



Childhood as Subject of Rights? Children & Adolescents Through the Socio-Legal Discourse in Argentina's Sexual Education Act

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Abstract:

This article looks at the discursive strategies revolving around the conception of childhood, parting from the analysis of the main Argentinean parliamentarian's discourses, at the time of the discussion of the Integral Sexual Education Program. As I will argue, despite legislative reforms that considered children and adolescents as subjects of right –even for legislators identified as “radical”–, the adult-centric point of view has not been overcome. The adult's position of domination remains intact, as children are seen as passive subjects, unable to understand or reconstruct the social world around them.

Key words:

Childhood, critical discourse analysis, sexual education, Parliamentary debate, Adult centrism.

Resumen:

Este artículo examina las estrategias discursivas en torno a la concepción de la infancia a partir del análisis de los debates parlamentarios al momento en que se discute la sanción de la Ley de Educación Sexual Integral en Argentina. Como argumentaré, a pesar de las diversas reformas legislativas que consideran a las niñas, niños y adolescentes como sujetos de derecho –aún en el caso de los legisladores identificados como “radicales”–, el punto de vista adulto-céntrico no ha sido superado. La posición adulta dominante permanece intacta,

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esto es, concebir a las niñas, niños y adolescentes como sujetos pasivos, incapaces de comprender o de reconstruir el mundo social que los rodea.

Palabras clave:

Infancia, análisis crítico del discurso, educación sexual, debates parlamentarios, adulto-centrismo.

1. INTRODUCTION

This article looks at the discursive strategies revolving around the conception of childhood, parting from the analysis of the main Argentinean political representatives' discourses, on the floor of the National Congress at the time of the discussion of the Integral Sexual Education Program. As I will discuss, despite legislative reforms that considered children and adolescents (thereafter C&A) as subjects of right –even for legislators identified as “radical”–, the adult-centric point of view has not been overcome. The adult's position of domination remains intact, as children are seen as passive subjects, unable to understand or reconstruct the social world around them.

In the first section of this article I make epistemological and methodological considerations explicit, to clarify my position in the analysis. This is central to all research from a critical perspective, as neither science nor the scientist can have a neutral position regarding her/his subject-object of study. (Denzin and Lincoln 1994; Bourdieu, et. al. 1989). In the second section, I present the Integral Sexual Education Program, 26150 Act (hereafter ISEP)'s main features. I will analyze the debates from three categories that emerge from the discourse and reveal the conception of childhood, how C&A are named in the parliamentarian's discourse and how their subjectivity is conceived. Then, I examine the parliamentarian's visions on C&A's sexuality. Finally, I will refer to how the relationship between parents and state in relation to C&A is conceived. All this allows for the reconstruction of social relations of domination and the place of childhood and adulthood in that structure. In the third section, I will elaborate on the conclusions.

2. EPISTEMOLOGICAL AND METHODOLOGICAL CONSIDERATIONS

Critical theory holds that rules are the product of social tensions and conflicts that are historically inscribed in a particular social space (Bourdieu 2001) that modernity has framed in the borders of the nation-state (Santos 2003). It arrogated to itself the monopoly of violence through the construction of a rational-legal law that granted it legitimacy (Weber 1996). As noted by many authors (Marx, 1982; Althusser, 2005), law fulfills an ideological role as it "hides the meaning of structural social relations established among subjects in order to reproduce mechanisms of social hegemonies"¹ (Cárcova 1991, p. 214). This ideology must

¹ All translations by the author.

be unveiled when rebuilding the normative that has regulated C&A, to understand why, despite the legal paradigm shift, the conception of C&A as passive subjects still persists in social practices and regulations.

Following Bourdieu (2001) and contrary to legal positivism's assertions, I argue that the multiplicity of interpretations allowed by the law, as well as the *habitus* of legal operators, keep the balance of power relations unchanged. The struggles must take place in the social field in order to significantly alter the practices of agents in the legal field. This explains why, despite the existence of laws recognizing C&A as subjects of rights, adults still conceive them as objects of protection.

To understand how adults conceive C&A within the ISEP parliamentary debates, and the implications this entails, I selected the critical language study methodology. As Fairclough (1989) explains, language is one of the ways in which common-sense assumptions are naturalized. In other words, ideologies are hidden in actors' discourses that produce or reproduce dominant relations. Therefore, by analyzing the subjects' discourses, it is possible to detect the traces of the social structure and the ways of domination that are legitimized, i.e. the hegemonic ideology. This methodology allows then to unveil how domination relations are maintained (or transformed) and the power of language in the construction of ideology.

To explain the methodological choices made throughout the research process, I put forward my own conception of the social reality and C&A in order to clarify the assumptions of the analysis. Implicated in the heuristic process and keeping within the scientific procedures in social sciences when making the analyses (Denzin and Lincoln 1994), I subscribe to the "epistemological vigilance" (Bourdieu and Wacquant 2012), in the sense that I take into account my own conditioned factors as a researcher in order not to misinterpret or distort the "sayings" of subjects that participate in the investigation.

From a constructionist perspective, it can be subscribed that both society and knowledge are socially constructed, that is, that social practices produced by the actors make possible a (re)production of the social. This implies that such practices do not depend on each subject individually, but that there are social structures that constrain (but do not eliminate) their social actions (Fairclough 1989; Bourdieu 1977; Giddens 1997, 1984).

As Fairclough says, "ideologies are closely linked to language, because using language is the commonest form of social behaviour where we rely most on 'common-sense' assumptions" (1989, p. 2). Language then, constitutes a core element of this practice, as it is the way (though not the only one) in which interaction between social actors is produced. Hence, there is a need to pay special attention to language, in order to detect hidden traces of the social structures.

Society is built in conflict because there are different power groups in confrontation, class being one of the stratification dimensions (perhaps strongly determinant), but not the only one. This is evident in the case of childhood, as adults establish a subaltern relation with C&A, and the same could be said of gender relations, ethnicity, etc. (Butler 2002; Wacquant 2001; Santos 2005). From my perspective, the social world is constructed by and from the adult perspective in that I call adult-centrism (conf. Archard 1993).

Social order is reproduced from coercion and, above all, ideology. This is the legitimization behind the naturalization of existing domination (Marx 1982). Language plays a central role here, as it sets limits of the possible and the thinkable for the subjects. Thus, critical language study can detect social subjects' interpretations about social reality and how those understandings that are taken for granted (Fairclough 1989). In Bourdieu and Wacquant's (1995) terms, this is an internalization of social structures, or to the socialized body. This, in turn, is reproduced by the subjects in their social practices, as structures that have been internalized by them; that is, the social space has been embodied (*habitus*).

However, this does not mean that that reproduction is mechanical. Agents are also actively facing the structures that constrain them and, therefore, they are able to (re)create, to keep, or to modify them. As Bourdieu and Wacquant (1995) point out, *habitus* is not immutable, but has certain inertia. *Habitus* could be modified departing from the interaction among participants, as they must be able to (re)interpret the context in which the discursive process occurs.

