

# Sex on the streets of Montevideo: disputed spaces, rules, and illegalities

Sexo en las calles de Montevideo: espacios disputados, reglas e ilegalismos

Martín BOY [1]

## Abstract

The offer of sex in public places in Uruguay has been legal since 2002. The law establishes rights and obligations that are not met. Failure to comply with the law has enabled a group of residents from two neighborhoods in Montevideo to organize themselves and expel transgender women from the doors of their homes. This study approaches the narratives developed by this group and reveals how they were based on non-compliance with the law. The gap between what all the groups involved should do and what they actually practice is explained analytically using the concept of illegalities, which is useful to account for how certain spaces are (re)produced outside the regulatory framework.

**Keywords:** urban space; urban conflict; offer of sex; illegalities; neighborhood.

## Resumen

*La oferta de sexo en la vía pública en Uruguay es legal desde 2002. La norma establece derechos y obligaciones que no se cumplen. El incumplimiento de la ley habilitó que un grupo de vecinas/os de dos barrios de Montevideo se organizara en pos de expulsar a las trans de las puertas de sus casas. En este trabajo se dará cuenta de las narrativas que este grupo construyó y cómo estas se montaron sobre los incumplimientos de la ley. La brecha entre lo que todos los grupos implicados deberían hacer y lo que realmente practican es analizado a partir del concepto de ilegalismos que es útil para dar cuenta de cómo ciertos espacios se (re)producen al margen del marco normativo.*

**Palabras clave:** espacio urbano; conflicto urbano; oferta de sexo; ilegalismos; barrio.



## Introduction

The provision of sex in city streets often becomes a problem to be solved when certain social groups succeed in placing the issue on the public and political agenda. At the neighbourhood level, debates emerge among residents, public officials, and trans women over the (il)legitimate uses of the area, who it is intended for, and, ultimately, who deserves the city – questions already posed by Oszlak (2019) in the early 1980s. In such disputes, existing municipal and national regulatory frameworks concerning this activity become a constitutive part of the negotiation processes that give rise to urban conflicts.

This article examines a specific conflict unfolding in two sectors of the Larrañaga and Jacinto Vera neighbourhoods in Montevideo, Uruguay. According to the research conducted, sex has been sold in the area around Artigas Boulevard for over forty years, and trans women began offering sexual services on its pavements and streets twenty-five years ago. This situation sparked concern among a group of residents who, for various reasons that will be reconstructed here, have sought to expel them. As part of a broader fieldwork project, this article focuses on the existing regulatory framework in Montevideo specifically, and in Uruguay more broadly, to describe the various tactics deployed by residents, public officials, and trans women to claim the scraps of contested neighbourhoods. As argued elsewhere (Boy, 2020), these spaces are conceptualised not as fragments of the city or entire neighbourhoods, but rather as urban scraps. I understand the term “fragment” to imply a portion of urban

space with clear boundaries or borders, neatly carved out or delimited. In contrast, the figure of the urban scrap enables me to conceive of territory as torn, untidy, blurred, nomadic, mobile, porous, dynamic, and (il)legitimate. This dynamic movement reflects the unfinished nature of space (Massey, 1994), and how it is continuously constructed through the stories, practices, and relational networks of the groups involved. With this in mind, the article analyses the provision of sex in public space as a spatial conflict, approached from the perspectives of urban, gender, and sexuality studies, and taking into account the significance of both national and local regulatory frameworks.

## The provision of sex in the Uruguayan context

In the 1920s, Uruguay legalised the provision of sex in private venues – such as cabarets, whisky bars, and massage parlours, among other possibilities – and this regulatory framework was extended to public spaces in 2002. That year, the Uruguayan parliament passed Law No. 17.515, which under certain conditions permits commercial sex work in public space. Uruguay thus positioned itself as a reglementarist country, recognising autonomous commercial sex work as a form of labour, and those who engage in it as *sex workers*.<sup>1</sup>

The national law requires local governments to establish what are commonly referred to as “zonas rojas” (“red zones”): designated areas where sex can be offered in public spaces. It also grants certain labour

rights to those engaged in sex work. Uruguay's simplified tax regime (monotributo)<sup>2</sup> created a specific category – *sex workers* – allowing them to make pension contributions, access social security, and benefit from labour protections afforded to other registered self-employed workers. Those engaged in commercial sex are also subject to obligations under the law: they must carry a *libreta sanitaria*<sup>3</sup> (health booklet) showing that monthly medical check-ups are up to date, they must adhere to set working hours, and they are not permitted to expose their naked bodies. Compliance with the health booklet requirement is not enforced by the police but by personnel from the Ministry of Health.

