

Comprehensive Sexual Education in Argentina: a philosophical feminist approach

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Abstract

A philosophical analysis of J. Butler's performativity in relation to Comprehensive Sexual Education is carried out, which allows us to understand the implicit heterosexual matrix of intelligibility in pedagogies of gender and sexuality. In the context of implementation of Comprehensive Sexual Education in Argentina and based on research on its achievements and challenges, it is argued that this gender perspective contributes to overcoming binary approaches that stigmatize sexual diversity. As an interdisciplinary contribution to the educational field, reflection from performativity enhances changes in curricular content that Queer and feminist movements demand, as well as liberating displacements of the norms in school practices.

Keywords: Performativity. Comprehensive Sexual Education. Gender. Diversity.

Educación Sexual Integral en Argentina y performatividad: un abordaje filosófico feminista

Resumen

Se realiza un análisis filosófico de la performatividad de Judith Butler en relación a la Educación Sexual Integral, que permite comprender la matriz heterossexista de inteligibilidad implícita en pedagogías del género y de la sexualidad. En el contexto de implementación de la Educación Sexual Integral en la Argentina y a partir de investigaciones sobre sus logros y desafíos, se argumenta que esta perspectiva del género contribuye a superar enfoques binarios que estigmatizan la diversidad sexual. Como aporte interdisciplinario al campo educativo, la reflexión desde la performatividad potencia cambios en contenidos curriculares que reclaman movimientos queer y feministas y también desplazamientos liberadores de las normas en las prácticas escolares.

Palabras clave: Performatividad. ESI. Género. Diversidad.

Educação Sexual Integral na Argentina e performatividade: uma abordagem filosófica feminista

Resumo

Realiza-se uma análise filosófica da performatividade de Judith Butler em relação à Educação Sexual Integral, que nos permite compreender a matriz heterossexista de inteligibilidade implícita nas pedagogias de gênero e sexualidade. No contexto da

implementação da Educação Sexual Integral na Argentina, com base em pesquisas sobre suas conquistas e desafios, argumenta-se que esta perspectiva de gênero contribui para a superação de abordagens binárias que estigmatizam a diversidade sexual. Como contribuição interdisciplinar para o campo educacional, a reflexão a partir da performatividade potencializa mudanças nos conteúdos curriculares que os movimentos *queer* e feministas exigem, bem como deslocamentos libertadores das normas nas práticas escolares.

Palavras-chave: Performatividade. Educação Sexual Integral. Gênero. Diversidade.

1 Introduction

This work addresses the strength of the theoretical framework and the experiences of implementing Integral Sexual Education (ISE) in Argentina to achieve liberation in gender and sexual pedagogies. The gender perspective and the respect for sexual diversity in the integral approach caused strong resistance and enthusiastic adherence, which refers to the webs of naturalized power operating in the schools as space for the bodies to act (LOURO, 2000). The growing interdisciplinary discussions on gender and sexuality enrich education studies by detecting naturalized hierarchies (RIOS; CARDOSO; DIAS, 2018). ESI has become a new field of knowledge construction where academic feminist LGTTBI¹ research and sexual dissent activism converge, and concrete experiences of implementation in different contexts. Besides, it gave a common language that makes gender and diversity issues in terms of human rights intelligible for the educational field (MORGADE, 2018).

In the Argentinian process of expansion of the ESI and the gradual adoption of the integral approach, the valorization of human rights allows for a translation of senses about sexuality and the identity construction from the feminist perspective of gender and Queer studies. The State's obligation to guarantee rights is an umbrella for actions destabilizing gender meanings that are ingrained and implicit in pedagogies. ESI makes these meanings visible, names them, questions, and historicizes these meanings in a critical and transformative way. The challenges to this educational policy and the comprehensive perspective of sex education are due, in its various manifestations in the different stages

¹ Lesbians, Gays, Crossdressers, Trans, Bisexuals, Intersex.

of the process of sanction and implementation of Law 26,150 in Argentina, to the attempt to sustain a single model of family organization, heteronormativity and the stigmatization of sexual diversity (GOGNA; FAUR, 2016; MORGADE, 2011, 2018). Virulent campaigns against this educational policy question the role of the State, the children and adolescents' rights, the perspective of gender, and respect for sexual diversity (MORGADE, 2018).

When assessing the achievements of the first decade of existence of the National Program for Integral Sexual Education in Argentina, it shows a complex process of implementing this educational policy since the enactment of Law 26,150 in effect since 2006 (GOGNA, FAUR, 2016; FAUR, 2018). In this process, the conflicting theoretical positions diverge on ideas about sexuality and the traditional institution of the family. From the teacher training task implemented by the National ESI Program, positive reception from the gender perspective stands out as a cross-sectional way to detect inequalities, but the resistance to the respect for sexual diversity in the gradual incorporation of the integrality of sexuality. When considering that gender is a binary relational category, generally comes from discrimination concerning diversity (FAUR, 2018). A heteronormative framework persists in the approaches and content of the ESI that is challenged by activism, Queer and feminist theories, and, particularly, by the entry of trans children and teens in schools (VAZQUEZ; LAJUD, 2016). In the Argentine context of recognition of the rights to sexual diversity and the visibility of LGTTBI activism and the opening for the knowledge and the voices of the students that before were considered of minor importance, new questions arise about the heterosexist binary of contents and guidelines developed at the beginning of the implementation of the ESI.