Based on Fairclough's proposal, it is argued that "language as a form of social practice' [...] [implies]. Firstly, that language is part of society, and not somehow external to it. Secondly, that language is a social process. And thirdly, that language is a socially conditioned process, conditioned that is by other (non-linguistic) parts of society" (1989, p. 22). Thus, language cannot be placed outside or as a simple reflection of the social. Social power relations are faced *through discourse* and *in the discourse*, to establish the limits of the possible, either to maintain or to modify inequality. In the latter case, social change is feasible due to changes in social structures (conf. Qvortrup 1999a; Marx 1982) or because of the awareness of subjects that are part of those structures. In this sense, critical language study is a powerful tool to explain and understand how and why social changes occur or what elements prevent them.

Now, in relation to childhood, we can sustain with Qvortrup "childhood is constructed by a number of social forces, economic interests, technological determinants, cultural phenomena, etc., inclusive of course the discourse about it" (1999a, p. 5). C&A are constrained by the same social context and material conditions as adults. Nevertheless, this is a relationship in permanent tension and, though it tends to reproduce the same relations of domination, it does not mean that the power correlations can change by simply changing the material conditions. In this sense, law as discourse of power (Rojo 2005) is a necessary (though not enough) legitimizing factor to modify social practices. Hence, it is essential to analyse the discourse of the law, and those who represent the institutionalized political power within the state and make the law.

All of these are important considerations to understand why, even when the Argentinean legislation has changed from the protectionist paradigm to integral protection paradigm²,

² There are two main paradigms to analyse childhood, Caretaker or Protectionist thesis (or Irregular Situation, in Latin America literature) and Liberation and Integral Protection theses. The former, consider C&A as an object of protection, hence they cannot make decisions because they are immature, incapable, and inexpert. Adults must decide for them in all aspects of their lives. Parents and guardians have their legal representation and law denies to C&A the faculties for action in the social, political, economic world. To the latter, children are subjects of right and capable actors who intervene actively in the social world. There is a different between the

social practices still maintain strong traces of adult-centric view which legitimates the hegemonic idea that C&A are just objects of protection and, in that sense, they cannot express their own subjectivity.

In addition, the legislative power is the site where the law is constructed of power infused words. As Rojo explains, paraphrasing Loschak “law is a discourse of power because it is accepted as an authorized, true and effective word” (2005, p. 59). The same is held by Bourdieu, who asserts that “law is definitely the quintessential form of the symbolic power of naming that creates named things [...] it is no exaggeration to say that the law makes the social world, provided we do not forget that it is created by this world” (Bourdieu 2001, p. 202). This means that law is a power discourse capable of constructing social world, but also a product of social tensions (Cárcova 1991). Thus, parliamentary discourses allow us to understand the power relations that exist in society and also to legitimize them. Therefore, lawmakers are builders of the legal conception of childhood and its potentialities. However, this does not mean that subjects in different social, institutional, and personal contexts are not able to reinterpret, challenge or contest the validity of this conception (Fairclough 1989).

3. ANALYSIS OF PARLIAMENTARY DEBATES ON THE INTEGRAL SEXUAL EDUCATION PROGRAM

The 26150 ISEP National Act was enacted on October 4th, 2006 and passed on the 23rd of the same month and year. It features eleven articles which proclaim the right of all C&A to receive integral sexual education from kindergarten to tertiary level. The obligation applies equally to all educational establishments across the country, whether public or private, or in the national, provincial or municipal jurisdiction (Art. 1, 4, and 5).

The Ministry of National Education, in consultation with an interdisciplinary commission and the Federal Council of Culture and Education, is responsible for defining “core program curriculum guidelines” (Art. 6 and 7); in other words, they define the contents of sexual education. This power, held by the national government, to determine what, who and how sexual education is taught, is one of the main axes of discussion and the argument to justify the legislators vote, either for or against it.

However, each school has the authority to readjust these guidelines, and decide whether to use the material submitted by the Ministry according to its institutional ideology. Thus, even if the state promotes an educational policy in this area, it can be obstructed by virtue of the power conferred to the education institution itself; because, although it is obliged to provide

Liberation thesis and the theory of Integral Protection on the rights (*teoría de la Protección Integral*). The first one considers C&A have rights of self-determination or freedom (to work, to vote, to travel, etc). For its part, the theory of Integral Protection on the rights understands C&A are capable according to age, but always their opinion must be heard and take them in account in all aspects of their lives and the state must be guarantee these rights. In 1989, Argentina ratified the UN Convention on the Rights of the Child (UNCRC). Afterwards, in 2005, the Act 26061 on Integral Protection of Children and Adolescents’ Rights was enacted. Ten years later (2015), the new Civil and Commercial Code reaffirmed both rules. Both latest legislations have consecrated the integral protection paradigm.

sexual education, its content can be whichever they find better suited to their community (Art. 5). Who will define what is best for their community and by what means? This is not specified.

In addition, the state, in its various jurisdictions, is obliged to inform C&A parents or caregivers on the issue (Art. 9) through training, education and promotion workshops. The Act contemplates a progressive and gradual implementation plan starting 180 days after its enactment and within a maximum period of four years (Art. 10). These terms relate to the resistance exerted by some religious groups, who have opposed sexuality being taken from the private to the public sphere.

Three categories emerge from the analysis of parliamentary speeches in both Houses of Congress during the debate about the ISEP³: anti-ISEP, moderate pro-ISEP, and radical pro-ISEP. The two last ones are characterized for voting in favour of the law, but on different grounds, while anti-ISEP lawmakers⁴ speak against "immediate" approval, or express dissent on some articles. It does not mean that all members of each group entirely share each other's arguments, though mutually supportive general lines of arguments can be found.

I also divided the analysis into four main topics that arise constantly from the speeches in both Chamber of the Congress. The first topic is the conception of C&A, in which I will consider two aspects: how are they named and how the notion of subjectivity is understood by the legislators. Secondly, what is meaning of "subject of right" by the legislators. Thirdly,