The fieldwork conducted and the sources consulted reveal that few aspects of the law are consistently upheld: trans sex workers often do not register under the monotributo scheme, either due to lack of awareness, financial constraints, or the stigma associated with the “sex worker”<sup>4</sup> category. Health check-ups are not carried out monthly as required, and possession of the *libreta sanitaria* (health booklet) is rarely monitored. Furthermore, working hours are frequently disregarded, and partial nudity often contravenes the legal restrictions. Despite this, the official recognition of trans women as sex workers grants them certain rights, and the police have limited scope to carry out arrests, issue fines, or extort those offering sex – practices common in other cities and countries in the region. As a result, the capacity of residents to mobilise police raids in order to expel trans women is significantly constrained, which is not the case in many other cities.

## Theoretical approach: preliminary clarifications

Approaching commercial sex from an urban conflict perspective requires defining what is understood by space. This article draws on the concept of urban public space, defined as the “set of streets, pavements, building façades, public transport stations, small squares, plazas, parks, and any urban outdoor area within the city” (Vazquez and Berardo, 2023, p. 60). Moreover, the notion of conflict highlights that every shared space is traversed by disputes among different social groups vying to secure the greatest benefits from the unevenly distributed provision of urban infrastructure across the territory (Oszlak, 2019). This contest imbues space with a strong dynamism, meaning it is in a state of permanent making. Non-compliance with regulations is one of the driving factors of conflict in the *urban scraps* selected to analyse the conflict surrounding the provision of sex in the streets of Montevideo.

The gap between what the law guarantees and what actually occurs night after night in the neighbourhood gives rise to a set of questions that this article seeks to address: How can the existing gap between the legal framework and social practices be problematised? How is it possible that an activity such as the provision of sex in public space – which, by its nature, takes place in full view of all – can elude the entire regulatory framework? How do residents organise themselves, and to whom do they turn, when seeking to remove this activity from their doorsteps and from the neighbourhood, in a context where the provision of sex is legalised?

What narratives do residents construct to gain the upper hand in the conflict with trans women? These are some of the questions that will guide this article, which will seek to answer them as rigorously as possible.

## Brief methodological clarifications

This article is based on the analysis of various documents that reveal the positions adopted by the group of residents who organised to displace the trans women offering sex at the doorsteps of their homes, in a context where the regulatory framework, in principle, limits their capacity for action. Complaints filed with the police and transcripts of parliamentary committee debates between residents and public officials serve as the starting point for this analysis. Only occasionally will reference be made to information gathered during a broader fieldwork project that employed other techniques, such as interviews and participant observation. It is also important to specify the temporal and spatial scope of the research. With regard to the spatial aspect, certain characteristics of the studied neighbourhoods will be outlined.

Regarding the temporal dimension, the conflict began to emerge publicly with the first complaints filed by residents in 2005 and continued up until the end of my fieldwork in 2017. Spatially, the neighbourhoods examined are primarily residential, characterised by chalet-style houses with front and back gardens and generally low levels of vehicle traffic. Artigas Boulevard, which cuts through both neighbourhoods, is an exception, as it is a busy

thoroughfare providing access to the city centre of Montevideo in just 15 minutes. In both the complaints and the transcripts analysed, residents frequently referred to the area as “El Carrasquito”. It is worth noting that Carrasco is a neighbourhood located on the outskirts of the city, facing the coast, and home to the country’s historically wealthiest social groups. In this sense, residents of these two scraps of the neighbourhood look to Carrasco as an aspirational horizon.

The following section analyses the three main narratives advanced by the group of residents as the conflict over the provision of sex in the Jacinto Vera and Larrañaga neighbourhoods unfolded. These narratives, it is worth noting, are grounded in arguments about breaches of the existing regulations governing the provision of sex in public space.

## Narrative 1

### Not with the kids and not near private property

Two complaints were filed by a group of residents from the Jacinto Vera and Larrañaga neighbourhoods – one in 2005 and another in 2012. Both focused on the violation of two articles included in the decree regulating Law No. 17515 on Sex Work, passed in 2002: Articles 11 and 12. Article 11 of this decree stipulates that “the clothing and behaviour of sex workers in public spaces must not offend the sensibilities of families in the vicinity, nor be harmful to children or adolescents [...]” (Art. 11 of Regulatory Decree 480/003).

