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## Intersectional Borders in Argentina: Migration, Inequalities, and Judicial Colonialism

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### Introduction

The debates on intersectionality occupy a central place in the theorization about gender and feminist studies. Regarding public policies, those debates alert about the importance of considering diverse axes of inequalities (gender, ethnicity, race, social class, and nationality, among others) in their formulation. In Argentina, the inclusion of intersectionality in public policies is still a pending discussion. In most cases, political answers tend to organize some of those axes hierarchically, reproducing the idea that women configure a homogeneous group, universalizing their experiences.

The purpose of this chapter is to explore the challenges of intersectionality in public policy-making processes in Argentina, and thus examine the colonialism ingrained within State structures in general and its judicial system in particular. To that end, this proposal is based on the analysis of a legal process

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O. Hankivsky, J. S. Jordan-Zachery (eds.), *The Palgrave Handbook of Intersectionality in Public Policy*, The Politics of Intersectionality,  
[https://doi.org/10.1007/978-3-319-98473-5\\_26](https://doi.org/10.1007/978-3-319-98473-5_26)

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that in 2014 condemned Reina Maraz Bejarano to life sentence. Reina Maraz is a migrant Bolivian woman, indigenous (Quechua speaker who does not understand Spanish), poor (in terms of social class position), and a victim of violence, who spent almost two years in jail, along with her baby, accused of murdering her husband, also Bolivian, without comprehending the legal process by which she had been detained. Her case, which embodies different intersections of social inequalities affecting a woman's life, reveals the absence of public policies oriented to respond to these intersections and points out, at the same time, the importance of including the intersectional perspective in the judicial sphere.

Reina's migration is framed within a historic process that has turned Bolivia into one of the main migration flows to Argentina since the second half of the twentieth century. Likewise, her migrant path, which is rural-urban and motivated by family reunification, shows some of the peculiarities that characterize this migrant phenomenon.<sup>1</sup> In terms of political subjectivity, Bolivian migrants have been configured as part of the external "others" inside the national territory taking, as Grimson (1999) indicates, the last place of the ethnic hierarchy due to their composition with high indigenous presence. Reina's experience makes sense under this context.

The premise of this text is that by analysing this case, tools are provided in order to reflect upon the dimensions of sexism, racism, and colonialism, which organize the judicial system and which are expressed in a dramatic tension between a subject who cannot "speak" and a justice incapable of "listening" and "seeing" that subject, making it impossible for him or her to have a defence or to report an injustice (Bidaseca 2011).<sup>2</sup> On this regard, we discuss the voices that are heard and are authorized to "speak" in the political arena, admitting that in that "speaking" and being heard their rights are at stake. The kind of analysis we suggest illustrates the incapacity of politics in general and the judicial system in particular to look at, address, and act on the intersectional marks that go through the lives of the people that appear before it.

To that aim, we highlight the need to find the theoretical, methodological, and political tools that enable us to explain that "incapacity," which is legalized and reproduced by the State. In this scenario, intersectionality is potentially

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<sup>1</sup>To analyse the different moments of Bolivian migration into Argentina and its specificities, see Mallimaci and Magliano (2015).

<sup>2</sup>By colonialism, we mean the sustaining of the colonial basis of power in Latin America which was translated into the production and reproduction of gender, sexual, racial, and classist forms of domination. To go deeper into this, see, among others, the studies of Grosfoguel (2007), Lugones (2008), Mignolo (2007, 2016), and Quijano (2000).

useful to report the many inequalities that have condemned important groups of the population to “silence” and invisibility from the State and its policies.

Within this framework, this study is based on the critical analysis of the decision that condemned Reina Maraz Bejarano to life sentence (Record No. 189/2014) and, at the same time, it reconstructs her own story as regards her life experience as a migrant in Argentina and the treatment she received during the judicial process. Likewise, it takes into account the work done by the Provincial Commission for Memory (CPM, by its Spanish acronym) of the Province of Buenos Aires, an institution that “came across” Reina’s case during a monitoring of the jails and stays with her the whole process.<sup>3</sup>

We based our analysis on an individual story, the story of Reina Maraz Bejarano. This methodological approach, by prioritizing in-depth knowledge of a biography before the generalization of the results, recognizes that an individual case can illuminate a more general topic. An individual story sets out to describe, explain, and comprehend the intersections between a singular individual, his community, and his “historical horizon” (Ferrarotti 1991: 114). The potential of this approach consists in connecting the individual biography to the structural context conceiving, as Wright Mills (2003: 23) marked, that “neither the life of an individual nor the history of a society can be understood without understanding both.”