³ Some methodological issues and data: A) The session in the Chamber of Deputies was held on August 16th, 2006. Upon discussion there were 139 deputies present, of a total of 257 member. The quorum required for the meetings was more than half, 129 members at least. This would entail a strategy of not giving enough quorum for the meetings, especially when considering that the law was hotly debated in Family and Education, Women, Children, and Adolescents committee, and that several projects have been presented since 2002. There is no record of the start time of the session, but the voting lasted until 22.49 hours. Meanwhile, the Senate met on October 4th, 2006, a little over two months after the Deputies sent the approved project. 55 senators were present, of a minimum quorum requirement of 37 and a total of 72 members. Here, it seems that the consensus to approve the law was greater. The project was turned from the Committee on Education, Culture, Science and Technology where it attained majority unchanged from the one sanctioned in the Lower Chamber. The session began at 16:55 p.m. and the law was passed at 19:48 p.m., which means it took a little over two hours (since there were protocol events preceding discussion, as well as the treatment of other laws with short presentations). B) In the Chamber of Deputies were ten speakers, eight women and two men. Women are only 88 for a total of 257 members, that is 34.24%. In the Senate talked thirteen speakers, seven were women and six men. In this Chamber, female representation is 44.44%. That is, 32 women out of a total of 72 members. These data allowed us to think that there is a strong link between gender and childhood. The link is confirmed when considering that the topic was analyse by committee of Family and Education, Women, Children, and Adolescents, in Deputies Chamber, and that informant members were women in both chambers. C) The approval of this law required absolute majority of the members present in the two Chambers, in other words, half plus one of the members. The project was approved, on Deputies Chamber, with the votes of 169 members out of a total of 171 members present. And in the Senate, it was approved with 54 votes in favor (out of 28 needed) and a single negative vote. D) The official version of transcription of the parliamentary debates are public documents. You can access to them asking of the Library of the National Congress of the Republic by e-mail. For more information check in <https://bcn.gob.ar/la-biblioteca>.

⁴ Some lawmakers in this group are recognized themselves as member of pro-lives movement.

how the lawmakers conceive C&A's sexuality. Finally, the roles to be performed by the state and the family in relation to C&A is a relevant topic for the analysis.

3.1. NAMING CHILDHOOD AND ADOLESCENCES: THE CONCEPTION OF CHILDHOOD

The first distinction that must be addressed is that between the conception and the concept of childhood. The concept of childhood is understood as "a distinct and interestingly different stage of their lives from adults" (Archard 1993, p. 28). Archard takes the Rawlsian notion of justice, showing that "conception of justice is a matter of political choice" (1993, p. 28). The author believes then that the conception of childhood is produced in the same way that the notion of justice, so "is open to collective adoption, how we as a society conceive of children is the result of factors -historical, cultural, economic and social- that are largely beyond our control" (1993, p. 28). However, this list of factors should include power. That is, how from domination relations, a group manages to impose its vision (of childhood in this case) as exclusively legitimate, compared to other alternatives (Bourdieu 1977). Therefore, I refer to the conception of childhood, instead of the concept, to highlight its political standing. Childhood is considered as part of a social collective determined by various factors and is given certain characteristics in relation to another group, that of adults.

According to Vasilachis (2003) the lexical characterization regarding C&A, allows us to understand how they are represented thus, to detect the potential attributed to them. Throughout both debates, C&A are named in various ways, grouped according to their semantic connotation. The most common words (according to the number of times used) to refer to them are "boys, girls and adolescents", "our children", "youngsters and children", "kids", "*pibes*⁵", and are used mostly by pro-ISEP (though not exclusively). While, for anti-ISEP, the term "sons or daughters" is used more commonly, referring to their links with their parents or legal representatives. These are also accompanied by possessive adjectives such as "my" or "your" or, more generally, the article "the". This group aims to strengthen the rights of parents and guardians over C&A. Hence, C&A are conceived within their family relationships, which would imply that their will, desires or/and interests merge with those of their legal representatives.

The words "students", "pupils" or "schoolchild/ren", are also used, although less frequently. Here the school context is highlighted by assigning them an exclusively receptive role (saying that they have the "right to receive...") and positioning them in a training process.

Only six times, they are designated as "male or female", "man or woman", "certain women" or "future generations". In such cases, adult projection on them is emphasized seeking to highlight the adult they will be in the future and not the C&A they are. In stark contrast with the above, and rarely, they are referred to as "citizens", "active subjects", "persons", "human beings", in a way that tries to equate them to adults as capable social actors.

In addition, to mark arbitrary or discretionary adult domination, the words "minors", "violent minors", "prisoner minor", "child as object" are used. In these cases, they have been used as a way of highlighting adult failure on childhood. Sometimes, they are also referred to as

⁵ A common term to name children in Argentina.

“minor mothers”, “adolescent mothers” or “adolescent mothers and fathers” to indicate them as sexually active; while also emphasizing the negative consequences of such action. There is just one exception made by an anti-ISEP speaker that refers to the “minor” conceived as object, in tune with the protectionist paradigm. The UNCRC⁶ uses the word children for the age range that goes from 0 to 18. However, after the ratification of the UNCRC, the word “minor” is strongly associated with the protectionist paradigm, and “C&A”, with the liberation (Beloff 2004; García Méndez 1991); and “children” is also considered politically correct discourse.

The adolescent category (or adolescence) is used to refer to children that have begun their sexual development process as a step towards adulthood, as opposed to children who are conceived as a-sexual, innocent and pure. The image of the child as innocent is strongly linked to Christianity, which considers that “a premature education in the facts of life is viewed with suspicion [...] that it might corrupt children with inappropriate ‘adult’ knowledge” (Archard 1993, p. 49). This distinction makes the debates analysis difficult, since speakers often move from one category to another, without explicit mention, although they attribute different abilities that I will later analyse.

3.2. WAYS OF CONCEIVING CHILDREN AND ADOLESCENTS’ LEGAL SUBJECTIVITY

Most pro-ISEP speakers, both moderate and radical ones, base their discourse on the notion of C&A as subjects of rights. As such, they are credited with: “the right of children and young people to receive training and information on sexual education” (Deputies 2)⁷; “as *full subjects of rights* who deserve respect, dignity and freedom” (Deputies 7); “this person who is *subject of rights* has the freedom and the right to receive information and gain access to sexual education” (Senators 27). However, does this necessarily mean that they are actually see C&A this way? To answer this question, it is necessary to know what potentials they are recognized.

It is gathered from the debates that some lawmakers considered the fact that some C&A consulted in a survey were backing the proposal of the ISEP a valuable aspect: “those teenagers expect to receive sexual education before age 14” (Senators 13). Some also considered that they were capable of measuring consequences when they are informed: “when a child is informed, he knows with certainty what he does with his body and the consequences it may bring” (Deputies 5). Also, although not always in a positive way, they are recognized the possibility to acquire certain information by themselves: “the *pibe* learns anywhere: during school breaks -so he is misinformed or has dubious knowledge provided by classmates” (Deputies 13); “our children are educated or informed by other means” (Senators 34). Others also recognized “the right of young people to inform and educate themselves in such a specific and sensitive subject to human education” (Deputies 3). As it is clear from these statements, C&A are seen as they can perform but few actions, which are always limited or a reaction to adults’ actions. Thus, if adults propose sexual education, C&A can support it, learn and know about what happens to them.

⁶ UN Convention on the Rights of the Child.

⁷ Hereafter I will use “Deputies” to refer to quotes from the official version of transcription of the ISEP debate in the Chamber of Deputies; and “Senators” for the same document in the Chamber of Senators. The number indicates the page where the quotations were taken.