Article 12 states that:

No sex worker shall cause disturbances to public tranquillity in front of private residences in the course of their work, whether due to their presence, noise, obstruction of pedestrian or vehicular traffic, or through harassment. Nor may the sex worker stain, soil, or damage public or private property in the course of their work. (Art. 12 of Regulatory Decree 480/003)

These two articles promote the defence of two core values in Western capitalist cultures: on the one hand, the family and its offspring; on the other, the protection of private property. Recovering these two values is central to this article, as they underpin many of the claims made by residents who have organised against the provision of sex in public space, in their neighbourhoods. The first complaint, filed in 2005, reads as follows:

[...] we wish to inform you that a group of sex workers (travestis)<sup>5</sup> are disturbing the peace by walking half-naked through the aforementioned streets. This situation causes extreme distress, especially for children and adolescents, for relatives and friends who visit our homes and are confronted with this unpleasant sight. (Complaint filed at the 13th Police Station, 25 October 2005)

Firstly, the trans women offering sex on the streets are represented using the terms “sex worker” and “travesties” and always in the masculine form.<sup>6</sup> Simultaneously, the presence of their semi-nude bodies is construed as a threat to the innocence of children and adolescents. Moreover, according to the accounts, the presence of bodies engaged in sexuality was described as implying that:

[...] our children and grandchildren are deprived of the possibility of playing and engaging in sports activities on our pavements, in small squares, and even in the gardens or front areas of our homes. (Complaint filed at the 13th Police Station, 18 June 2014)

In this way, the provision of commercial sex is marked as responsible for the violation of the right to access urban public space and for the restriction of freedom experienced by children when using the neighbourhood where they live. Furthermore, the urban space (street, pavement, and square) is depicted in the complaints as a site where certain undesirable activities take place, which displace play and sport – activities associated with recreation and health.

The spatial coexistence with trans corporalities exposes the inability of adults to narrate abjection (Butler, 2002) – that which appears as unutterable. The breaking of the cultural rule that binarily associates and assigns a specific genitalia to a gender identity places mothers, fathers, and grandparents in a position where they have to provide explanations to the children in their care – explanations they do not know how to give, nor wish to. In this regard, one resident stated:

I never raised my voice or yelled at them (the trans women), even though my nine-year-old daughter – she was eight at the time – was playing hide-and-seek inside the house, and while hiding behind a column, had to see a travesti pull everything down and fix their genitals. I think we’ve had plenty of patience. (Male resident speaking

at the Committee on Environment and Health, session held on 15 November 2005, p. 16)

I'll give you another example. How do I explain to a group of children from other regions who came to play on the Urreta field what a travesti? Two travestis started urinating next to a bus, and one of the children said: 'Look, mum, there's a woman urinating, but she's got a penis!' What are we supposed to say to them? (Male resident speaking at the Committee on Environment and Health, session held on 15 November 2005, p. 17)

In sum, Articles 11 and 12 of the decree regulating Law No. 17515 on Sex Work, passed in 2002 in Uruguay, promote the defence of the family and childhood as institutions, and reaffirm the safeguarding of private property. The organised residents build their narratives around these values and the breaches of the regulatory framework approved in 2002. This group conceives of the presence of trans women in public space as a threat to the family unit and, above all, to the "innocence" of children. Trans corporalities thus appear as bodies that cannot be explained, as they disrupt the "heterosexual matrix" (Butler, 2002) anchored in the gender binary.

Simultaneously, there is another housing-related factor that affects the residents. The presence of trans people offering sex at their doorsteps is singled out as the cause of plummeting property values, as these corporalities are said to act as a stain that renders certain areas undesirable for most city dwellers. One resident, speaking at a public session in 2005 before members of the Montevideo City Council, stated:

Moreover, property values have plummeted. The house M. mentions could once have been sold for no less than US\$150,000; today they are asking US\$80,000, and nobody will buy it because they know what goes on there. (Male resident, Committee on Environment and Health, session held on 15 November 2005, p. 3)

Thus, the health of private property is also seen as being threatened by the loss of its value. In other words, the defence of this system can be measured through two indicators: (a) the material damage that dwellings might endure due to the characteristics of the provision of sex in public space, and (b) the exchange value for which they are quoted in the real estate market.