The challenges posed to schools concerning trans children have to do with the persistence of different socializations based on stereotypes of women and men in a binary and heterosexist way, excluding diversity (VAZQUEZ; LAJUD, 2016). Institutional expectations regarding normative masculinity and femininity translate into an unequal and stigmatizing treatment of those who don't conform to them.

ISE, with its perspectives on gender and respect for diversity, the exercise of rights, the appreciation of affectivity, care for the body, and health, requires a profound reflection by teachers and educational institutions. As social institutions, schools influence the

naturalization or questioning of inequalities (BACH, 2017). Therefore, for the critical theoretical approach to gender relations, which also raises fights against its oppressive character, the school is a privileged space (SILVA; DIAS; RIOS, 2020). Promoting the recognition of new rights from the legal point of view to sexual diversity implies reformulating ideas, prejudices, and practices, shaping spaces, and creating new meanings. Although the expansion of ESI in Argentina has made violence visible - since the beginning of non-discrimination - heterosexuality isn't treated as a political regime of body regulation (flores, 2015)² that persists in pedagogies.

Given these diagnoses and the current challenges to imposed by patriarchal discourses, it's productive to reflect on the policies that still support the normalizing pedagogies. The performativity approach is proposed as a key factor to ESI because an uncritical gender perspective of its binarism reaffirms the closeted pedagogies by not assuming that the production of "normal" and "abject" genders and sexualities are simultaneous and also an outcome of a naturalized matrix of cultural intelligibility (BUTLER, 2007). As an axis of the ISE, the gender perspective that doesn't assume performativity is insufficient to alert and accompany potentially liberating resignifications of gender and sexuality pedagogies, naturalizing the normative production of bodies, sexualities, and identities at school.

2 Methodology

A categorical philosophical analysis of the performance in J. Butler's works was carried out to theorize about the problems, demands, and challenges faced by the ESI in the context of its implementation in Argentina. To this end, several studies and comprehensive debates that emphasize the gender perspective and respect for diversity³ were considered.

² Translation by the author: the author writes her name and surname in lowercase as an act of political expression.

³ Faur's research report is an initiative of the United Nations Population Fund Regional Office, which is part of the Work Plan for strengthening comprehensive sexuality education in the Latin American region. It was supported by the Ministry of National Education and, in particular, by the National ESI Program. It analyzes the processes, results and lessons in the period between 2006, the year of the enactment of Law 26,150 and 2016. The qualitative research included the analysis of the regulatory framework, management documents and monitoring of the National ESI Program in Argentina and in-depth interviews for key informants, for ESI references from the provinces of Misiones, Salta, La Rioja, Buenos Aires, and for principals, teachers and

The philosophical reflection is placed on, dialogues with various disciplines, and contributes to the understanding of obstacles to the full exercise of human rights. The feminist perspective allows us to understand and transform the asymmetry of power that permeates the production of knowledge, expropriating voices and denying knowledge from unrecognized subjects in an exercise of symbolic and epistemic violence. This philosophical analysis highlights the critical power of performativity, which is the center of the cultural understanding of gender, in which heteronormative violence still persists in progressive proposals such as ISE. Understanding the contingency of gender identities and expressions and the power that exists in the pedagogies of the body and sexuality allows overcoming exclusive binarisms and promoting a liberating destabilization of the rules at school. As a contribution to the field of education, it's inserted in the pointed production of knowledge that ESI makes possible as a critical perspective and as an ethical-political position.

The analysis of performativity contributes to the revision of gender binarism present in the specific curricular guidelines and the contents of ESI elaborated in 2008 - the initial draft and a moment of a dispute over its legitimacy as a right and public educational policy in Argentina - and points to the valorization of sexual diversity and Queer pedagogies. LGTTBI activists, dissidents, and feminists challenge heteronormativity in textbooks, curriculum, and course content. In the context of increasing visibility of sexual diversity and the socio-cultural impact of the laws on equal rights to marriage and gender identity, the readjustment of ESI 's proposals based on performativity can denaturalize and dismantle the exclusions of trans children and teens in educational spaces.

3 The theory of performativity as a gender articulation

The Feminist theory uses the sex/gender distinction to understand and transform the experiences of the “woman” sexual subject with a body. Discarding the essence derived

students of schools in the province of Bs.As. Likewise, the contributions of education officials are taken into account and alert to the persistence of naturalized heteronormative assumptions, typical of the differentiated and sexist socialization of the modern school. We highlight the personal and institutional challenge that sexual diversity represents for schools in the context of the implementation of CSE and new rights (GOGNA; FAUR, 2016; MORGADÉ, 2018; VAZQUEZ; LAJUD 2016).

from biology, this perspective addressed the conflict between women-men relations with explicative paradigms and awareness about the state of “being” one and the other. To question the inequality of power resulting from the attribution of dichotomous capacities that naturalizes the inferiorization of women, gender, understood as a cultural construct, is a powerful interpretive tool that points out the contingency of this inequality (LAMAS, 1996). The sex/gender distinction critically points to sexual difference as a political criterion of exclusion based on which a sexual policy – patriarchy in its various forms – is maintained as a form of domination by one group over another. Feminist anthropology coined the concept of “sex-gender systems” to refer to the cultural mode of production of human sexuality, variable systems, but always present (RUBIN, 1986). The gender organization supports the exploitation of invisible care work, the mandate of motherhood, the exclusion of spheres of participation, and a plethora of types of violence against women.

Con el concepto de género [...] se nombraba a una de las formas primarias de las relaciones de poder tendiendo a establecer una distinción nítida entre el ‘género’ como construcción social y la dimensión biológica que establece el papel de ‘la mujer’ y el de ‘el varón’ en la reproducción de la especie humana⁴. (MORGADE, 2011, p. 26).