This conception of C&A's subjectivity is questioned in some speeches in which the C&A's right (to receive sexual education specifically) is opposed of the parents' rights (to educate their children conformed their values). But this antagonism is held by both moderate pro-ISEP and anti-ISEP legislators. Anti-ISEP assert that "parents, mothers and guardians have the right to be informed of the contents of integral education so they have bases to decide on their children's participation in such activities" (Deputies 9) or that "parental participation in the sexual education of their children must be ensured" (Deputies 10). Others state that "[the issue of sexuality] is tinged with the philosophical principles and intimate convictions of each person and each couple; they have the right, beyond legality and constitutionality, to pour them in their children" (Senators 20). For this group of legislators, to the center of the discussion is the sole and exclusive right of parents, as opposed to that of the state; while C&A's right is implicit within that of their legal guardians.

On their part, moderate pro-ISEP recognize the parents' right over their children, although they will end up legitimizing government intervention. This is stated in utterances like "in no way [this project] *expropriates* of the family of the *inalienable right* to educate their children" (Deputies 2), "the school cannot and should not replace the family in the important task of imparting moral education to children" (Deputies 6). Note the objectivation of the C&A when, the lawmaker uses the word "expropriate" as if C&A were objects on which parents exert *patria potestas*. State intervention is justified in statements such as "to give our children [...] elements to qualify the actions of those close to them" (Senators 14). And also to satisfy the children's need or in case of paternal-maternal incompetence: "to help those parents who *are not in a position* to deal -in their role as parents- with the subject of their children's sexuality" (Senators 17); "we find that our children and our youngsters *have needs*, that they constantly raise, needs that are also covered by our current legislation" (Senators, 12). Another concern was expressed regarding what is expected of them as future generation: "we want those *future generations* to be educated in a topic that is still somewhat taboo in our society" (Deputies 4). Here, C&A's subjectivity is also blurred. C&A are considered as passive subjects at adults' mercy.

On the other hand, radical pro-ISEP speakers make the contradiction of rights between parents and children explicit when arguing that the "parents' right *cannot come to inhibit* the children's right to receive education and sexual information" (Deputies 13); "children's right to educate themselves, is not up to their will [the parents']" (Deputies 13); "the chance to defend themselves is a *social right*" (Deputies 13). In addition, another lawmaker says that "the excessive inclusion of the father figure becomes the protectionist thesis that we have abandoned" (Senators 20) and categorically stated "There is a limit: children are *not the property of parents*" (Deputies 13). This reaffirms C&A's legal subjectivity, as they are able to impose their rights over those of their parents', thus denying the possibility the latter can exercise their rights instead of the former.

These positions are ways of understanding childhood as a stage in the life of every human being. Scholars distinguish between two positions: protectionist or caretaking thesis, on the one hand, and Self-determination or Liberation thesis, on the other. (Freeman 1992, p. 3; Archard 1993). Each position affects C&A's chances to participate in the social world as actors, capable or not, that will then be embodied by the legal rules that govern their actions.

The caretakers' thesis argues the need for C&A to be excluded from the world for their own protection, as they are seen as vulnerable. Adults assume all these social burdens so the children of today can be capable adults in the future. In contrast, Liberationists consider C&A must be and are capable to participate in the adult world, ruling out the notion of vulnerability.

To Qvortrup (1999a)-who has a more macrostructural analyses-, the separation between the world of adulthood and the world of childhood begins with the creation of the schooling system and its subsequent mandatory character. This separation is consolidated with the ban on working for C&A. Since then, childhood is placed in different spaces from adults and specific roles are established for each group⁸. Games, fun and innocence are considered typical of childhood; while work, obligations and sacrifices are considered typical of adulthood (traditionally male adults at that). However, adults' space, aside from demanding responsibilities, also enables certain benefits: economic (wage or income), political (freedom of conscience, association, to elect and be elected, etc.) and social (marriage, hiring and maintaining sexual relationships, among others). As Qvortrup (1999b) states, the childhood world has been deprived of those benefits. Sexual relations are forbidden and socially reproved. Also, C&A have been deprived of voting rights, as political activity has been considered as alien to them. Regarding the economic value, it is curious that while adults consider the compulsive schooling of C&A necessary, as a social investment, it is not given any economic value, being assimilated to housework.

The rationale behind this categorization of childhood is that they are human beings in the biological process of development who cannot provide for themselves. But to this physical impossibility of the first years of life, the conception of immaturity, emotional instability, and innocence have been added, all of which make C&A easy prey for "unscrupulous" adults. Hence, they must be protected. This strengthens the legal incapacity foreseen in the Argentinean Civil and Commercial Code, which legitimizes the vision of childhood as opposed to that of adulthood, conceived in turn as a state of complete rationality, emotional stability and experience needed to act in society. Although, the Civil and Commercial Code recognize the progressive autonomy of C&A.

Both conceptions, Caretaker and Liberation theses, also go through the UNCRC. According to Protectionists, adults have the right to make choices on behalf of C&A, under Article 3 that allows for the aim of the best interest of the child. This implies that, even against the C&A's will and wishes, adults decide what is appropriate for them. This is because C&A - due to their immaturity, inexperience or incapacity- cannot properly assess what happens in the social world. This position arises patently in anti-ISEP discourse and more surreptitiously in moderate pro-ISEP. Both share the protectionist position in sexual matters but, for the former, parents are seen as the only protectors; and, for the latter, the state can be the protector when parents are incompetent.

⁸ Qvortrup (1999a) makes a comparative study between Denmark and England on the inclusion of children in the formal and real education system. The author explains that, although the legislation in both countries is from the mid-1800s, it is only at the beginning of the 20th century when it becomes effective. It concludes that school compulsory and the prohibition of child labor become really effective from the moment when the capitalist system finds it less profitable to hire children due to the level of technology.

Meanwhile, the Liberation and the integral protection theses finds its position in articles 12, 13 and 14 of the UNCRC, which recognize the C&A's right to give their opinion on issues that affect them, and for it to be taken into account in the decision-making process, considering their age and maturity. From this point of view, C&A have rights such as freedom of expression, thought, conscience and religion, and their parents are only guiding in the exercise of such rights, but they can never replace their will. Also, the 26061 Act grants them rights and establishes the integral protection system. This point of view is present in radical pro-ISEP speeches, but as we shall see, with fairly limited scope.

The main issue then is how should C&A exercise their subjectivity. What channels should they use to participate in the public sphere? Are these channels the same that a democratic society gives adults? (Jans 2004). In fact, as intelligent beings, children take part in the social world every day: they construct, deconstruct and reconstruct the lifeworld like adults do. John argues that children have political rights, as a power or “ability to get to other people to accept your definition of reality [...] controlling the naming process” (2003, p. 196). That means that political rights of children are complete since they are legitimated to act in order to change the world. Thereby, children are political subjects and crucial social actors whose opinions enrich society (Mead 1970).

