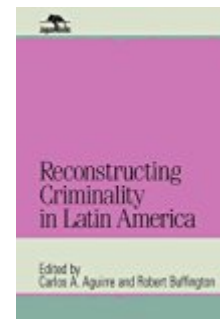


Carlos A. Aguirre, Robert Buffington, eds.. *Reconstructing Criminality in Latin America*. Wilmington Del.: Scholarly Resources, 2000. 254 pp. \$60.00, cloth, ISBN 978-0-8420-2621-5.



Reviewed by Ira Beltran-Garibay

Published on H-LatAm (April, 2002)

Reconstructing Criminality in Latin America

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Aguirre, "Bibliographical Essay." - Selected Filmography

This book compiles a sample of some of the recent research on the history of crime and judicial systems in Latin America from the late colonial period to the 1990s. The book attempts to shed light on the social and cultural constructions of crime in Latin America. The whole time span from the late colonial period to the late twentieth century is well represented. However, the regional representation is less extensive. Of the ten articles included in the book, four are devoted to Mexico, three to Argentina and one to Brazil, Peru and Colombia respectively--a shortcoming that reflects the state of the research in the field, where most studies are being carried out by historians of the first two countries.

Some of the articles have been published previously. Scardaville's selection is a shorter version of a work published in *The Americas* (1980); Pablo Piccato's piece is part of his 1997 dissertation (Duke University Press, 2002); and Alma Guillermoprieto's article first appeared in the *New Yorker* (1991) and was reprinted in her collection *The*

Heart that Bleeds: Latin America Now (Knopf, 1994).

The selection focuses on the relationship between the state and its citizens within the legal sphere. The majority of the works view judicial practices mainly as tools for social engineering, and conceive crime as the contested result of such elite practices. Most of the works implicitly assume the Foucauldian interpretation of judicial practices as means of social control. For example, Richard Warren expands our views of vagrancy laws arguing that in early independent Mexico, fear of mass mobilization, to a greater extent than labor scarcity or the need for war recruits, inspired vagrancy laws. Competing elites were able to circumvent the popular mobilization that supported their claims to power through the construction of laws that criminalized the lower classes. Thomas Holloway sees the creation and development of the police in nineteenth-century Brazil as stemming from the desire to maintain social relations as dictated by the needs of the slave system. For her part, Laura Kalmanowiecki shows that the use of illegal procedures by Argentine modern police, as well as its impunity, can be traced back further than the "dirty war" that rendered them worldly notorious. At the turn of the twentieth century, elites perceived political mobilization to be Argentina's most pressing social problem. Such perceptions prompted reforms that turned the police into a tool of state control, emphasizing intelligence gathering and repression rather than the protection of citizens from crime.

Ricardo Salvatore reassesses representations of gaucho culture in the province of Buenos Aires by mid-nineteenth century. He demonstrates that statistical data contradicts accepted views of a generalized state of violence in the countryside. His analysis not only shows that the number of arrests in the province was rather low, but also suggests that most offenses were perpetrated against the state rather than against property or individuals. The offenses most frequently prosecuted be-

tween the 1830s and the 1850s were those that represented resistance against forced military recruitment and other state incursions into private life. Thus, Salvatore suggests that these crimes must be viewed as conscious attempts to defy official policies.

Pablo Piccato presents a similar argument introducing the crucial category of space into the discussion of public order. His analysis of the consequences of city planning in Mexico City during the Porfiriato and early post-revolutionary period informs our views on the ways in which elite conceptions of adequate uses of public space interacted with discourses of criminality that marginalized the urban poor. City planners attempted to modernize the city departing from the multi-class dwelling model that had existed since colonial times. Basic services were introduced to the new residential neighborhoods. Nevertheless, the areas where most of the urban poor lived were neglected, forcing their inhabitants to maintain practices such as street peddling and the use of public space for many "private" activities. Elite perceptions of such activity as threatening the public order put government authorities at odds with the urban lower classes who had to disregard regulations in order to survive. While Piccato makes no claim as to the intent of people's decisions to disregard government regulations, his analysis of popular resistance to social control resonates with Salvatore's proposition that subaltern agency must be seriously considered when examining the social construction of crime.

Most selections in the book attempt to explore the theme of social control and its contestation "from the bottom up." Sarah Chambers explores the appropriation of new discourses of civic virtue and public order by the lower classes in early independent Peru. Republican governments attempted to impose new controls on the recently created citizenry by reorganizing the criminal justice system, in order to make it more rational and efficient than its colonial predecessor. Enhanced

by a rising state of crime due in part to the turmoil of independence struggles, the judicial reorganization increased the regulation of daily activities previously tolerated, as republican governments attempted to reform the morality of the population. Chambers' contribution to the discussion of legal practice in the state-building process lies in her analysis of citizens' responses. With the transition from monarchy to republic, the new rhetoric of popular sovereignty and civil rights offered citizens a discourse they could employ to resist the impositions of the state. A similar argument is found in the article by Katherine Bliss on prostitutes in post-revolutionary Mexico. Although state efforts to regulate sexual commerce marginalized prostitutes, the revolutionary rhetoric afforded them a chance for organized resistance which they used in written complaints addressed to government officials. Her analysis not only contributes to the debates on resistance from below, but also sheds light on the gendered nature of the judicial system.