This chapter shall be organized into three sections. The first one analyses the main contributions of intersectionality in order to think about inequalities that shape people’s life experiences and also the State and its institutions. In this section, and by providing a specific definition of intersectionality, we identify the central challenges faced by Latin America in general and Argentina in particular, in order to bring this perspective into public policies, in a framework of an extended and updated colonialism embedded within the State. The second reflects upon the selectivity of the different kinds of violence Reina’s faces, first in her daily life and then from the judicial system, within the context of being a woman, migrant, indigenous, and poor in Argentina. This chapter’s aim is not to determine whether Reina is innocent or guilty but to enrich the discussion about the importance of including an intersectional perspective in the State and its institution. Finally, in our conclusions we include some ideas in order to think about—and provide answers to—the many situations of inequality and oppression people face during their lives, which affects their experiences and their access to justice.

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<sup>3</sup>The CPM appears in 1999 around two main ideas: first, the democratic State must have an active role in the impulse of public policies of memory and in the promotion of human rights; second, this mandate should be fulfilled strongly articulating with civil society, defending the premise that the fact that the CPM is part of the Province State does not mean being linked to the governments ruling at the moment.

## Intersectionality, Colonialism, and Inequalities

Intersectionality, which initiated its path from black women movements within the United States during the 1960s and 1970s, has been principally developed in Northern countries. Pioneer studies of Crenshaw (1991) and Hill Collins (1993) concentrated on gender and race dimensions to reflect on the multiple forms of oppression and subordination that black women had to go through in the United States. In Latin America, this theoretical perspective has reached a growing political and academic centrality only in the last years, within a scheme of a major visibility of the organization of social systems pervaded by gender, race, ethnicity, class, and the struggles led by feminist social movements in order to change those systems. In the course of the last two decades, a series of research from postcolonial and transnational feminism has tried to discuss the historical and political implications of those oppressions in this part of the continent, in the context of the reproduction of a colonialism ingrained in our societies (Bidaseca 2010; Curiel 2007; Lugones 2008; Magliano 2015; Viveros Vigoya 2009, 2016).

However, this has not been an easy task. Social inequalities that express certain power relationships are made of Latin American societies. Taking this into account, we recuperate a notion of intersectionality that allows us to think about the multiple and complex social inequalities—historically situated—that people face in their daily lives and, at the same time, configure the State and its institutions. In this research, intersectionality is conceived as “an analytical tool for studying, understanding and responding to the ways in which gender intersects with other identities and how these intersections contribute to unique experiences of oppression and privilege” (Awid 2004: 1). As Hankivsky (2014: 9) states, from an intersectionality perspective, human lives cannot be reduced to single categories, and policy analysis cannot assume that any one social category (gender, race, ethnicity, class) is most important for understanding people’s needs and experiences. Thus, the intersectional perspective, by questioning the notion of a political position tied to a particular social category (Anthias 2006: 14–15), restores the experiences of the subordinate groups and the power relations they face in different socio-historical contexts. Precisely, from examining the Argentine judicial system, our interest is to analyse when gender, race, ethnicity, and social class inequalities and their intersections are directly relevant to people’s experiences (Verloo 2006: 213). Intersectionality, to that end, makes it possible to look for political answers so as to transform those inequalities, whereas this perspective “is not just about identities, but about the institutions that use identity to exclude and privilege” (Crenshaw 2015).

In Argentina, as in the rest of Latin America, the inclusion of an intersectional frame within the State goes hand in hand with its decolonization. This task, as Mignolo (2016) claims, cannot be individually achieved but it needs to be done *in conviviality*, which requires building communal togetherness. In a time of walls, restrictions, and criminalization of the presence of those considered “others” and “outsiders,” intersectionality could be a radical political answer towards building such togetherness.