3.3. SEXUALITY AND CHILDHOOD

Vaggione argues that “while the sexual is generally thought of as corresponding with intimacy, with a private space where power does not penetrate, it is an area of life where discourses and techniques of vigilance and control are deployed” (2012a, p.13). Sexuality is, then, apparently placed in the private sphere to hide devices of domination. This control over the sexual order is jealously guarded by various religious institutions -in their most conservative wings- which employ various strategies to impose their conception of sexuality to the rest of society even in liberal and secular states. The nation-state, which emerged in modernity, had to be secular in order to include every citizen. The new element for social cohesion would be the nationality, while the law would consolidate the society. For this, private actions -believed within the scope of the intimate and based exclusively on the will of the performer- should not be controlled by the state or other institutions, unless they may harm others. However, religions never disappeared from the public sphere and, despite being marginalized to the private area, they deployed their political potential on society (Vaggione 2005). Indeed, as we shall see, it plays a big role in determining the conception of sexuality and its role in childhood⁹.

⁹ Vaggione (2012b) uses the conception of post-secularity to stress that the secular model, that demanded a clear separation between church and state, is no longer sufficient due to the political and religious nature of the Catholic Church. The author argues that Catholic Church enjoys a privileged position to impose its views as legitimate. These influences are in the international level, where it is recognized as a state in United Nations; and also in its regional and national acting, with a strong presence in several countries in the world. All in all, the Catholic Church has a high degree of social prestige and a strong potential to influence legislators, judges and civil servants. According to this, the author hold that the Catholic Church should be considered a legitimate political actor and subjected to the democratic game, making its principles visible and, counteract.

Sexuality is either sacralized or demonized in anti-ISEP speech, depending on the use made of it. It is claimed that “if there is one area where freedom is expressed in a clear way until the limits of repugnance - [...] an act of rape [...] - or the mystery of the sublime -I refer here to the origin of a new human life- is in people’s sexual life” (Deputies 15). In other words, if the sexual act has procreation purposes, it becomes sublime, and if it damages another’s will, it is disgusting. So sexual intercourse is on the extremes, there is no middle ground. But what happens in those situations in which there is consented intercourse and no desire for procreation? The answers provided match religious ideology. It is said that sexuality is “a way of being, to demonstrate and to communicate with others, as well as feeling, of expressing and of living human love [...] as a *gift*” (Deputies 9). It is meant that sexual intercourse is legitimated only in a romantic relationship. Consequently, it is deeply attached to “love, procreation, marriage and family” (Deputies 9) as opposed to “superficial and ephemeral which favours risk behaviours, especially in youth” (Deputies 9). Thus, if sexuality is not lived within marriage and linked to procreation, it lacks legitimacy. So, as it is not within C&A’s right to get married, neither is it to have sex. These legislators also claim that it is a risky activity because C&A are not mature enough to have a deep sense of their actions.

For these religious activists, defending the traditional family is paramount. Family is based, according to the Catechism of the Catholic Church, in “the marriage covenant, by which a man and a woman establish a partnership for life, ordered by its very nature for the good of the spouses as well as the procreation and education of the children” (1993, p. 418). Then, the traditional family is the “original cell of social life” (1993, p. 552) thus, “civil authority [...] shall protect and foster it, as well as ensure public morality and promote domestic prosperity” (1993, p. 552). This family model based on the indissoluble union of a heterosexual couple in order to procreate is to be imposed as the only legitimate model, deeming other family types as imperfect, lacking or deviant. The protection of the traditional family model became “fundamentalist” on the ground of “the dogmatic defence of the patriarchal family” (Vaggione 2005, p. 138) or, as Giddens holds, in “tradition defended in a traditional manner” (1998, p. 15). Thus, from this perspective, the sexual cannot be clearly linked to enjoyment, especially among unmarried individuals, same-sex persons or those detached from reproductive potential. So, in the case of adolescents, the state should promote “authentic educational values: abstinence, fidelity” (Deputies 16). To anti-ISEP that means that the only information that C&A need is about chastity as a lifestyle.

Despite this clear religious positioning, references to the Catholic Church over the parliamentary debates only appear on three occasions: two of them made by a radical pro-ISEP lawmaker and an indirect one, by referring to Pope John Paul II. However, the political alignment of anti-ISEP legislators appears from their discursive arguments, masking their positioning through the implementation of new strategies of intervention in the society. Vaggione (2005) points out a series of strategies to defend moral and religious positions by means of scientific and legal arguments. In addition, through the creation of organizations which operate within civil society¹⁰, bringing actions before the courts of justice to prevent the effect of the Sexual and Reproductive Health and Rights (thereafter SRHR) or for postponement of legislative treatment is made possible. These strategies can be seen in the ISEP parliamentary debates.

¹⁰Examples of these associations are Pro-Life and Pro-Family organizations, where different lawmakers take part.

The first type of strategy is the *scientification* of the discourse, which consists in the turning around of statistical interpretations to show as unacceptable the results of SRHR's implementation of public policies; including the use of the "Uganda Case"¹¹ (Vaggione, 2012b) established as a model to follow in matters of sexual order, based on abstinence and fidelity. A deputy stated, in relation to the use of contraceptive methods, that "no method is one hundred percent effective" (Deputies, 16). But, when it comes to the Uganda Case, he notes that "Uganda's ABC prevention strategy is achieving an effect that could be compared to the existence of a vaccine that was about 80 percent effective against AIDS" (Deputies, 16). And later, he concludes that in countries with an active sexual education "they had an outright failure" (Deputies, 18) adding that "unfortunately, this *education* has caused an accelerated *sexual start time*, which has *caused the AIDS pandemic*" (Deputies, 18). Here, the contradiction is quite evident since contraceptive methods are criticized for not being one hundred percent secure, while eighty percent secure is considered sufficiently effective in the case of abstinence. But also, the speaker considers it is pernicious for C&A to receive sexual education as it encourages their sexuality. The legislator considers withholding knowledge as an effective control method of C&A's sexuality and to prevent social harm. That is, it is the sexual taboo which keeps them under control, in clear disregard of the C&A's right to know and decide on their sexuality.

A second kind of strategy is characterized by the *delay in treatment of the law, the impediment of its implementation* or a *decrease in its effectiveness*. This is reflected in two dissents, which the anti-ISEP argue in order to postpone the sanction of this Act. First, they consider that the words "parents, mothers or guardians" were added to Article 5, as a way of guaranteeing their centrality within the educational community. In that way, legal representatives can control the information that children receive. Second, the replacement of the word "consultation" for "jointly" in Article 7, which aims to incorporate the Catholic Church and the provinces as decisive actors in building the contents on sexuality to be distributed in all schools. These dissents crisscross the discourses of different kinds of speakers.

Localism is appealing as a way to ensure a religious vision in shaping contents. So, even if Argentina is rich in diversity due to its extension, the fact is that some provinces' administrations are strongly linked to the Catholic Church since remnants of colonial legacy¹² still remain in them. So, some of the anti-ISEP consider that "each province has its peculiarities, its traditions, culture and way of being" (Senators 18) and since that is not contemplated in the ISEP, it enables them to vote against it.