The concept of an organised community, as proposed by Svampa (2001), can be very useful in understanding how certain social groups place everything undesirable in an outside space from which they wish to differentiate, thereby reinforcing the neighbourhood group's identity. The author defines the organised community "in contrast to another society where the abandonment of rules, the absence of order, cleanliness, and transparency are clearly perceived; indeed, where such conditions imply the disappearance of values linked to respect for others and to 'good manners'" (Svampa, 2001, p. 178). The existence of an organised community makes it possible to bring two aspects into view: on the one hand, it is threatened by external chaos; on the other, this very chaos is what allows it to conceive of itself as a homogeneous "we", underpinned by shared values associated with harmony, civility, family values, and health. The ethical and well-being-oriented ways of life defended by the residents come into play when

they advocate the removal of trans women from “their” pavements, gardens, and squares. The next section will expand on this idea.

## Narrative 2

### Promoting the neighbourhood’s health

Although the Uruguayan legal framework recognises the provision of sex as sex work, in the complaints it is conceived of as a spectacle, never as a survival strategy or even as employment. The complaints describe how this spectacle turns into scandal and alters neighbourhood life with the arrival of clients in vehicles. In the complaints, the neighbourhood at night is depicted through disturbing noises, car horns, shouting, running, and the sound of high heels, all of which disturb the much-desired tranquillity of the organised community. A complaint filed in 2005 stated:

when leaving early to go to work or study (secondary school or primary school), we find in our gardens or at the fronts of our homes: faeces, condoms, toilet paper, broken bottles – all of which may put our health at risk. (Complaint filed at the 13th Police Station, 25 October 2005)

our privacy is also invaded in our homes (gardens, entrance halls, and corridors – photographic evidence attached),<sup>7</sup> where aberrant acts are carried out; more than one of us, upon opening our front door, has come across these unpleasant acts, which are at odds with morality (people engaging in all kinds of sexual relations). (Complaint filed at the 13th Police Station, 18 June 2014)

[...] In addition to perceiving a nauseating odour (a source of infection to which the utmost attention should be paid). (Complaint filed at the 13th Police Station, 2 May 2016)

The analysis of the recovered excerpts can draw on Noel’s (2011) contributions, which recognise and problematise the moral repertoires that construct two opposing yet mutually constitutive groups: the first is deemed worthy of social dignity and embodied in “workers” and “students”; the second, which is not explicitly named, is represented through its waste, associated with vice (bottles), promiscuity (condoms), and the scatological (faeces and used toilet paper). These four elements, so valued in the domestic space, are represented in the public sphere as improper waste found in inappropriate places. The complaints reflect the idea, as in María Elena Walsh’s children’s song, that there is a place for everything and everything has its place – and if this is not respected, it is liable to sanction. In other words, when “the private” is enacted in the urban public space, it becomes a transgression and is perceived as a threat to the health of local residents. As one testimony stated:

I work at [names health centre], where outbreaks of hepatitis often occur and we do not know how or why. One day, I started talking to an *hurgador*<sup>8</sup> (waste-picker) who had two children with hepatitis [...] and I asked him if he ever went along Quijote Street and whether he had any contact with faeces. He said yes [...] The concern we all have about HIV/AIDS and other sexually transmitted diseases is very serious [...] It is distressing to see how sometimes waste-pickers come along with young lads who, perhaps, have earned a bit of money and are tempted by this type of people. Sometimes they end up having sex without any kind of protection, and later we see that they become infected [...] he infects others, and then we have to treat them all at the HIV clinic. We even treat children who are already born with that stigma. (Male resident in the Committee on Environment and Health, session held on 15 November 2005, p. 5)

Trans corporalities offering sex on the neighbourhood's streets are depicted in terms of the risk they carry. The presumably diseased body threatens – and, at the same time, defines – those who are healthy yet corruptible by the force of sexual pulsion. Such arguments reaffirm one group as healthy (the residents), another as diseased and unscrupulous (trans women), and another as victims (the young waste-pickers). In the words of one of the residents:

There's something that quite clearly distinguishes female prostitution from male prostitution: they're completely different types of people. A prostitute stands on a corner, doesn't bother anyone, doesn't strip in front of people, doesn't shout abuse, doesn't get drunk, doesn't sprawl in front of residents' doorways, and doesn't hassle every person who passes. While, in the case of the men (referring to trans women) [...] it's a type of people who are aggressive and very difficult to engage in conversation with. Clearly, they're off doing something else, and as the night wears on, they get worse [...] We say we don't want to ghettoise [sic], but in a way we're doing it to the majority of the population – those who are "normal", who lead an ordinary, everyday life. Because, ultimately, our neighbourhood or any other neighbourhood where this kind of aggression against its environment takes place is being ghettoised, stigmatised. (Female resident in the Committee on Environment and Health, session held on 15 November 2005, pp. 12–13)

The excerpt cited can be problematised in light of Grimson's (2005) argument that

[...] studying identifications means studying their boundaries. That is to say, groups and identifications cannot be understood in themselves, but in relation to others, within a network of

relationships that reinstates a situation of contact – a border situation. By studying boundaries, we can learn what a group or an identification includes and excludes, as well as the mechanisms through which they construct those differences, in most cases articulating them with forms of inequality." (Grimson, 2005, p. 127)

The practice of offering sex, embodied in bodies that are spatially close but symbolically distant (Boy, 2017), is represented by the residents lodging complaints as a frontier that places the inadmissible on the other side. Like any construction of otherness, it constitutes and reinforces group neighbourhood identity in the face of police authorities and the threatening subject. The otherness singled out in complaints and in meetings with local councillors functions in shaping a social homogeneity within the community of residents. Thus, for this collective, family and property represent the niches where health thrives, in contrast to an urban public space perceived as lost, alien, unhealthy, dangerous, and conflict-ridden. As Cedeño Pérez argues, the arrangement of space is neither neutral nor conflict-free; rather, "a series of events unfold within it, among them the confrontation of forces, the struggle for control, and unequal use" (in Rodríguez, 2010, p. 195). This space is constituted by "practices, symbolic representations and discourses through which certain sectors seek to appropriate it materially and symbolically" (Cedeño Pérez in Rodríguez, 2010, p. 195). In this way, various social actors identify "with an area they interpret as their own, and which is understood as needing to be defended from intrusions, violations, and contamination" (Delgado Ruiz, 1999, p. 30). In the words of Pierre Mayol, the neighbourhood space

can be understood as the progressive privatization of public space. It is a practical device whose function is to ensure a continuity between the most intimate (the private space of the home) and the most unknown (the wider city or, by extension, the world) [...]. The neighbourhood stands as the middle ground in an existential dialectic (at the personal level) and a social one (at the level of groups of users) between inside and outside. It is in the tension between these two terms – an inside and an outside that gradually become an extension of the inside – where the appropriation of space takes place. The neighbourhood can be regarded as a prolongation of the dwelling [...]. It offers each person the possibility to inscribe in the city a multitude of trajectories whose core remains within the private sphere.” (Mayol, 1994, p. 10)

The sense of ownership that residents feel toward the public space adjacent to their homes can be understood as the driving force that motivates them to organise, lodge complaints, and promote a lifestyle that collectively identifies them – one of its pillars being the domestication of sexual expression. The narrative centred on neighbourhood health stems from a real breach of the existing regulatory framework in the city and country. The gap between the law, actual practices, and pre-existing stigmatizing ideas about the trans population fuels the conflict over space and competing moralities. Regarding health as a value, the residents’ testimonies clearly place the trans corporalities as vectors of contagion – the “rotten fruit” that tempts and contaminates the healthy community of residents – holding them responsible for substantially altering life in these parcels, in these urban scraps. These scraps are tugged at, contested, and laden with nostalgic memories of neighbourhood

dynamics that perhaps once existed but no longer do. This last aspect will be explored in the following section.

## Narrative 3

### The arrival of the “weird ones” in the neighbourhood

As Delgado Ruiz (2011) argues, anonymity in cities is not enjoyed by certain social groups who are socially marked by specific attributes that heighten their visibility. In the author’s words:

Those who always or often display traits that make them, in the eyes of a social majority or of power, unacceptably odd, foreign, different, invalid, inferior, deviant, dissident... and who have been unable or unwilling to disguise who they really are – in other words, the place they occupy within the asymmetric social structure – end up placed in a state of exception that totally or partially disqualifies them from a large part of communicative exchanges. (Delgado Ruiz, 2011, p. 61)