The gender, however, is not an unequivocal category and has been reconceptualized from different current theories to avoid essentialisms. In a post-structuralist framework, it's considered a primary form of significant power relations (SCOTT, 2008). The universalization of employment and the homogenization of “women” became problematic, erasing the differences. The intersectional post and decolonial analyzes contributed with elements of difference intertwined with gender, particularizing situations and processes, historicizing categories, and making visible the dehumanizations of subjects affected by multiple discrimination (CRENSHAW, 1995; LUGONES, 2008).

When, in gender studies, the problematic assumption that biological sex takes precedence to the cultural environment or discourse occurs the nature/culture frontier is

⁴ “With the concept of gender [...] one of the primary forms of power relations tended to establish a clear distinction between ‘gender’ as a social construction and the biological dimension that establishes the role of ‘woman’ and that of ‘male’. In the reproduction of the human species” (MORGADE, 2011, p. 26, it was translated).

reinforced as given and settled, immutable and variable. In some cases, the binarism of psychic formation is distinguished from the desire for biological sex, but the symbolic male/female positions are kept constant. In this way of conceptualizing gender, the asymmetric relationship between genders makes sense if they are dichotomous if they do not share characteristics if they are clearly different. As descriptive and classificatory, gender made it possible to describe and question the role of discriminated school socialization in imposing stereotypes and in justifying an asymmetry of power where, besides, gender expression must be adapted to the expectations of masculinity or femininity. This omnipresent symbolic binarism - grammar, logic - is so widespread in the different spaces of social organization, in the way thoughts are assembled, in everyday life, that it is difficult to measure its reach. The gender dichotomy categorizes bodies, classifies them, puts them in positions long before the "I" or individual will is constituted or manifested, and presupposes a sexual dimorphism as a legible difference. The word "gender" has become ambiguous and the assimilation of "women" has taken a critical stand point, raising serious epistemological problems: "*La fusión del género con lo masculino/femenino, hombre / mujer, macho / hembra, performa así la misma naturalización que se espera que prevenga la noción de género*"⁵ (BUTLER, 2006, p. 70). J. Scott suggested reconceptualizing gender through the understanding of several elements, taking into account instability and the dispute to define its meanings⁶ (SCOTT, 2008).

The theory of performativity points to the difficulties of Western representation and the epistemological challenges that come from a universalized gender constructivism based on sexual difference and the assumption of the body as pre-discursive, which led to cultural determinism. It points out "*[...] un marco implícitamente heterosexual para la descripción del género, la identidad de género y la sexualidad*"⁷ (BUTLER, 1998, p. 314). It problematizes

⁵ "The fusion of gender with the masculine / feminine, man / woman, male / female, thus performs the same naturalization that the notion of gender is expected to prevent" (BUTLER, 2006, p. 70, it was translated).

⁶ As a category of historical analysis, genre comprises: available symbols and myths that evoke multiple representations; normative concepts that try to fix these representations of the masculine and feminine in religious, scientific, legal doctrines; political notions and references to social institutions, such as school, the job market, not just kinship; and subjective identity (SCOTT, 2008).

⁷ "[...] an implicitly heterossexual structure for the description of gender, gender identity and sexuality" (BUTLER, 1998, p. 314, it was translated).

the sex-gender boundary, considering the true effects of the discourse. The post-structuralist mark of this approach detects the substantialization of the rational subject - metaphysical approach - in anthropology, psychoanalysis, political theory, phenomenology, and others, with its concepts and distinctions such as nature/culture and transcendental and universalist traits (SABSAY, 2011). The criticism about the gender subject based on sexual difference and culturalist gender interpretations destabilizes identities and implies the ethical gesture that points out to the regulations that exclude subjects (GODOY, 2016).

If both sex and gender are historically and socially constructed, there is a naturalization of sex, marked by a binary gender logic, compulsory heterosexuality. The presumption of heterosexuality had already been challenged by lesbians, not by “women” if “woman” refers to the univocal term of the heterosexual relationship (WITTIG, 2006). The persistent problem is the arbitrary association between sexual practices and heterosexual desire with the masculinity/femininity, male/female binaries to give coherence and stability to the subjects. Theories about kinship, the sociological mark of gender, or the development based on sexual difference maintain a universalized assumption of heterosexuality, a single family model or essentialism of the feminine, biological or psychic, in a coherence between sex-gender and desire. But if ontologically speaking, the gender “being” is already an effect of power, a genealogy of the political regulatory factors of such a constitution is necessary (GODOY, 2016). In addition to problematizing nature/culture boundary - analyzing what is a given and what is built - we do not have access to sex that isn't mediated by discourses, imaginary, representations, and historical practices. Gender is “[...] el medio discursivo/cultural a través del cual la ‘naturaleza sexuada’ o un ‘sexo natural’ se forma y establece como ‘prediscursivo’, anterior a la cultura, una superficie políticamente neutral sobre la cual actúa la cultura”⁸ (BUTLER, 2007, p. 56).