¹¹Uganda Case refers to a public policy about sexual behaviour promoted for Catholic Church and supported by the Uganda state. It is based in the ABC strategy with three steps: A = abstinence, B= faithfulness and C= condom, the last one if the two previous, fails. According to the catholic defenders of conservative sexual behaviour, it is considered a paradigmatic case, because they assert that Uganda has descended number of cases of HVI in virtue of Ugandan people have changed their sexual habits.

¹² An example of localist resistance was, in 2011 the government of the province of Salta returned 6000 records for ISEP training to the national state, claimed to not match the local idiosyncrasy. Besides, since 2008 Salta government reintroduced religious education in the public schools and recently, (2017) the Supreme Court of Justice of the Nation considered that legislation unconstitutional.

These strategies are made evident by a radical pro-ISEP senator when she complains that in the debate “positions are masked or disguised” (Senators 18) and adds that “there are sectors that have long opposed sexual education in schools” (Senators, 18). Referring to the Catholic Church, she maintains that “there are institutions that do not believe this should be discussed in school; they believe this is an area reserved to the family” (Senators 19). For the speaker, consensus cannot be achieved because anti-ISEP groups are not honest about their position, which is evident behind these “alleged” dissents.

The constant delay in the sanction of the ISEP is also highlighted in the debate: “The first law drafts date back to the years 2002 and 2003” (Deputies 2); “we have been analysing and discussing this problem *for three years*” (Deputies 4). That is, there have been several attempts to pass legislation on the issue with failed results. In addition, there were intense discussions within committees that stand out as valuable: “I also highlight the important consensus” (Deputies 15); “a mature and *meticulous work*” (Deputies 4); “we have gone a *long way in search of consensus*” (Deputies 5). Hence, the pro-ISEP accuse anti-ISEP of bringing dissent merely as delaying tactics.

The third kind of strategies to support orthodox positions is the use of *legal arguments*. In some cases, changing the content of the norm, and in others, taking an article from a normative instrument reinterpreting it to support their own vision, despite the existence of specific articles on the subject. As an example, one anti-ISEP lawmaker says that “the role of the family [...] comes *directly* from Article 14 of the Constitution, which provides for *freedom of teaching and learning*, as well as the freedom of worship and the freedom to publish ideas in the press” (Senators 15). However, the mentioned article is not about the family, but instead goes to “all inhabitants of the Nation”, in the individual sense - a common notion in liberalism. Another example is when Article 18 of the UNCRC is cited (without mentioning it), saying that “States shall make every effort to ensure recognition of the principle that both parents have common responsibilities regarding the upbringing and development of the child” (Senators 18). As if the UNCRC held the exclusive right of parents to guide the education of their children. However, the speaker fails to mention that Article 14 declares children “are able to form their own views, some may question certain religious practices or cultural traditions.”

Meanwhile, for moderate pro-ISEP the sexual topic is related, on the one hand, to moral or ethical issues that are defined within the private sphere, and on the other, to the parents’ taboo that generates unpleasant consequences in the lives of C&A. Thus, it is declared that “we must end once and for all with the taboos that limit the chances for many young people to start their sexual life” (Deputies 7), “sexuality has been *taboo* and we have all been very prejudiced [...] which has long upheld attitudes of unscrupulous people against our children” (Senators 14), “[parents] consider *sexuality as a taboo*. Then, these parents find the *short cut of denial*” (Senators 12). As is clear from these statements, the sexual taboo is a problem of some parents that affects C&A, because it does not allow the latter to have a safe sex life or to identify abuse or risk situations.

An interesting fact is that despite the constant complaints about the sexual taboo, the word “sex” appears only twice and from the same speaker. In addition, the words “sexuality” and “sexual” are exchanged by several speakers at various times, in favour of others as “the issue”,

“the subject”, “this problem”, “this important issue”, “moral education”, etc., even by those who denounce the taboo. This attitude is indicative of certain levels of naturalization of the taboo that they seek to eradicate.

In addition, moderate pro-ISEP consider sexuality within the sphere of the private and therefore recognize the central role of parents and their ethical-religious stance in their education: “this proposal must necessarily be *respectful of different actors*” (Deputies 2), “the *school cannot and should not replace the family* in the important task of imparting moral education to children” (Deputies 6). Thus, parents are placed in the centre of the scene and as the only ones legitimated to define the moral content of sexual order. Note that C&A do not emerge as stakeholders of that power; it is implicitly transferred to the family, to the adult hierarchy within it. This group consider that the state should intervene because certain situations reveal that some parents have been powerless or careless in this field, such as: unreported sexual abuse, life-threatening diseases in generalize, unplanned pregnancies ending in abortions or in teenage parents, or simply in the fact that C&A gain access to unreliable information. All this justifies compulsory sexual education in schools, but always respecting the philosophical and moral institutions that parents chose for their children. So “the intention is to educate them to be *men and women of good will*, with respect for religion, and mainly for their own body, so that they will never again fall victims to those adults who prey on their innocence and naivety” (Deputies 5); “we cannot ignore [...] differential medical health risks [...] Because when we talk about sexual education, we are also talking about information to *prevent abortions, unwanted pregnancies, sexually transmitted diseases* with consequences that lead to infertility and death, without forgetting of course, the consequences of the epidemics caused by AIDS” (Deputies 7). Health issues around sexuality experienced by C&A without the necessary knowledge to prevent harm to themselves and society, emerge as urgent in these statements.

Finally, radical pro-ISEP share with the moderate the notion that sexuality has been silenced, that it is taboo. But unlike the latter, they consider C&A are sexual beings, so the conception of sexuality is linked not only to nature, but also to passion, sensitivity and pleasure. “It is time to educate the human being in its *sensitivity, passion, love, in society*” (Deputies 12). The speaker sees sexuality from the emotional perspective, with no reference to marriage or procreation.

As explained above, this group positions itself in favour of C&A’s right to receive the necessary information to live a fulfilling sexuality. But they also base their position in the state’s secularism and the need to ensure the realization of C&A’s right. Sexual education is not a private matter because it responds to the intimate orbit (although it belongs to the private sphere), the state must participate in order to guarantee access to information that must be truthful, scientific, and unprejudiced so that C&A can make choices, sometimes even against the conceptions of their own family: “The state must strive for the contents transmitted to *be true, devoid of prejudice and unlinked to religious beliefs*” (Deputies 6).

The arguments from this perspective consider C&A as subjects of rights, and that the state must guarantee the right to sexual education regardless of the views their parent’s views. Lawmakers turn to a court ruling that reaffirms C&A’s rights to choose contraception for a safe sexuality: “that ruling established that *reproductive health is a fundamental right* held by

children and adolescents, beyond their parents' choices" (Deputies 14). In addition, the idea that sexual education will aim for the "respect of freedom and equality that implies that they can be *prepared to exercise the right to a free full sexuality*" (Senators 30), is reinforced; and also "to build a *free sexuality, a respectful sexuality, a tolerant sexuality*, a sexuality that expands a person's levels of *autonomy and dignity*" (Senators 27). This approach seeks to highlight a pleasurable sexuality, safe and tolerant of differences, as a right held by C&A and society as a whole.

