of Decree No. 614/13.

Rubro 8- Firmas

Item 8- Signatures

Firma o Impresión Dígito Pulgar Derecho del Solicitante

Signature or Print Right Thumb of Applicant

Aclaración Firma del Solicitante

Clarification Signature of Applicant

Firma o Impresión Dígito Pulgar Derecho del Representante Natural/Legal

Signature or Print Right Thumb Digit of Natural/Legal Representative

Aclaración Firma del Representante Natural/Legal

Clarification Signature of Natural/Legal Representative

Firma, Aclaración y Legajo Agente Interviniente

Signature, Clarification and Intervening Agent File

Fecha y Sello de Recepción ANSES
Date and Stamp of Reception ANSES

Rubro 9 - Observaciones

Item 9- Observations

ESTE FORMULARIO REVISTE CARÁCTER DE DECLARACIÓN JURADA, DEBE SER CUMPLIMENTADO EN
LETRA IMPRENTA SIN OMITIR, ENMENDAR NI FALSEAR NINGÚN DATO, SUJETANDO A LOS INFRACTORES
A LAS PENALIDADES PREVISTAS EN LOS ARTS. 172, 292, 293 Y 298 DEL CÓDIGO PENAL PARA LOS DELITOS
DE ESTAFA Y FALSIFICACIÓN DE DOCUMENTO PÚBLICO.

THIS FORM HAS THE CHARACTER OF AN AFFIDAVIT, MUST BE COMPLETED IN
PRINT WITHOUT OMITTING, AMENDING, OR FALSIFYING ANY DATA, SUBJECTING THE OFFENDERS
TO THE PENALTIES ESTABLISHED IN ARTS. 172, 292, 293, AND 298 OF THE CRIMINAL CODE FOR THE CRIMES
OF FRAUD AND FORGERY OF A PUBLIC DOCUMENT.

EL PAGO DE LA/S ASIGNACIÓN/ES SOLICITADA/S QUEDA CONDICIONADO A LOS
CONTROLES DE DERECHO QUE ANSES REALIZA.

THE PAYMENT OF THE REQUESTED ALLOWANCE IS CONDITIONED TO THE
LAWFUL CONTROLS THAT ANSES PERFORMS.

LA PRESENTACION DEL FORMULARIO PUEDE SER EFECTUADA ANTE ANSES POR EL TITULAR, POR EL
EMPLEADOR O POR UNA TERCERA PERSONA.

THE PRESENTATION OF THIS FORM MIGHT BE MADE BY THE HOLDER, THE
EMPLOYER, OR A THIRD PARTY.

Instrucciones

Instructions

Este Formulario se debe completar en letra Imprenta sin tachaduras ni enmiendas.

This Form must be completed in Print without deletions or amendments.

Rubro 5: En caso de solicitar como Medio de Pago una CBU no declarada en CUNA, el solicitante debe adjuntar
constancia emitida por el Banco o resumen Bancario con detalle de Nombre/s y Apellido/s, Número de DNI o CUIL y
Número de CBU.

En caso de solicitar como Medio de Pago una Boca de Pago los datos "Banco", "Agencia" y "Descripción" serán cumplimentados por ANSES de acuerdo a los datos consignados en "Provincia", "Localidad" y "Código Postal". En caso de que el Solicitante sea menor de 18 años sólo se podrá designar, para el cobro, una Boca de Pago de Correo Argentino, la cual será consignada por ANSES.

En caso de haber informado una CBU para el cobro de la asignación por hijo y solicita la asignación por Nacimiento o Adopción, tendrá que consignar una Boca de Pago para el cobro de estas últimas.

Rubro 6: Se considera Representante Natural, al Padre o Madre y Representante Legal a quien fuera designado mediante Sentencia Judicial como Tenedor, Guardador, Tutor o Curador del Solicitante.

Item 5: In case of requesting as a means of payment a CBU not declared in CUNA, the applicant must attach certificate issued by the Bank or bank summary with details of Name / s and Surname / s, DNI or CUIL number and CBU number.

In case of requesting a Payment Place as a means of payment, the data "Bank", "Agency" and "Description" will be completed by ANSES according to the data entered in "Province", "Locality" and "Postal Code".

In the event that the Applicant is under 18 years of age, only one Argentine Mail Payment Place may be designated for collection, which will be consigned by ANSES.

In case you have informed a CBU for the collection of the Child Allowance and request the Birth or Adoption Allowance, you will have to enter a Payment Place for the collection of the latter.

Item 6: The Natural Representative is considered to be the father or mother and Legal Representative who was appointed by Judicial Judgment as Holder, Guardian, Guardian or Curator of the Applicant.

anses		Form. PS.2.73	Form. PS.2.73
Talón para el solicitante Receipt for Applicant	Código Dependencia Dependency Code	UDAI UNIT OF INTEGRAL ATTENTION	
	Datos del Solicitante Applicant Details		
	CUIL : UNIQUE WORK IDENTIFICATION CODE:	N° de Documento: ID Number:	
	Apellido/s y Nombre/s: Surnames and Names:		
	Firma, Aclaración y Legajo Agente Interviniente Signature, Clarification and Intervening Agent File		
Fecha y Sello de Recepción ANSES Date and Stamp of Reception ANSES			