Far from being the expression of sex, from a substantial nucleus of a subject before discourse and symbolic law, performativity asserts that gender is constantly attributed and reassigned, and not without resistance. The repeated production of gender meanings, of

⁸ “[...] the discursive / cultural medium through which 'sexed nature' or a 'natural sex' is formed and established as 'prediscursive', prior to culture, a politically neutral surface on which culture acts” (BUTLER, 2007, p. 56, it was translated).

naturalized categories that maintain the illusion of a stable identity, also produces, performatively, “sex”. As for the body, in “Gender Trouble”, it's conceptualized as a set of individual and social limits that acquire meaning. The centrality is in the gendered, ritualized, obligatory, repeated performance of acts that make us visible and subjectively experience the body in a certain way. Gender as a performative act depends on significant social practices and the subject's compulsive commitment to gender (SABSAY, 2011). Although a voluntary gesture has been reinterpreted in the performativity, the highly codified ritual of the gender roles doesn't allow any performance. Its effectiveness also depends on repetition. In “Bodies that Matter” is explored the materialization of sex and sexual difference, considering the matter of bodies as the result of power dynamics. That is, if “sex” as a cultural norm governs the materialization of bodies, and considering that “materiality” creates power or refers to its constitutive character, it's necessary to ask why the idea of the material came to mean that it's irreducible. The Foucaultian version of power that subverts the subject's grammar and metaphysics is fundamental in the process of discourse analysis of sex materialization and sexual difference. Instead of thinking of “materiality” as a mere result of discourse, we move on to the notion of affect, as power is established in and through its effects, hiding in the process. That materialization of the matter means that it stabilizes in a regulated temporal repetition that produces the effect of edge and surface.

*Es necesario considerar que decir que el cuerpo es construido no quiere decir que sea totalmente construcción o que no haya nada más que construcción. Tenemos que entender en qué sentido y en qué medida el cuerpo es moldeado, formado por el significado y en virtud del marco histórico en el cual es entendido⁹. (BUTLER, 2003 *apud* GIULIANO; GODOY, 2016, p. 28).*

The hidden process behind the alleged evidence of “sex” is essential to regulate the imposed identification practices, which insistently tries to make us reject certain identifications. “Bodies that matter” leads into another conception of materiality linked to meanings and history, suggesting the displacement of the norms that produce sexual difference at the

⁹ “It must be considered that saying that the body is built does not mean that it is fully built or that it does not do more than built. We have to understand in what sense and in what measure or body is molded, formed by meaning and in virtue of the historical framework in which it is understood” (BUTLER, 2003 *apud* GIULIANO; GODOY, 2016, p. 28, it was translated).

expense of the sphere of unintelligibility and, therefore, of the inhumanity of bodies that don't even recognize themselves as human; the abject sphere (GODOY, 2016). Linking the process of “assuming” sex with the identification and discourse of the heterosexual imperative makes certain sexual identifications possible, while others are repudiated. This process of subject formation requires the simultaneous development of the sphere of non-subjects, as an exterior constitutive on the field of possibilities (BUTLER, 2003).

The gender performativity allows us to understand that far from being a given and previous to the cultural mark, the bodies are only known for their gender appearance, which takes place through sedimentation of acts renewed, revised, and consolidated in the environment. Gender identity is weakly constituted, between rules and sanctions, by a stylized repetition of bodily acts. But, precisely because they need ritualized repetition, these gender performative acts aren't always or entirely successful; there isn't a guaranteed repetition because there is no substantial model of identity or “I” prior to that repetition (BUTLER, 1998).

Critical work on discursive formations allows us to understand that before the repressive law of sexuality - which is used as a pre-existing instance of patriarchal power - is already an effect of those, but is naturalized and assumed to be previous to the law. By discursively establishing the “before” of the law, theories unfold a narrative that produces the effect of structural immutability, as in the assumption of psychic gender positions. The discursive production of this “before” as a cause establishes a sole model of accepting sex, regulating genders, and pathologizing what deviates from binary and heterosexuality. Investigating how the duality of sex or how the facts of sex have been determined implies that they occur discursively and that such discourses are trespassed by social and political interests. That is why the critique of psychoanalysis and structural anthropology genealogically revises the themes of the Oedipus complex and the incest taboo, focusing on the performative effects of these narratives. A previous and implicit taboo against homosexuality organizes that of incest and the description of the resolutions of the Oedipus complex - placed as a structural invariant - that support gender binarism and heterosexism. This knowledge and the clinic occupy the position of arbitrators of the normalcy of identities

or sexualities, reaffirming a sole way of understanding gender and the normative materialization of sex (BUTLER, 2002, 2007). The simultaneous production of normal and abnormal, recognizable as human and what is not, results from discursive formations, which means power.

Foucault (2012, p. 179) explains how power, instead of repressing sexuality, speaks of sexuality and sexuality “[...] *la dibuja, la suscita y la utiliza*” as a “[...] *sentido proliferante que hay que controlar*”¹⁰. Sexuality sides with the norm, disciplines, and regulations, not the law. Sexual practices have always existed, but disciplinary powers - medicine, psychiatry, psychoanalysis, and pedagogy - have made “sexuality” a theme. “Sex” isn't excluded from history, its exclusion is a normative ideal that was instituted at a certain moment in Western societies. Sexuality is a historical device in which bodies are presented as a reference for identities produced and normalized by legitimate speeches, practices, and knowledge. Its development, since the 19th century, allows the notion of “sex” to emerge as something more than bodies, organs, anatomical-physiological systems, sensations, or pleasures; not as what anchor the manifestations of sexuality, but as “[...] *una idea compleja, históricamente formada dentro del dispositivo de la sexualidad*”¹¹ (FOUCAULT, 2012, p. 185). The historical formation of a certain type of knowledge about sex, in terms of power, implies production, not repression. Power doesn't indicate a set of devices and institutions that keep citizens subject to the State, nor the law, nor the domination of one group over another.