3.4 CHILDREN AND ADOLESCENTS BETWEEN STATE'S AND FAMILY'S VIEWS

The discussion over the relationship between parents and children brings issues on the limits of the formers' rights over the later, together with the need to regulate and eventually enforce them. To this, one must add C&A's role as human beings with their own rights and obligations and the possibility to request the state's assistance in situations where these rights are violated, even by their own parents.

Archard (1993) indicates that, in liberal societies, social organization runs in families in which new members are born. Legal rules recognize reciprocal rights and obligations to their members, leaving ample margin to decide their way of life within the family space, provided they do not affect the order and public morality, or harm others or their own members, especially the most vulnerable ones, such as C&A, women or the elderly. "The right to autonomy entitles the adults of a family to make important decisions in the rearing and educating of the children within that family; the right to privacy entitles the adults to refuse unconsented intrusions into the family's domain" (Archard 1993, p. 167). For the author, both rights are the basis of the liberal system, but that does not mean they are absolute rights.

Archard (1993) believes that privacy can and should be observed, judged and intervened when there is a risk that C&A are being harmed within the family. But he also shows that intrusion into family life is widely accepted in Western societies, as it happens in the case of consultations with experts on breeding and care of C&A. Furthermore, the autonomy guaranteed through tolerance to diversity allows for the existence of different beliefs and values regarding what is considered "a good life". Therefore, "as the state should be neutral on the latter [good life], so it should not take a view of the best upbringing" (Archard 1993, p. 177). This means that adults are able to make different choices regarding their lifestyle and to transfer those choices to children. As Archard explains, by sharing family intimacy spaces, children end up assimilating their parents' beliefs. In addition, children have a "natural" identification with their parents as the latter are their main frames of reference. From Bourdieu (2001)'s point of view, this would be the space for the construction of a primary *habitus*, which is more durable and therefore more difficult to modify, though not immutable.

Archard (1993) also raises a third element: the expectation of parents that their beliefs and values will persist in their children because when they become adults, they will share their parents' own perceptions. However, the author explains that, from the Liberation thesis, this expectation should not be fulfilled at the expense of self-determination or the particular nature of C&A. However, these reflections merit further thinking.

First, regarding the state's possibility to put a family in observation/judgment/intervention restricting their right to privacy, from what standpoint are they to be seen/judged/intervened/watched? The Patronage Act¹³ allowed for such actions and, as many scholars have shown (García Méndez 1991; Iglesias 1998), this permitted the consolidation of domination of one class over the other. Far from what Archard argues, not all elections within the liberal system are considered equally valid, as some groups can impose their vision(s) of reality as legitimate over that of others (Bourdieu, 1977).

Second, while I agree that parents should be able to make decisions about the lives of their children in order to rear them, especially when they are infants (Archard, 1993); I believe that these decisions cannot be taken without listening to the C&A. Parents' right to choose should be placed, when possible, under consideration of those who will be directly affected by that choice. Now, listening does not mean accepting; but it does mean that arguments should be provided, and that the mere appeal to paternity/maternity or C&A's inexperience/immaturity/irrationality should not be enough to justify an answer. Also, C&A objection(s) should be accepted or rejected only after being thoroughly analyzed.

Finally, I would like to highlight the difference between adult expectations and their fulfilment. The legitimacy of paternal-maternal expectations towards their children able to be unquestionable. However, this does not entail that these expectations are to be realized. C&A are distinct persons from their parents. They may or may not possess their parents' virtues, desires, physical abilities, etc. Therefore, even at the expense of their own expectations, parents should not subdue children's wills and desires. C&A are human beings with their own will and desire. They are also, subjects of right despite the differences in their ability to exercise them or in the types of rights attributed to them.

As Archard highlights "parents would fail to produce an autonomous adult if they gave their children *no* outlook on life" (1993, p. 176). Therefore, only by accompanying them to find their own stance in life, C&A will become autonomous adults. However, from my perspective, it is not necessary to reach adulthood in order to choose, because what needs to be guaranteed is not the open future, but the present itself. According to the UNCRC, C&A are subjects of rights at present so there are no valid reasons to wait until tomorrow to respect their individuality.

As pointed out, in anti-ISEP discourse parents have the right to transfer their ethical and moral values on sexuality to their children, since sexuality corresponds to the private sphere and, therefore, the state should not interfere. Thus, the sexual education that the state intends to provide will only be accepted if it matches one's standpoint. In this way, different strategies are deployed to argue for this position.

The first strategy aims ensure the sole and exclusive participation of C&A's parents in the creation of contents: "we require restrictively, the addition, in Article 5°, that fathers, mothers

¹³ The Patronage Act was approval in 1919. Its main goal was removed paternal authority based on children were moral or material abandoned for their caregivers. So, judge took out children and put them in juvenille detention centers (reformatory) or gave them in adoption. In most of the cases, children belonged to low class as many researches reveal (García Méndez 1999, Bustello 2007, Cillero Bruñol 1999, Couso Salas 1999, Larrandart 1991, Reartes 2000).

and guardians have the right to be informed of the contents of integral education so they have grounds to decide on their children's participation in such activities" (Deputies 9). The word "restrictively" implies the exclusion of any other subjects not mentioned in the article, which shows that C&A do not exert this right as it is only a right of the parents. But, in addition, it reduces the involvement of other adults who may pluralize the contents.

The second strategy has to do with the possibility of preventing children from knowing alternative views to evaluate. To achieve this, it is required that C&A be excluded from any place where they can learn about alternative sexual orders. As a lawmaker says, "integral education actions *must be reported to parents or guardians*, who will always *have the right to express their objection of conscience* towards them and, if so, *exempting* the student from participating in such actions" (Senators 23). Then parents can express their objection to all content deemed inappropriate for their children, regardless of the latter's point of view.