## Intersectional Signs That Condemn: Uncovering the Colonial Veil of the Argentine Judicial System

### Being a Woman, Migrant, Indigenous, Poor, and Victim of Violence in Argentina

The migration of Reina Maraz to Argentina takes place in 2010. Her husband had migrated before as well as part of her family (aunts and uncles) that was already settled in Argentina.<sup>4</sup> After her arrival, Reina went to live in a brick-manufacturing site in Florencio Varela, on the outskirts of the city of Buenos Aires. This activity has become an important labour insertion for Bolivian families in the country—especially since the last quarter of the twentieth century—developed in the peri-urban area of big cities.<sup>5</sup> At 22, she arrived from Avichuca (Sucre), a rural area in Bolivia, speaking Quechua but not fluent Spanish. She moved with her two sons who were five and three years old at that time. According to her own story, she migrated to Argentina against her own will after her husband had migrated to work at the brickworks. Reina’s path, both at her origin and at her destination, is filled with multiple forms of violence, beginning with her brutal husband in Bolivia. As her defence attorney explains:

her story was always submerged in a subordinate condition: migrant, indigenous, female, unable to speak Spanish, poor, victim of violence; she was born and raised in the countryside, where the only language spoken was *Quechua*.

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<sup>4</sup> Bolivian women migration due to familiar reunification, as was Reina’s case, has been one of the most common characteristics of this migration process through time (Magliano 2017). The pioneer migration of the man and the following relocation of the rest of the family has been, historically, a modality sustained within the context of Bolivian migration into the country.

<sup>5</sup> Among the most common labour activities of Bolivian migrants in Argentina are the construction industry, small commerce, domestic work, horticultural production in the greenbelts of the main cities, brick manufacturing, and garment workshops (Mallimaci and Magliano 2015).

This is the context in which she comes to Argentina, to avoid separation from her children, in a relationship characterized by subordination to and dependence on her husband (Infojus Noticias 2014).

In addition to this, there are the working conditions in brick-manufacturing places that help to articulate, in a particular way, the productive environment with the reproductive one, since the families' houses—which are usually precarious—are located in the same place where the work is carried out, also in a precarious and informal way.

The reconstruction made by the CPM indicates that

Reina suffered from domestic violence in Bolivia and the mistreatment continued when she arrived in Argentina, where she was forced to come and, when she wanted to leave, her husband refused to give back her ID card. According to Reina's sister's testimony, and to what appears on the sentence, her husband 'had a doctor look at her to make sure she hadn't had sexual relations with other people in Bolivia while he was working in Argentina' (Record No. 189/2014 2014: 53).

Shortly after arriving in Argentina, in November 2010, Reina's husband was found dead in a brick kiln. Reina was then imprisoned and charged with murder along with one of her husband's workmate, who also lived in the brick factory and who had abused her when she was "offered" by her husband to pay his debts.<sup>6</sup>

This case's peculiarity is that Reina was in jail for two years without knowing the reason why. Not only did she not understand Spanish but was unable to comprehend the legal language either. While arrested in Florencio Varela, Reina finds out she was pregnant. Once her condition was visible, she was moved to a Penitentiary Unit in the Province of Buenos Aires where her daughter was born. From the moment she was arrested, no one realized Reina's inability to understand her situation until December 2011, when the CPM interviewed her during one of the monitoring visits to the Unit 33 at *Los Hornos* (Bidaseca et al. 2014). It is in this context of situation that the CPM requested an official interpreter that took more than one year to obtain. According to Margarita Jarque, Head of Strategic Litigation of the abovementioned institution, the reason for that delay was that there were no interpreters of native languages in the judiciary.<sup>7</sup> This means that neither the judges nor

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<sup>6</sup>The other accused, also from Bolivia, died in the Unit 23 of Florencio Varela while in prison for the same reason as Reina.

<sup>7</sup>It is important to point out that English, French, Portuguese, and Italian interpreters were available.

the prosecutors had taken into account the language issue and the accused's inability to "speak Spanish" and communicate. This situation contradicts the *Indigenous and Tribal Peoples Convention* (No. 169) of the International Labour Organization (ILO) ratified by the Argentine State in 2000, which states "the right to the use of one's own language is a preface of the beginning of equity among peoples and, in the case of Argentina, of the constitutional recognition of the ethnic and cultural preexistence" (Salgado and Gomiz 2010: 180). Once they got the interpreter, Reina could know the reasons for her arrest and she could also declare for more than three hours giving her version of the events.