This concept of power had divergent interpretations around the Foucaultian notion of biopolitics, or around Butler's performativity, which was accused of linguistic reductionism. For both philosophers, power has a reticular function; it's productive, it's everywhere and it comes from everywhere. Power relations aren't an externality, they are immanent: “[...] *el poder no es una institución, y no es una estructura, no es cierta potencia de la que algunos están dotados: es el nombre que se presta a una situación estratégica*

¹⁰ “[...] draws it, raises it and uses it”; “[...] proliferating sense to be controlled” (FOUCAULT, 2012, p. 179, it was translated).

¹¹ “[...] a complex idea, historically formed within the device of sexuality” (FOUCAULT, 2012, p. 185, it was translated).

compleja en una sociedad dada"¹² (FOUCAULT, 2012, p. 113). That reasoning comes from tactics, and this linking allows devices such as sexuality to be established.

A theory of sex in which sexuality is a device allowed the notion of "sex" to gather together anatomical elements, biological functions, behaviors, sensations, and pleasures into one unit. This unification established it as an omnipresent and secret meaning to be discovered. As anatomy and as lack, as function and as latency, as instinct and as meaning, "sex" traced a line of contact between knowledge of human sexuality and the biological sciences of reproduction (FOUCAULT, 2012). "Sex" assured an inversion in the representation of power relations with sexuality, because, "Instead of showing its proximity, of revealing what the "power" of power does, such an inversion presents it as law and prohibition". Biopower, as a power over life and species, unlike sovereign power, is linked to the normalizations and not to the law and involves the management of the living beings, of bodies, in a new kind of relation. Hence the importance of sex linked to politics. A sex policy conveys power techniques in precise contexts, in which "sex" plays a role in strategies with certain meaningful effects. In the context of women's hysteria, for example, "sex" was defined in several ways: as that common to men and women; as a prime example of what belongs to man and lacks woman; but also as that which constitutes the woman's body by itself, destining it for reproduction and "[...] *perturbándolo sin cesar en virtud de esas funciones*"¹³ (FOUCAULT, 2012, p. 185). In the sexualization of childhood, in the psychiatry of perversions, sex is defined as a game of everything and of parts, absence and presence, beginning and lack. So, "[...] *el sexo es ese punto imaginario fijado por el dispositivo de la sexualidad por el que cada uno debe pasar de modo tal de hacerse inteligible a sí mismo, a la totalidad de su cuerpo, a su identidad*"¹⁴ (FOUCAULT, 2012, p. 189).

To make the gender even more complex, the author of the theory of performativity approaches the apparatus of cultural discursive production by which sexes are determined.

¹² "Or power not an institution, in a structure, not a certain power that some are endowed with: or not that lends itself to a complex strategic situation in a given society" (FOUCAULT, 2012, p. 113, it was translated).

¹³ "[...] endlessly disturbing him by virtue of those functions" (FOUCAULT, 2012, p. 185, it was translated).

¹⁴ "[...] sex is that imaginary point fixed by the device of sexuality through which each one must pass in such a way as to make himself intelligible, to his whole body, to his identity" (FOUCAULT, 2012, p. 189, it was translated).

The production of sex as pre-discursive is the effect of a transaction of power, “[...] *el resultado del aparato de construcción cultural nombrado por el género*”¹⁵ (BUTLER, 2007, p. 56). The metaphysics of the substance that is talked about and criticized in Gender Trouble refers to assumptions of humanistic thinking: assuming that there is a substantive person with essential and non-essential attributes and that then gender is a human attribute, and the humanity is previous to gender. Performativity emphasizes the categories of identity, with implications for the legal paradigm of rights, with its assumption of the subject who acts, who chooses, who has gender. But it's through gender performance that humanization occurs, it's in this regulated performance that we become subjects: “[...] *el género siempre es un hacer, aunque no un hacer por parte de un sujeto que se pueda considerar preexistente a la acción*”¹⁶ (BUTLER, 2007, p. 84).

The notion of a performative act is comes from the speech acts theory. They are acts that do things within the framework of a ritual, a shared convention, that are iterable, that have no reference before or outside of them, and that transform a situation. It's important to note that the performance isn't limited to convey content already established and protected by a true intention. A performative statement wouldn't be successful if its formulation didn't repeat an iterable “coded” statement, if the formula that, for example, a judge declares a marriage legal, wasn't identifiable as a “citation” (DERRIDA, 1971). The performative act also resonates with the theatrical performance, and at the same time, it's really different from it. The act that is done is an act that has already been performed before each one takes the stage; thus, we achieve the socially expected coherence that's expected from us. Like the libretto that outlives the specific actors who used it, but requires that the individual actors updated and reproduced it once again as a reality, the gender demands repeated performance. Individual bodies act on meanings already existent, which precede us and we don't choose them when developing the body manifestation of gender. This theatrical sense of the act deviates from the predominantly individualistic sense of the constitutive acts of phenomenology, supposes an audience to which they are addressed, and a ritualized

¹⁵ “[...] the result of the cultural construction apparatus named by gender” (BUTLER, 2007, p. 56, it was translated).

¹⁶ “[...] gender is always a doing, although not a doing on the part of a subject that can be considered pre-existing to the action” (BUTLER, 2007, p. 84, it was translated).

repetition mechanism (GODOY, 2016). This action is immediately public and tries to keep the gender within the binary framework. In the gender performance, unlike the theatrical, the fictional character is hidden because it acts in response to expectations based on the belief of a core of gender or identity that is expressed in bodily acts. As this repetition is fortuitous, it can move, innovating gender productions.