Meanwhile, both moderate and radical pro-ISEP share the view that there is a need for the state to intervene in C&A's sexual education, yet they justify such intervention from different positions. Moderate pro-ISEP share with anti-ISEP the defence of parents' rights to educate their children about sexuality; "we have especially considered the family's responsibility as primary educator" (Deputies 2). That is, the domestic sphere is the space for the adults in charge of defining the moral positioning to be undertaken by C&A. However, moderate pro-ISEP differ from the above in their consideration of parents. A senator states "some [parents] are very *little concerned* with this aspect of education because their daily duties or family dynamics do not enable them to take address this important issue, and others because, according to their own conviction and judgment, they consider sexuality as a taboo subject. Then, those parents find the short cut of denial, leaving their children -just like the former- to their own devices" (Senators 11-12). In this context, the impotent, incompetent or negligent attitude of parents, decidedly forces the state to take C&A's sexual education into its own hands, as these actions produce realities that "overwhelm" and "disturb" adults, as its outcomes are teenage pregnancies, abortions, sexually transmitted diseases and unpunished sexual abuse within families. As expressed by one of the speakers: "We are overwhelmed by the number of teenage pregnancies and the growth of sexually transmitted diseases" (Senators 29), "facts that undermine and violate children's privacy always come from people close to the family" (Senators 14). Interestingly, all these complaints about abuses within the families as well as pregnancy and disease do not appear in anti-ISEP discourse. The one exception comes from one legislator who talks about pregnancies and diseases as the adolescents' responsibility: "[young people have] an uncommitted and reckless lifestyle -for example, when forgetting to take the pill-" (Deputies 16).

This educational policy is also justified in the need to build the nation, because "this law drafts [...] have been developed with the intention of educating Argentine learners according to what our country needs today" (Deputies 4). Or it is seen as a chance to change a specific cultural manner: "we want those future generations to be educated on a topic that remains somehow taboo in our society" (Deputies 4). Thus, it only appeals to the future adult and his/her commitment as generation of relieve; not acknowledging the rights of C&A today. However, moderate pro-ISEP make it clear that they will respect the religious positions of schools because "the law specifically guarantees the possibility that those institutions that have a certain charisma can express it into a program [of sexual education] that is suited to their

preventions, their dictates or their beliefs” (Senators 13). Here, childhood is subjected to a new adult authority: the school.

Meanwhile, radical pro-ISEP consider it the state’s duty to give sexual information that is reliable and unbiased. Thus, C&A, as subjects of rights, can make the choices that they believe more convenient, even against their parents’ will. For radical pro-ISEP, parental right is subjected to significant restrictions in C&A’s autonomy, supported by the judicial system: “a valuable legal precedent has been set for interpreting the scope of parental rights on the road to C&A’s recognition as subjects of rights” (Deputies 14).

Radical pro-ISEP support their argument in the international rules incorporated to the National Constitution “the right of parents cannot come to inhibit the right of children to receive sexual education and information. [...] This is a right enshrined in the law, in the Constitution and in all international treaties signed by Argentina” (Deputies 13). In the same way of other human needs have been understood, “because, actually, going to school and, being educated is a right so that people can defend themselves; [it is] a social right” (Deputies 13). The lawmaker wants to point out, state must give information about sexuality in order to C&A can know if they are suffering abuses, especially intrafamily, that is the sense of defend themselves”.

Another point is the powers of the state are legitimized by its secularism, which mandates to “strive for the contents delivered to be true, devoid of preconceptions and dissociated from religious beliefs, which are delegated to different religious groups that have freedom to frame knowledge according to their own moral and religious scale of values” (Deputies 6). This statement makes a distinction between the public and private spheres regarding sexuality. While morality is acquired at home, its consequences have a direct effect in the public space that forcing the state to intervene.

However, sexuality also has a public face that must be addressed by the state. Therefore, “the state *cannot leave the educational process subjected to the parents’ sole discretion*. It should then adopt policies that best contribute to the development of programs of life choices of all religious, cultural and communitarian groups, imposing neither a certain conception of life, nor the use of contraceptives” (Deputies 14). As noted by Archard (1993), the autonomy to choose a lifestyle is a *sine qua non* condition for the state to deploy its powers over society, but without invalidating the subjects. However, this is intended only to and from adults, this autonomy does not extend to C&A and if so, in a limited way. That is possible to see, because the only who has rights are adults, and only by extension to C&A.

Also, this group demands that the state be obliged to respond to health needs, but also considering education as a tool for C&A to live a full and safe sexuality: “it is not unreasonable or arbitrary –nor does it require the parents’ consent– for the state to implement actions to prevent life-threatening diseases or early pregnancies, and that C&A have access to these benefits” (Deputies 14). All this justifies the need for the ISEP to be compulsory in all schools in the country, whether public or private. Despite considering the right of C&A to enjoy their sexuality, this group believes that children are not capable of providing any contribution to the adult world. Everything received and learned comes from adults.

4. CONCLUSIONS

The ISEP debates reproduce domination relations of adults over C&A. Thus, the anti-ISEP place adults over C&A, and parental authority over any attempt of outer intervention in the lives of their children. In this way, they express and impose their own view on C&A, preventing other views from being expressed, by other adults or by C&A themselves. In their discourse, the autonomy and privacy within the domestic space must be total, and so they try to build a real fence to prevent access from the outside, from any alternative visions. But to sustain the *doxa* inward, they seek to invade other spaces like that of the school.

Meanwhile, moderate pro-ISEP acknowledge the parents' domination as legitimate. However, by virtue of their inefficiency or neglect to dominate the private space, they give power to intervene to the state. The private is made public sphere because of the serious consequences that insufficient parental domination over their children might bring to society (teenage pregnancies, abortions, sexually transmitted diseases and unreported abuse). Thus, the right of parental authority is restricted in case of failure to control.

Both positions refer to what Margaret Mead called post-figurative culture, where "children learn primarily from their elders" (1970, p. 35) and where C&A are seen as subjects empty of content. They learn everything from adults who have all the answers, since most social occurrences have already been experienced by them. This perspective perceives society as static, without many substantial changes so traditional lifestyles are considered still relevant today and useful for resolving present issues.

Finally, the radical pro-ISEP hold an emancipatory potential for childhood that distinguishes them from the other two groups. First, they de-construct the traditional conception of the child as an object of protection and "recognize" him/her as subject of rights, although with limitations. Second, they transfer sexuality from the private to the public sphere. Thus, they attempt to ensure a secular state and liberate the sexual order governed historically by the Catholic Church. In addition, they acknowledge the C&A's right to experience an enjoyable and safe sexuality, even against their family's mandate. For this, it becomes an obligation for the state to dismantle social taboo through knowledge over the topic of sexuality.

Nevertheless, this group fails when, by disputing parents' power, they end up arrogating it to themselves as the state. It is here where these adults, in their adult-centric perspective, losing sight of domination relations. This explains why, after an active defense of C&A's rights, the law ends up giving schools the right to decide what contents will be delivered, by whom and how; without taking the necessary precautions so the C&A's subjectivity is recognized and guaranteed in the school space. The law neither places a set of mechanisms for the democratization of the discourse in schools, nor rules for settling existing differences among its members. The power passes from one adult (parent) to others (teachers). Thus, C&A are deprived of their right to access the information they want or see fit, by not being recognized, or even given the right to object to receiving information, based on their own objection and not their parents'.

I believe that the domination relations, that impose a macrostructure, are reinforced by ideological language that does not allow considering C&A as capable of interpreting, transforming, or reinterpreting the world around them. They are placed in a "sheltered spot" that serves to legitimize domination practices where the social perception offered by the child is grossly ignored.

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