In December 2013 she was transferred, together with her daughter who had been born in jail, to home detention—her aunt and uncle's house located in the outskirts of Buenos Aires—until the trial, which took place in October 2014.<sup>8</sup>

This case expresses the constraints of the judiciary at the moment of understanding and analysing the many intersections of inequalities that are condensed in Reina's case. Such inequalities (gender/race/ethnicity/national origin) intersect and place her in a condition of peculiar defenselessness when getting access to justice, forcing the State to ensure more protection, an "extra" of guarantees from the intervening political actors (Bidaseca et al. 2014). Nevertheless, not only did justice not take into account the intersection of inequalities and violence in Reina's life, who had been found guilty of murdering her husband, but also ignored the importance of the spoken word and the inability to express herself and understand the legal process by which she was being accused (Sckmunck 2016: 3). On October 28, 2014, the Oral Courts of Criminal Appeals No. 1 of Quilmes, Buenos Aires, sentenced Reina to life prison as co-author of the crime of double homicide aggravated by the fact, in the first place, that she lived together with the victim, and for considering that the homicide had been committed with the intention of robbing, in the second place. Since the sentence, Reina does not want her daughter to learn Quechua "because she won't be able to defend herself" and she insists on her learning to speak Spanish.

The Argentine judicial colonialism emerges in two main aspects. First, the difficulty in conferring the *status* of victim to the person who did not respond to the traditional aspects that distinguished a white, racist, heterosexual, and

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<sup>8</sup> She did not see her other children again, since after her imprisonment the children had stayed with their paternal grandfather and, then, they were taken to Bolivia. Once there, both families (maternal and paternal) agreed that each family would keep one boy. The one that stayed with Reina's family was in contact with her through the phone, while she had lost contact with the other one until three months before the trial, when she regained contact through the Bolivian consulate.

patriarchal system. Thus, it was presented as “guilty” a subject who, from other viewpoint, would result the privileged object of the authoritarian and racist State intervention. Second, the judicial colonialism had also been expressed in the lack of awareness on the diverse “civilizing horizons” (Segato 2016) that had not only the victim and accused person but, principally, the Court that tried this fact from a particular cultural and historical perspective.

## Racism and Intersectional Blindness of Argentine Justice

The path taken by the Court to set Reina’s punishment, formed by three women, was based on the declarations given by the eldest of her children, who was five years old when the event took place and six when he declared by means of the Gesell Dome,<sup>9</sup> not recognizing the number of interviews with many officials the boy had had along the year and that had let him build a very coherent and organized story. As the prosecutor points out “complete, coherent and legitimate,” which is strange not only because he is a very young boy but also, and specially, because he was the victims’ child: his father, the “official” victim for the different agents of the investigation and consequent crime process, and his mother, “hidden” victim of the intervention of a white, male, and authoritarian State. According to what the judges decided, the boy’s story is heard as “independent” from a series of conditions that constitute his own subjectivity. Not only is his young age omitted, but also Reina’s biography is left aside.

Although both Reina and her kid could build some phrases in Spanish, they were only for basic communication. Each judge’s attitude, however, was the clear and immediate result of the racist conception that accepts the subordinate word when this accuses and confesses—coinciding with the white and dominant interpretation—and rejects it, or even worse considers it “a sign of mendacity” (Record No. 189/2014 2014) in the accused person, when Reina says that she does not know much Spanish and that she speaks it in very few occasions. We define this conception as racist because the positions and consequent decisions of the judges do not take into account the constitutional

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<sup>9</sup>Device allows judges and defence attorneys to listen to the victims’ story—in this case, it was the story of the boy as witness of the deed—from a room next door without being seen. The mechanism consists of two rooms, one next to the other, separated by a mirrored glass that makes it possible to see from one of the rooms to the other, but not the other way around; this means that it is unidirectional. In one of the rooms, the minor must answer questions asked by a specialist—in this case, this main characteristic wasn’t respected, since the interview was carried out by the prosecutor himself—and in the other room the judges and the counsellors listen what he answers by means of an audio system.



mandate of the need of an interpreter who can ensure the basic principle of defence on trial. As we mentioned before, the same colonial gesture that gives shape to the Argentine judiciary, while it “deduces” from a few words that the accused can express herself in Spanish, also ensures that those accused coming from developed countries will have the required interpreter, especially English, French, Italian, and Portuguese. Thus, the principle of equality before the law was denied, which in Argentina becomes more serious since it ignores the ethnic and cultural pre-existence that the Constitution grants to the native peoples.