La performatividad tiene dos dimensiones. La impuesta y que en algunas ocasiones es deshecha, en medio de una imposición y en los términos de la imposición. Por ejemplo, cuando alguien te da una pieza de vestimenta para vestirla como bufanda y en vez de eso la tomas y la vistes como algo más, o la rasgas y la distribuyes, o la usas como corbata. Es cuando se produce una transvaloración - en términos de Nietzsche - de aquello que se nos fue dado. Y éstos son los momentos sorprendentes de los que estuvimos hablando, esos son los momentos sorprendentes: las apropiaciones impredecibles de aquello que ha sido impuesto, a través de la resistencia, a través de las re-apropiaciones. Ahora bien, ¿esto significa que haya un sujeto que pueda permanecer a un lado? Difícilmente. Este sujeto es hecho y el que se vuelva sujeto y de una determinada manera, además, es condición y parte de las operaciones del poder. Entonces la asignación de género sucede, 'soy una mujer', 'soy una niña', y tengo que seguir siéndolo; el proceso persiste, continúa, implica tener que entrenar esa condición de mujer o de niña de acuerdo a ciertas normas¹⁷. (BUTLER, 2007 apud GIULIANO; GODOY, 2015, p. 298).

Gender, as a norm, functions within social practices as the implicit standard of normalization. As gender norms are reproduced, they're mentioned, invoked by bodily practices that are also capable of altering the norms of that mention. The norm can't be reduced to any of its cases, but neither can it be freed from its misleading representation, from historical performances, since it's produced by producing the field of its application. If the field of reality created by gender norms "[...] constituye un telón de fondo sobre el cual aparece el género en sus formas idealizadas"¹⁸ (BUTLER, 2006, p. 83), the possibilities of

¹⁷ "Performativity has two dimensions. The imposed and that in some occasions is undone, in the middle of an imposition and in the terms of the imposition. For example, when someone gives you a piece of clothing to wear as a scarf and instead you take it and dress it as something else, or you tear it up and distribute it, or you wear it as a tie. It is when there is a transvaluation - in Nietzsche's terms - of what was given to us. And these are the surprising moments that we were talking about, those are the surprising moments: the unpredictable appropriations of what has been imposed, through resistance, through re-appropriations. Now, does this mean that there is a subject who can stand aside? Hardly. This subject is fact and the one who becomes subject and in a certain way, moreover, is a condition and part of the operations of power. Then the gender assignment happens, 'I am a woman', 'I am a girl', and I have to continue being that; the process persists, continues, implies having to train that condition of woman or girl according to certain norms" (BUTLER, 2007 apud GIULIANO; GODOY, 2015, p. 298, it was translated).

¹⁸ "[...] Constitutes a background against which the genre appears in its idealized forms" (BUTLER, 2006, p. 83, it was translated).

innovation and displacement will associate these forms, resisting them, parodying them. What, as a gender, we are - repeated and sustained by performative acts that produce the illusion of an “I” that causes them - refers to bodily action. With performative bodily acts we embody - in a variable way - the norm, they are never solitary acts, and how each person does their gender is always linked to conventions and penalties.

When state regulation recognizes rights, such as the self-perception of a trans girl's identity, that regulation is implicated in normalization. The legal right defines who will exercise a right, who is a man or a woman, produces the parameters of what a person will be. The legislation regulates gender by recognizing those who have built their identity in the field of abjection with the dramatic consequences of vulnerability and discriminatory exposure to violence. Having secure rights that decisively expand social, cultural, affective, and assistance conditions are expressed in a norm that, at the same time, refers to norms that are reinforced in other vigilances by psychiatrists, lawyers, doctors, and institutions such as gender and sexuality pedagogies.

Qué pasaría si escucháramos, si aprendiéramos acerca de las condiciones que hacen posible o imposible vivir a algunos niños? ¿Cuáles son las condiciones genéricas que hacen vivible o no vivible una vida para los niños? Nuestra tarea desde la escucha, como educadores, como psicólogos o incluso como abogados, es descubrir aquello insoportable, aquello que no permite vivir y aquello que sí, de manera de reducir las condiciones de invivibilidad y hacer que la vida pueda ser vivible. Es decir, producir las condiciones para el desarrollo o florecimiento del niño, lo cual implica un enorme trabajo. Por empezar, podemos pensar por la asignación de género [...] muy frecuentemente una asignación de género puede volverse radicalmente invivible. Y esto tiene que cambiar de una manera u otra [...] podemos estar permanentemente luchando contra esas asignaciones¹⁹. (BUTLER, 2007 apud GIULIANO; GODOY, 2015, p. 223-224).

Without performing acts, there would be no gender. We build ourselves in this repetition of stylized acts and we're convinced of its necessity and naturalness. Regulated

¹⁹ “What if we listened, if we learned about the conditions that make it possible or impossible for some children to live? What are the generic conditions that make a life livable or unlivable for children? Our task from listening, as educators, as psychologists or even as lawyers, is to discover what is unbearable, what does not allow us to live and what does, in order to reduce the conditions of invivibility and make life livable. That is, to produce the conditions for the development or flourishing of the child, which implies a huge work. To begin with, we can think by gender assignment [...] very often a gender assignment can become radically unlivable. And this has to change one way or another [...] we can be permanently fighting against those assignments” (BUTLER, 2007 apud GIULIANO; GODOY, 2015, p. 223-224, it was translated).

fictions result from particular historical possibilities. On the one hand, they humanize us and, at the same time, they can be subverted, questioning the norm - expanding what will be recognized as human - that is naturalized through them (BUTLER, 1998). Since the beginning of life, we don't have options. Observing the genitals at birth, as if they were the “truth” of the individual, which can lead to surgical correction when they cannot be read from the binary perspective, is a violent citation of the norm related to sexual dimorphism. Therefore, male/female gender expression and “normal” heterosexual desire are expected to develop “naturally” under the coercion of a gender police.