The gendered aspects of judicial practice are also examined in Kristin Ruggiero's work on abortion and infanticide in nineteenth-century Argentina. Her findings inform our understanding of the cultural determinants of the justice system, and the priorities that often superseded concerns about criminality in the courtroom. Ruggiero shows that punishment for women perpetrators of those crimes was determined by notions of female honor. Her research adds to the still scant but growing literature on women's history in the region which is informing our understanding of the cultural constructions of femininity that have often shaped state policy. Her work contributes to the discussion of patriarchy and the justice system by illustrating the fluidity of patriarchal laws. The defense of female honor, that has often allowed governments to circumscribe women's behavior, served women accused of abortion and infanticide to secure lenient punishment or escape it altogether. Argentine judges found that a wom-

an's right to choose was valid if her principal consideration was protecting her honor.

The theme of honor is treated in several of the pieces in this book and illustrates the ways in which cultural approaches to the history of crime and the justice system are contributing to our understanding of these issues. Ruggiero's work rests on her analysis of the concept in specific Argentine laws. Pablo Piccato's piece explores contested definitions of "gente decente" as urban planners and city dwellers vied for public space. Chambers discusses the overlapping of the colonial value of honor in the judicial system with notions of republican virtue. Analysis of such ambiguous and fluid categories have allowed historians to shed light on the cultural constructions of crime, law and the judicial system with encouraging results.

The majority of the compiled works emphasize social control and popular resistance to judicial policies. In his article on late colonial Mexico, Michael Scardaville presents an alternative approach. He convincingly argues that people showed confidence on the judicial system, granting legitimacy to the late-colonial state and contributing to prevent open rebellion in Mexico City. This is an original perspective that opens up a complementary venue for future research. As we explore the judicial system as a pivotal aspect of the relationship between citizens and the state, we might ask ourselves why individuals chose to approach the judicial system. Research into the consensual nature of law would require paying attention to crimes such as robbery, fraud or sexual offenses which citizens denounced with the expectation of obtaining certain benefits from state intervention.

About half of the works selected present statistical data, a contribution in itself to a field that has yet to develop the construction of quantitative series that proved so useful to historians of crime in Europe. Thus, we owe to Chambers a series for the number of criminal trials in Arequipa from 1785 to 1849, and the number of registered mur-

ders in the same city between 1785 and 1834. Warren provides percentages of convictions for vagrancy in Mexico City 1797-1866. Holloway presents data for the number of reported crimes by category in Rio de Janeiro in 1862 and 1865. Salvatore offers an estimated reconstruction of absolute crime rates in the Province of Buenos Aires 1831-1851 and their percentage by category, as well as data for the military service of prisoners in the Province of Buenos Aires during the same period, the campaigns in which arrested people had participated, their demographic mobility and occupation. Given the problems of finding sources in the region, particularly for the nineteenth century, such data will prove useful not only for analyses of these areas, but also for future comparative studies. While the usefulness and reliability of quantitative data in studies of crime is passionately debated among historians, it is worthwhile not to abandon the goal of reconstructing such series, especially given the possibility that archives all over Latin America may still offer plenty of useful data.

Alma Guillermoprieto's poignant article at the end of the book, presumably included to provide classroom discussion on social violence in contemporary Latin America, is the only piece that does not analyze the role of the state. It is sure to elicit debate in the classroom given the prevalence of discussion on drug traffic in today's media. Nevertheless, given that it is a journalistic piece, the article lacks the historical background that could help students understand the processes that might lead a society to the dramatic state of social violence that present-day Colombia is experiencing. Carlos Aguirre's brief bibliographical essay at the end will prove useful to anyone who wants to become acquainted with the field, and the selected filmography will provide teachers with useful tools to spice up discussion on many of the themes raised in the book.

Overall, this is an excellent selection that illustrates the ways in which social constructions of

crime and criminality influence the way in which the state interacts with citizens in the realm of the judicial system. All the same, it is important to remember that the emphasis that the selection places on the relationship between state and citizens does not reflect all the current literature on crime and judicial systems. As some of the compiled authors have stated elsewhere, crime is a social phenomenon that pits citizens against each other, as much as citizens against the state. The inquiry into criminality and judicial practices might shed light into relations within society as well as on the relationship between society and the state.

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Citation: Ira Beltran-Garibay. Review of Aguirre, Carlos A.; Buffington, Robert, eds. *Reconstructing Criminality in Latin America*. H-LatAm, H-Net Reviews. April, 2002.

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