Only a political position that subordinates the subject—Reina, in this case—makes it possible for no one in the Court to ask for a technical test to set the oral comprehension and the ability to express of the accused person, unavoidable in any legal process, since preparing an effective defence depends on that ability. The racism that shows this position is not limited to the deciding Court or the accusing prosecutor, but it is a constitutive element of the judiciary. This racist conception affects the whole judicial structure, pervading each of the actors and defining their interventions. So, the judges heard the son’s accusing story in Spanish and the statements of Reina’s husband’s relatives about how the accused understood Spanish and, being biased by sexism, they did not have a doubt about those statements and turned them, in turn, into signs of mendacity on the part of the accused.

Similarly, the ancient gesture of the Quechua community that made Reina nod when the police went to her house, to take her to give a statement after the accusation of her father-in-law, was immediately “translated” as a confession by the Court. Thus, not only *did the judges not see* Reina, but neither did they see the community to which she belongs and, according to the indigenous world’s view, which she represents. Ignoring her cultural diversity, each of her attitudes and gestures was interpreted in conformity with the white and dominant criterion; even the doubtful terms were “completed” with the spontaneous interpretation of legal operators that also express a racist, sexist, classist, and colonial culture.

Finally, we’ll focus here on one of the decisions of the Court which, unlike the others, collects in extenso the arguments put forward by the official defence attorney at the time of deciding Reina’s part in the deed she had been accused of. As many of the arguments of the defence claim, this decision reproduces parts of the report prepared by a specialist in gender and native peoples’ rights which makes reference to the context of marginality and exclusion in which the accused was immersed, the mistreatment and the harassment she was a victim of, both in Bolivia and in Argentina, on the part of her husband and his family. This judge seems to be interested in the many forms

of violence that Reina went through, in the peculiarity of her condition as migrant with little knowledge of Spanish, in the dependence this generated on her husband, because he was the only communication bridge with the Spanish-speaking world, in the lack of economic resources, in the constraints to perform odd jobs in the same brick-manufacturing site and in her submission to any kind of sexual abuse, including being offered as payment for the debts her husband had acquired.

Nevertheless, and showing the strict and conservative nature of the judiciary despite the many reforms it has recently been subject to, this judge's political-ideological position makes it impossible to take into account this biographic and cultural information when making her decision, relegating it to the "not very legal" or "not very technical" part of the anecdote. In the sentence, one of the judges indicates that

from a *strictly legal* point of view, and having reached this stage, the submission, the systematic violence and the needs that Reina Bejarano suffered through her life described in this report (produced exclusively based on interviews with the accused) do not have any supporting evidence. Anyway, and even assuming—since it has not been proven—that what is said there could be true, the Official Defence attorney has not explained how these sufferings could affect the deed of our concern and that she is saddled with (Record No. 189/2014 2014: 61, own emphasis).

For this judge—and for the others who made the same decision based on the same arguments—there is no legally important relation between gender, race, and class conditioning that go through Reina Maraz's past and present and through the analysis of her husband's homicide.

The Court takes the information affected by the colonial gesture that transforms the native people story into "curious" stories that cannot be proven by other ways. Hence, it emphasizes the anthropological framework of the social report, racializing it—what is always done with the non-white who end up in jail—by means of the "doubt" that derives from the fact that the report was written based on the interviews with the accused in a confinement context. So, the word of a migrant, poor, non-white, and imprisoned woman is subject to doubt. During three years it was not considered necessary to check if she understood Spanish and then, when she was finally heard, her word was again under doubt.

However, what confirmed the judiciary racism in treating Reina, thus adding to the multiple forms of violence she had suffered, was *reading* her story as a possible reason for the crime she was accused of and which was not proven. The accused turns out to be, due to the characteristics of her subordination,

in the privileged object of criminal intervention. The Court's judges considered that the story of the series of violence practised on Reina's body throughout her brief 26 years was the possible reason for the crime under research.

The word of the accused, since it did not have other proofs that backed it, remains subaltern and invisible from the racialized point of view that the judicial system gives to it. Not only is it useless for her defence, but it makes it easier for the "free legal conviction"—which, because of being white and dominant, can be founded in the judges' conscience—to find other possible and more convincing reasons for an apparent illegal act committed by Reina.