The social markings that construct social hierarchies place certain groups in a situation where it is very difficult for them to go unnoticed. In the words of Delgado Ruiz, no one is indecipherable. In this vein, the complaints filed by local residents consistently invoked the threat they felt upon the arrival of strange bodies or outsiders. In the words of the complainants:

[...] with the arrival of these people, a group of individuals of weird appearance has moved into the neighbourhood, and there have been a few minor thefts and intrusions into homes (rooftops,

gardens, and entrance halls), as well as into cars. (Complaint filed at the 13th Police Station, 17 January 2012)

As phrased, it would seem to describe a situation the neighbourhood has recently experienced. The use of the term “arrival” alludes to the replacement of cisgender women who had offered sex in the area for more than forty-five years with trans femininities who have engaged in the same activity for roughly twenty-five. This temporal framing makes it clear that the conflict does not always emerge whenever there is an offer of sex, but rather depends on who engages in it and how. In this way, a moral dimension is added to the dispute over the activity. The expression “these people” refers to the trans women who offer sex in exchange for money, while the individuals of “weird appearance” are embodied in the criminals who would take advantage of the breeding ground generated by the marginal practice of commercial sex. In a complaint filed in 2014, residents claimed that they had

[...] noticed that there are two motorbikes and a taxi that are constantly approaching, transporting them and exchanging bags and/or packages with these people; we can guess what this is about. (Complaint filed at the 13th Police Station, 18 June 2014)

Late at night or in the early hours of the morning, our rest is often interrupted by the honking, screeching brakes, and sudden accelerations of the occasional clients of these sex workers<sup>9</sup> who, at such late hours, are in a state of supreme excitement (surely due to the effects of alcohol and/or other substances). This leads to disputes and brawls (shouting, stomping, running) between them over clients or over the spaces where they carry out their activity. (Complaint filed at the 13th Police Station, 2 May 2016)

The sale and consumption of substances are also resources to which residents appeal in order to construct a boundary. According to them, narcotics enable the improper habits of the trans women who sell sex and reinforce the dangerousness of the “people with a weird appearance.” Problematic substance use is projected onto the Other. As discussed in another article, not all consumption appears to be problematic: it depends on who engages in it and where (Boy, 2020). Once again, substance use in urban public space constitutes a transgression that gives rise to uncivil practices.

Various authors have problematised the traits of contemporary cities, where boundaries tend to be drawn between groups occupying positions of normality or hegemony and those located on the periphery (Carballeda, 2012; Karsz, 2007). In increasingly socially fragmented cities, conflict rooted in publicly used urban space becomes an excellent analytical opportunity for identifying how economic, social, moral, and symbolic differences continue to intersect, especially in open-grid<sup>10</sup> cities such as Montevideo. In this new context, in many fragmented cities a security narrative and industry have begun to develop, materialising in the construction of fortified or impermeable, safe spaces. Thus, inhabiting the domestic space is conceived as a safe practice, while danger and fear of an increasingly unfamiliar *Other* are located in public space. In the words of Amendola:

[...] more than violence itself, one of the new organising principles of the contemporary metropolis is the fear of violence. It is the fear among metropolitan dwellers of being assaulted – either in their person or their property – at any place and at any time. (Amendola, 2000, p. 318)

In the complaints filed by residents, the figure of the suspect who accompanies sex workers reappears constantly, further disrupting the neighbourhood's daily life. Little is known about them, but they are feared:

[...] Added to this are the people who 'stand guard' or serve as their personal protection; these individuals are of strange appearance, and since their arrival, a series of minor thefts and damage to houses and cars have taken place. Besides, we feel extremely watched, as they observe absolutely all our movements. (Complaint filed at the 13th Police Station, 2 May 2016)

Another very common occurrence [...] is the number of young men on bicycles who, whether or not they are guarding them or have any contact with them (referring to the trans women), are constantly *fichando*<sup>11</sup> (scoping out) houses; they pass by a great many times, circle around, come and go [...] They come to deliver drugs. (Female resident speaking at the Committee on Environment and Health, session held on 15 November 2005, p. 13)

Bergman and Kessler (2008) analyse the roots and characteristics of the feeling of insecurity. This feeling does not necessarily correspond to the actual occurrence of crimes but rather to the tone that this issue takes on the social agenda. Bergman and Kessler point out:

The feeling of insecurity or fear of crime, as it is called in the Anglo-Saxon world, resists simple explanations. It has never been a reflection of crime rates; it is mediated by the varying acceptability of crime in each society and exhibits a relative autonomy: it tends to increase as victimisation rises, but once established as a social issue, it no longer decreases even if crime rates do. (Ibid., p. 210)

This increasingly widespread feeling of insecurity brings with it the memory of a past that is remembered without conflict. One of the neighbors, in a nostalgic and alarmed tone, stated the following:

We've lost so many things, brother. What do you want? For us to continue living inside? No. Uruguay wasn't like this when I grew up. I don't know how old you are. I'm 44, and back then, everyone knew what everyone else was doing. There was no place we didn't go; we played whatever we wanted and knew everything. If now everyone has to start shutting themselves away in their homes because of this issue... it's ridiculous. (Male resident speaking at the Committee on Environment and Health, session held on 15 November 2005, p. 20)

In the residents' narrative, the household is reclaimed in the present as a refuge that upholds health and tranquility for the family unit. In contrast, the urban public space is conceived and experienced as a chaotic exterior, where immoral – and indeed dangerous – values and practices take place. However, since no space in today's open-grid cities can be completely fortified or impermeable, the domestic space is also threatened by the arrival of "people of strange appearance", trans sex workers, clients, and illegal substance dealers.

As previously noted, the Uruguayan regulatory framework permits the provision of sex on the streets under clearly defined conditions and recognises it as work. Within this framework, rights and obligations are established, and both neighbourhood life and private property are protected. The question then arises: how can we problematise the gap between what the law upholds and what actually happens in the neighbourhood? How is it that the law ends up having the force of a mere suggestion?

## A tentative conclusion

The study of how a regulatory framework regulates an activity in a specific territory does not, by itself, capture the dynamics rooted in the urban public space. For this reason, it is important to account for the relationship and the gaps between the law and spatialised social practices. In this context, as explored above, the provision of sex in public spaces in Uruguay is regulated, which entails rights and obligations for various public institutions and the populations involved. The regulation establishes that bodies must be dressed in a certain manner, that street sex work can only take place at specific times, and that sex workers must hold health certificates to safeguard public health. Regarding labour rights, the law recognises those who earn a living from this activity as “sex workers,” allowing them access to health benefits and pension contributions, provided they register as self-employed or under the *monotributo* system. At the same time, the regulation also safeguards the rights of residents by placing their morality and good customs under the umbrella of legal protection.

As previously mentioned, the law in question seeks to regulate the provision of sex through the protection of morality, health, and good customs, while also attempting to prevent scandals in public space. However, neither the obligations nor the rights it sets out are actually upheld. In the introduction to this paper, a question was posed: how can the gap be explained between what the regulatory framework establishes regarding the provision of sex and what actually occurs in the everyday life dynamics of an activity that is visible to everyone? A concept that may be useful in addressing this question is offered by Renoldi (2015). The author uses the notion of illegalisms to refer to the movement

between legality and illegality among different groups in relation to certain practices. Renoldi analyses how, in border territories, residents engage in actions that are (il)legal as a means of survival, and how the State plays a central role – not only prohibiting but also, through these prohibitions, enabling certain actions that give rise to illegalisms. As Renoldi defines them, these are a “combination of actions, objects, and decisions that make it possible to circumvent the punitive order through strategies that are not necessarily outside the domain of legal instruments” (Renoldi, 2015, p. 419), that is, practices exercised with a certain autonomy from the rigidity of the norms. People or groups make their ways of living viable through non-legal initiatives woven in collusion with state administration. And often, the people involved do not experience their actions as illegal.

The concept of illegalisms helps explain how, although the provision of sex on the streets of Uruguay is legal, in everyday life it entails neither rights nor obligations for any of the groups (in)directly involved. As revealed in the fieldwork, residents assault trans women by throwing water, firecrackers, or verbally abusing them; trans women defecate and have sexual encounters in people’s front gardens; the police do not enforce the regulations governing the activity; and, finally, the Ministry of Health does not monitor the *libretas sanitarias* (health booklets) that trans women are required to keep up to date and which they also fail to comply with. Yet the very existence of these unenforced regulations – those that define the provision of sex as work – carries weight in the development of the conflict between residents and trans women disputing urban scraps, as it enables a group of residents to organise themselves, file complaints with police stations, and meet with city councillors in Montevideo. In other words, the law is not enforced, but it

underpins the strategies that the groups devise in an attempt to prevail in the conflict in which they are central actors. From this perspective, the aim here is not to specify which practices are legal and which are illegal, but rather to understand that the concept of illegalisms is useful for illuminating “the universe of possibilities inherent in the real movement between the legal and the illegal, as creative and, in a certain sense, also alternative actions” (Renoldi, 2015, p. 436).

