Bernardi on Behnken

Borders of Violence and Justice investigates the relationship between the Mexican-origin community and law enforcement in the southwestern United States from 1835 to 1935. In this context, “law enforcement” refers to both the legal and extralegal police agencies that shaped and influenced the criminal justice institution. This institution is considered as a multilayered and partly overlapping assortment of policing actors like elected officials, district attorneys, juries, sheriffs, court officials, cowboys, mobs, police departments and officers, and a variety of extralegal vigilante groups that frequently gave themselves names like “committee,” “society,” “citizens’ patrol,” or even “public safety.”

Behnken perceives the Mexican–American War as a “process of settler colonialism” (p. 3) that has been thoughtfully analyzed by various fields of research in recent years, especially in vibrant discussions by scholars adopting a decolonial perspective (p. 3). Colonialism in the American Southwest meant the application of “marginalization, violence, and dispossession” to Mexicans, and this process has seen continuity until today through police agencies and extralegal mobs that have kept the well-established colonial regime alive (p. 4). Borders of Violence and Justice looks at the manifold ways in which racism has been embedded in the police profession since its establishment in the 1830s, highlighting the systemic nature of racism within law enforcement.

The book is divided into six chapters. In the first one—significantly titled “Reign of Blood”—the reader is reminded of the colonial nature of the criminal justice system in the American Southwest that undergirded the state-making process. The Mexican–American War is presented as an unending process perpetrated by way of lynching, the destruction of villages, and the displacement of families. Uncovering the historical truth about Mexican resistance against the seizing of territory, as in the case of Santa Fe, is part of the author’s
aim to assign agency to the heavily monitored and controlled Mexican population of the borderlands: as Behnken writes, “founding government institutions meant police” and “imprisonment was the first act of government” (pp. 41, 43). Despite the establishment of the criminal justice system, Mexicans were still murdered and subjected to forms of extralegal justice posing as law enforcement. The second chapter explores how lynching—by hanging, shooting, stabbing, burning, or torturing—was practiced by white Anglo-Americans because they thought the law was too lax or erroneous in judging Mexicans. Mexicans and Mexican Americans resisted the mobs by fleeing or, at times, by surviving their attacks, by calling upon the Mexican government or entreatying consular aid, or by forming their own posses. Atrocious acts of lynching are narrated in abundant detail; considered the “cure” (p. 57) or the “antidote” (p. 68) for the problems in the borderlands, they were also regularly perpetrated by the US Army. Another important way in which Mexican Americans resisted extralegal justice was by becoming law enforcement officers, the topic of the third chapter. Some of them had previously been outlaws or shifted between being officers and social bandits throughout their lives. Either way, they were motivated by the desire to help the Mexican American community and protect its members from abuse and murder. In the view of many Mexican Americans, policing was a “civil rights strategy” to protect their community by way of improvised extralegal justice (p. 82). Behnken presents their request for “law and order” as a means of survival and self-defense, embodied by well-known figures of early twentieth-century Southwest history like Elfego Baca and Jose Chavez y Chavez. The fourth chapter is devoted to narrating the history of the many “Unknown Mex” or “John Doe Mex” who were deprived of their names as a form of marginalization. The criminal justice institutions of the Southwest were constructed in part on the racist general perception of people of Mexican origin as criminals. They were frequently arrested for vagrancy, gambling, or drunk and disorderly conduct. In particular, they were assigned the “bandit” label, which consequently became a racial code word, as chapter 5 describes in detail. Behnken reports many cases in which Mexican people were considered a threat simply due to their origins by white Anglo-Americans, who employed legal and extralegal means to control and kill them. During the late nineteenth and early twentieth centuries, events like the San Elizario Salt War and groups including Las Gorras Blancas, La Liga Protectora Mexicana, and La Agrupación Protectora Mexicana embodied the attempts by Mexicans and Mexican Americans to resist abusive law enforcement and mob killings along with white land speculators and authority in general, and to defend their ancestral rights to land. The sixth and final chapter presents historical cases in which the activism of Mexican Americans helped them to achieve a better balance of power. Police reforms were implemented, and lynching and discrimination began to be persecuted more strictly in some areas. Nevertheless, the rise of the prison industrial complex also had its beginnings in the 1930s Southwest, especially after the massive deportations of Mexicans and Mexican Americans following the Great Depression. The institutionalization of racism, punitive policing, continuous expansion of the prison industrial complex, law enforcement, and immigration laws solidified into a regime still in effect today—and intimately tied to capitalism itself.

Brian D. Behnken is a well-versed historian of the southwestern United States, especially with regard to African American and Mexican American history, on which he has published three research monographs over the past decade. The relevance of Borders of Violence and Justice is already recognized by the academic community, and it received an Honorable Mention in the 2023 Theodore Saloutos Book Award of the Immigration and Ethnic History Society.
The variety and number of primary sources employed in the book certainly stand out as one of its major distinctions. The archives of all four US–Mexican border states were searched and a variety of sources including court cases, police and county records, personal archives, 144 newspapers and magazines published in the four states, government documents, and three published oral histories were compiled. The listing of this impressive and relevant body of sources fills thirteen pages—but ultimately, all of it comes from US institutions and thus relates to the American perspective on controlling the Mexican population, both in terms of historical actors and of archives. Further research could perhaps have been done to include the Mexican perspective through corresponding archives and historical actors, since they form a constituent part of the borderlands as well, especially in the nineteenth and early twentieth centuries.

Special attention is paid to the language employed by historical actors, allowing the reader to reflect on the portrayal of the Mexican population since the establishment of the southern US border region: “peon,” “serious evil,” “pernicious,” “bad element,” “troublesome class,” “vagrants,” “robbers,” “thieves,” “idle vagabonds,” “greasers,” “lazy,” “monkey,” “outlaw,” and “bandit” are just some of the terms used to dehumanize and emasculate the community and its members. A further continuous topic throughout the book is the relationship between Mexican Americans and African Americans—along with white Anglo-Americans’ historical fear of potential solidarity between these two social groups, in particular for the purpose of escaping slavery in the mid-nineteenth century.

_Borders of Violence and Justice_ relates the history of brutality and extralegal justice applied by vigilante groups that has characterized the southwestern United States since the Mexican–American War and the subsequent establishment of the borderlands. This history is simultaneously a present-day concern, as the institutions created in the nineteenth century remain largely unchanged and armed vigilante groups have recently seen a revival in the border areas—especially in Arizona since the 2000s. The book thus paints a detailed picture of a history still alive in southwestern society, not only in terms of its legacy but also through its continuous renewal. The foundations of the Southwest are tainted with blood that Brian D. Behnken painstakingly makes visible, recognizing and substantiating the generational trauma experienced by Mexican Americans to this day.
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