4 Performativity and ESI

The implantation of ESI in Argentina was a complex process that involved political decisions, compromises to guarantee basic curricular guidelines at the federal level, new methodologies, and production of textbooks and teacher training (FAUR, 2018). The National ESI Program has reached a consensus with diverse parties to carry out comprehensive sexuality education amid tenacious resistance to the gender perspective and sexual diversity (GOGNA; FAUR, 2016). The survey about the opinion of the teachers trained in the Program shows a gradual process of appropriation of integral teaching, which involves using the perspective of rights, gender, and respect for sexual diversity. For a large number of teachers, the training implied a “life-changing experience”, both concerning the integral approach that allowed valuing aspects such as seen themselves as sexual subjects and the resulting critical reflection on school practices (FAUR, 2018). Regarding respect for sexual diversity, there were greater difficulties and questions in approaching the topic as pedagogical content in schools. Along with the positive assessment and the gradual appropriation of gender as a lens to decode inequalities, objections persist concerning sexual diversity. An implicit heteronormative framework fragments the understanding of gender relations, assuming that it's a binary category, and the principle of non-discrimination that allows addressing violence motivated by gender prejudices, gender expression, or sexuality. That is why a greater malleability is detected when the need and duty of schools not to

discriminate against homosexuals is added than to accept the relevance of the approach to sexual and bodily diversity as a content of the ESI (GOGNA; FAUR, 2016).

In every educational process, meanings and knowledge about sexuality and gender relations are reproduced, transmitted and negotiated (MORGADE, 2011), that's why the ESI content must be addressed in an interdisciplinary way within the programmatic content. Integrality implies the unfolding of interventions that insert the subject in the curriculum, to make room for the voices, experiences, and interpellation of students, and receiving knowledge from activists and subalternized theories. In interventions by areas and with a focus on interdisciplinarity, ESI presents itself as a field in development, in which not knowing is a positive thing because it opens up new questions: for example, about the limits of identity classifications for the expansion of rights. Thus, new demands are articulated in the field of ESI that, at the time of its beginning as an educational policy, were unknown or weren't reflected in its guidelines (MORGADE, 2018). These include the revision of the binary and heterosexist framework of content and of textbooks produced by the National Program, the definitive incorporation of ESI in the training of teachers, and reflections about the normative reproduction of gender and sexuality in daily tasks. Queer pedagogies challenge pedagogies by naming the damage that heterosexuality does as a regulatory regime for bodies (flores, 2015).

In the context of the 2018 parliamentary debate on the legalization of abortion in Argentina, ESI was invoked by different sectors, both opponents and feminists, transfeminists, and sexual dissidents. The former, without specifying their adherence to integrality, which includes reproductive and non-reproductive rights, among others, demanded it as a shortcut to the sanction of the law. On the one hand, proposals were presented to amend Law 26,150 that broaden it, incorporating aspects related to the expansion of rights - egalitarian marriage, or the right to gender identity - linked to sexual diversity, thus highlighting the obligation and the secular character of this policy. On the other hand, the campaign "Don't mess with my children" was launched to try to prevent the implementation of ISE. Groups organized in Argentina and other countries developed campaigns in the press with distorting the content and the meaning of the law, as if children

and teenagers were forced into genital practices, appealing to “moral panic” (MORGADE, 2018). The attack focused on what they call the “gender ideology” and sexual diversity, questioning the condition of children and adolescents as subjects of law and their right to receive ESI from the state. Law 26,150 talks about the principles and rights incorporated into the National Constitution, fulfilling the State's obligation to tailor policies and programs to the international standards adopted by Argentina (MORGADE, 2011).

The limitations detected in schools to reconcile sexual diversity, particularly of trans children, are linked to the historical context in which modern educational systems sought to materialize equality as a social value. The insertion of women in the educational system resulted in the offer of unequal and distinct experiences, producing and reaffirming stereotypes of the feminine and the masculine, an uneven socialization. The diverse pedagogical devices of the gender - forms of interaction, ways of interaction, language games, uses of space - naturalize idealized and essentialist interpretations and classifications of “being” masculine and “being” feminine. This normalization impacts the subjective perception of oneself and others, configuring the construction of identity. Normative expectations regarding masculinity and femininity - dichotomous and binary - serve as a commandment, structure the cultural imaginary and limit possible forms of gender subjectivities (VÁZQUEZ; LAJUD, 2016). Even today, “you learn to be” a man or woman in this constant reproduction and reaffirmation of sexual stereotypes, which justifies the inequalities of power based on bodily differences. Unequal school socialization unfolds through an explicit, hidden, and non-existent curriculum (MORGADE, 2011) and institutional expectations define who can and cannot pass through the school.