Throughout this study, it has become clear that certain behaviours of trans women – such as generating litter, public nudity, and excessive noise – are reported as illegal, while other breaches, such as the lack of enforcement regarding health booklets, are tolerated by the residents themselves. These varying degrees of tolerance toward certain breaches of the law over others point to the moral dimension of the conflict, which goes beyond the strictly legal. For this reason, this article does not approach the provision of sex through its regulation, but rather through the scenarios that the different groups create and perform (Lindón, 2017) as the urban conflict unfolds. No one complies,

everything continues to happen, and the urban space is reinvigorated through its nightly re-enactment.

Current regulatory frameworks run counter to the interests of residents who wish to expel trans women for the reasons already outlined. In their various complaints and meetings with Montevideo city councillors, they make clear their lack of tolerance for certain breaches of the law, while letting others pass. The reality is that residents do not inhabit the neighbourhood as they would like to; trans women do not have access to labour rights; the police neither enforce the law nor protect them from attacks by clients or residents; and the Ministry of Health does not check the validity of health booklets. In this light, the concept of illegalisms reflects the words of a public official who told me: “Uruguay does not, in the end, appear to be a country that regulates the provision of sex on the streets; it has merely decriminalised it”. And this feature, as experienced in the spatialised settings recreated through the provision of sex on the streets of Montevideo, gives specific characteristics to the dynamics of the urban conflict examined here.

[1] <https://orcid.org/0000-0002-0413-3623>

Consejo Nacional de Investigaciones Científicas y Técnicas. Ciudad Autónoma de Buenos Aires, Argentina. Universidad de Buenos Aires, Facultad de Ciencias Sociales. Ciudad Autónoma de Buenos Aires, Argentina. Universidad Nacional de José C. Paz, Departamento de Ciencias Jurídicas y Sociales. Provincia de Buenos Aires, Argentina.

[martinboy.boy@gmail.com](mailto:martinboy.boy@gmail.com)

## Notes

- (1) They are referred to in the masculine.
- (2) A simplified tax and social security contribution scheme in Uruguay for small-scale self-employed workers, combining tax payments with access to social benefits.
- (3) A mandatory health booklet that records the results of regular medical check-ups required for sex workers under Uruguayan law.
- (4) In 2017, Uruguayan researcher Pablo Guerra conducted a field study in which he interviewed 63 trans women. Only 20.6% reported making social security contributions as sex workers.
- (5) It is important to note that in Uruguay the term *travesti* carries a strong pejorative connotation. The accepted term is *trans*. Highlighting this distinction helps underscore the intentions behind the lexical choices made by the complainants.
- (6) The use of the masculine form to refer to trans femininities reinforces the gender binary based on the alignment of genitalia and gender identity (penis–man; vulva–woman) and disregards the self-identification of trans individuals.
- (7) The evidence is highlighted in the complaint in question.
- (8) *Hurgador* refers to a person who searches through waste for items that can be resold, thus providing a source of income for subsistence. In other countries, terms such as *cartonero* (Argentina) or *pepenador* (Mexico) are used.
- (9) They are referred to in the masculine.
- (10) The term open grid (*trama abierta*) refers to the colonial chequerboard layout in which the city block is the basic organisational unit of urban development. This type of grid allows for easy circulation through public space due to the absence of natural and/or built boundaries.
- (11) “Fichar” refers to the act of observing someone to gather valuable and strategic information about that individual or group.

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#### Authorship contribution

Martín Boy: conceptualization; formal analysis; funding acquisition; investigation; methodology; project administration; resources; writing—original draft; writing—review & editing.

#### Data Availability Statement

The entire dataset supporting the results of this study was published in the article itself.

Editors: Lucia Bógus and Luiz César de Queiroz Ribeiro

Organizers of this issue: Suzana Pasternak and Luis Felipe Aires Magalhães

Translation: this article was translated from Spanish to English by Mara Ávila, email: lasclasesdemara@gmail.com

Received: December 13, 2023  
Approved: August 12, 2024