For criminal justice, which ignores the meaning of interculturality and the structural constraints of its defendants, the "inferiority condition" of the accused multiplies her obligation to prove her innocence, which looks distorted precisely due to the potential reasons such inferiority gives to the commission of the crime. Bourgois (2010) explains how the theory of the individual action has imposed itself in western contexts where "blaming the victim" is the most comfortable decision to solve difficult social problems. Reina is first victimized by her husband; then, by the hostile environment that represents a new country she knew little about and where she could not make herself understood because she did not speak the language; and, finally, for being poor and forced to work under severe labour exploitation along with her husband. So, she becomes the ideal *suspect* the criminal system tries to build, taking revenge for the injustices she had suffered by committing such a crime against her husband. This decision shows how Reina perfectly fits in this racialized group of people imprisoned in Latin America, whose "racialization is so naturalized that public organisms and agencies have not realized the need to name that fact and provide categories that allow its measurement and its inscription in the discourse" (Segato 2007: 4).

Nevertheless, this does not mean that this Court's judges—or of any other who have to make a decision—are the only ones who place Reina into this situation. What the technical defence wanted, by including the social report, was to express up to what extent Reina's sentence would be reinforcing and reproducing a conditioning already existent in the race she represents.<sup>10</sup> Taking Segato's words again (2007: 208), the racialization, or what the author defines as the giving shape to a positive racial capital for the white and a negative racial capital for the non-white, is what allows to "ghettoficate," to differentially put in jail, and to kick out the "usurpers" of the space that is inhabited by the group that controls the nation's resources.

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<sup>10</sup>The category of "race" should not be understood as "belonging to an ethnic group in particular, but as a trace of a colonial history that continues up to now" (Segato 2007: 1).

## The Challenges of Bringing Intersectionality into Public Policies

In December 2016, Reina Maraz Bejarano was released until her situation is revised by the Court. However, the intersectional blindness of Argentina's justice, which this case unveils, is exposed in how Reina was treated by the legal system and is materialized in the "impossibilities" she faced throughout the whole process: to speak, to be heard, and to be understood in relation to her own story from her condition of being a woman, migrant, indigenous, poor, and victim of violence. That condition—which determines her life experience—has not been considered by the Court, except as an anecdote, at the moment of analysing her situation and providing her with more protection.

An intersectional frame would enable the inclusion of the biographical report with binding effects within the criminal proceedings. To that end, the legal instrument should personalize the situations in which the accused person is not part of the standardized group and admit, as legal evidence, the biographical report, made by cultural interpreters, that explains and historically situates such a person. Thus, its incorporation as a binding legal element during the process would be decisive, modifying its current use, which is just anecdotal closer to a literary story, as we have seen in the case described above.

The biographical report manages to particularize and describe in its details a series of conditions constituting the subjectivity of the person in question, which is relevant to a complete understanding of the situation under trial. It is about opening a parenthesis in the general and abstract vision of judicial operators, dismantling the practice of subsuming judicial processes within standardized patterns from which, hypothetically, deducing legal consequences also standardized. The equality of treatment that the judicial generalization has claimed with the "objective" and "neutral" application of the law derives today in the main tool to reinforce the position of inferiority in which are found those who, already at the beginning of the judicial process, do not fit into the parameter that the legal system offers. The biographical report, without altering the structure of the judicial process, allows bringing to the debate characteristics—personal, economic, and cultural—or life trajectories (individual, family, or communal) that expose the subject in question to a double victimization by the judicial system.

Nowadays, the Argentine State leaves no space for "particularities." However, when the intersectional position of a subject makes him or her more vulnerable than a standardized one, the biographical report that technically

gathers the cultural particularities can positively deactivate the subaltern condition, guaranteeing an equal treatment. For this purpose, the State must first accept its own colonial configuration—based on a white, racist, heterosexual, and patriarchal pattern—that is translated into standardized legal processes composed of pre-constituted victims and victimizers. In order to deconstruct that configuration, it is imperative to include and recognize the biographical report with a binding effect, allowing another possible resolution of the case in question.<sup>11</sup>

Reina's case expresses the way in which vulnerability is produced by the State. It shows, on the one hand, that public policies are perpetuating racism, sexism, and discrimination against certain social groups who deal with a judicial invisibility and, on the other, that her situation is created “at the intersection point of different types of discrimination” (Awid 2004: 3). Hence, only by adopting intersectional frames will it be possible to transform the colonial, racist, and sexist gestures that have shaped the Argentine political sphere in general and its legal system in particular.

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<sup>11</sup> An interesting precedent was the inclusion of the “anthropological cultural expert’s report” in the case Sepur Zarco, in Guatemala. Through this procedure, and with the purpose of decolonizing the legal system, the interpretation of the legal situation and its impact on the communities given the cultural patterns and values of the individual and collective subjects that go to the Court in the role of victims was expected (Segato 2016).

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