Start from the performativity we can critically consider how the binary norm is induced and imposed in pedagogies that refer to the idealizations of the dichotomous gender. Modern thinking with its male/female, rational/emotional, heterosexual/homosexual dichotomous pairs is expressed in the pedagogical discourse with classification, ordering, and normalization strategies that silence and exclude some voices. Along with the exclusion/inclusion of the feminine as subordinated term - based on stereotypes -, which restricts identity constructions, sexual diversity is inexorably excluded (VAZQUEZ; LAJUD,

2016). The pedagogy of the closet persists in the school, based on an idea of purity that imposes hegemonic models of identification and encloses differences (LOURO, 2004). The biomedical mark of sexuality, which prevailed since the 19th century and pathologizing for those who don't conform to heterosexuality, supports these pedagogies. In this sense, the sanction in 2012 of Law 26,743 on Gender Identity in Argentina questioned the authority of disciplinary knowledge that historically has sanctioned the mismatch between the subjective experience of gender and the attribution of sex. This law doesn't diagnose by recognizing the basic right, since childhood, to identity, intensifying the interdisciplinary debates on the heteronormative assumptions implicit in scientific theories.

A challenging scenario is presented for schools and their pedagogies. After the legal recognition of same-sex marriages under Law 26,618, which incorporated other family configurations into the cultural imagery and school routine, the presence of trans children and adolescents at school was another factor. Several educational institutions' responses to the request for recognition of self-perceived gender identity by students indicate the persistence of excluding pedagogies. From requests for medical or psychological studies, the requirement for the ID to show the chosen name, the suggestion to wear neutral clothes or to use the teacher's bathroom, there is a stigmatizing difference in the treatment of diversity (VÁZQUEZ; LAJUD, 2016).

When considering the performative and operational power of gender, we distinguish a legal norm that makes the guidelines of the gender norm that operates in pedagogies viable. The acceptance of sexual diversity at school only begins with the adequacy of the document and naming the trans student by the chosen name. If the gender binary is maintained, then the classroom contents or ESI interventions will present the gender perspective in terms of masculinity and femininity, to reinforce the excluding norm. Either a trans person will continue to be considered as "or a case" encapsulated without change in the violent institutional logic. It's necessary to question the intelligibility matrix of sex, gender, and desire, as well as beliefs about the existence of normal bodies, genders and how some are considered normal and others aren't.

Trans children and teenagers challenge the naturalized repetition of binaries and gender heteronorms implicit in school practices and discourses. “*Las marcas que nos hacen recordar, aún hoy, a esas instituciones tienen que ver con las formas cómo construimos nuestras identidades sociales, especialmente nuestra identidad de género y sexual*”²⁰ (LOURO, 1999, p. 11). The pedagogies of the body to conform the gender that will be as a reference to these hegemonic meanings through segregated sports practices, moving in some spaces, monitoring the clothes worn, acts, postures, gestures, and way of speaking or moving. The reproduction of normative genders presents them as if they were anchored in a discrete body material to achieve a lasting and coherent identity. Heterosexuality rules the binary production of genders and sexualities, as a matrix of cultural intelligibility that humanizes and dehumanizes bodies and experiences of gender and sexuality (BUTLER, 2002, 2006, 2007).

5 Final considerations

As a theory of power in its productive character, performativity allows us to meet the potential reinterpretations of material and discursive practices in which the subjects emerge as subjects. Understanding that all identities are effects of norms, some legible - recognizable, human - and others abject, denies the existence of “normal” and “correct” deviations. Realizing that power operations unfold from several points - as in pedagogies - and that through them we become viable subjects in a hierarchical and unequal culture, allows us to follow less constrictive repetitions of body and gender norms. The deployment of the ESI made the aspects of sexuality more complex than the biologicist approach, but it should be deepened in the analysis of gender and Queer studies (FAUR, 2018). Performativity conceptualizes the normalizing heterosexist as the baseline of bodies and denatures the sexual dimorphism from which the expressive binary of the gender follows (BUTLER, 2002, 2007).

The legal recognition of self-perception of a gender other than the assigned sex, without the need for physical requirements, is a strategic opportunity. It's accepted that

²⁰ “The impressions that remind us, even today, of these institutions have to do with how we build our social identities, mainly of gender and sexual identity” (LOURO, 1999, p. 11, it was translated).

gender is not “caused” by sex and if it doesn't depend on sexual dimorphism, it doesn't need to be binary either. By promoting the right to identity and non-discrimination, ESI breaks barriers in the educational system. It highlights rights and affectivity since the first years of schooling and allows questions about the role of the school in the production of gender, in the materialization of sex, and the normalization of bodies and desires. Performativity and Queer theory warn that gender and sexuality shouldn't be mixed together, although they are closely linked. Normative sexuality is instituted going unnoticed, while gender acts to hide its performance character. Its establishment, given the naturalization of binary gender sex and the assimilation of heterosexual desire, underlies the practices that teachers are used to (RIOS; CARDOSO, DIAS, 2018) and therefore the gender perspective of the approach to sexual diversity is fragmented. The teacher's self-reflection process is, thus, crucial to alert to epistemic vices - arrogance and indolence or contempt for what is not intended to be known -, which protect the privileges of the group “[...] epistémicamente dominante por su posición de enseñantes”²¹ (BACH, 2017, p. 39). This injustice-generating privilege clings to the gender binary and the heterosexuality regime that presupposes normative sexuality in all representations, perceived as a natural state and projected as a moral achievement (flores, 2015), producing the cover-up of the dissident manifestations of the standard.

As a disciplinary institution and scenario in which pedagogies of sexuality and gender are implanted where bodies are shaped, produced, and invested (LOURO, 1999) and according to the hegemonic standard of cultural intelligibility, the school, as well as the law, always normalizes. Performativity allows it to be considered at the same time as a privileged environment for the displacement of norms to expand the possibilities of the subjective constitution.

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²¹ “[...] epistemically dominant due to their position as a teacher” (BACH, 2017, p. 39, it was translated).

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