

**Reference**

Hayner, Priscilla (2001) *Unspeakable truths* New York: Routledge.

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*Crime and punishment in Latin America: Law and society since late colonial times*, Ricardo D. Salvatore, Carlos Aguirre and Gilbert M. Joseph (eds). Durham, NC: Duke University Press, 2001. 448 pp. (including index). \$21.95 (pbk). ISBN 0-8223-3744-9.

This volume marks an important step in a burgeoning area of scholarly inquiry: the study of law and society in Latin American history. It contains an unusually well-written collection of essays spanning a variety of national settings and historical periods, but coalescing around a number of thematic axes (grouped by the editors into three sections: 'State, society, and the conflictive nature of law and justice', 'The social and cultural construction of crime' and 'Contested meanings of punishment'), and it is framed by an excellent introduction – not merely to the volume, but to the field itself – written by Carlos Aguirre and Ricardo Salvatore. An afterword by Douglas Hay closes the volume with some thought-provoking reflections placing the book's various findings on Latin America in comparative context.

One of the most interesting and important collective contributions made by these essays is their attention to the relationship between ordinary people and the law. Taken together, the essays in this volume paint a detailed picture of the law as a 'contact zone', as Charles Walker terms it, between popular legal cultures and official legal regimes. Throughout the volume, scholars draw on such sources as original writings by prisoners, court records, press accounts and government documents to explore the law as site of domination by élites and the state, but also an integral part of dynamic social processes of contestation and resistance.

A number of essays seek to recover the voices and actions of subalterns, meticulously exploring the way citizens, even such disadvantaged groups as convicts and indigenous people, interacted with and appropriated aspects of legal institutions and discourses. This careful excavation of lost perspectives permits some unexpected findings: Luis González, for example, shows that under the Vargas dictatorship, the Brazilian state shut down the political opposition even as it opened up the legal arena to the mobilization of sugarcane growers, leading to an unprecedented engagement with rights as workers used this discourse to promote their demands through the state; Walker documents the Peruvian state's perhaps surprising responsiveness to grievance lawsuits filed by indigenous plaintiffs during a period of otherwise brutal repression. Aguirre, in a fascinating analysis of letters written by Peruvian prisoners to the authorities from 1890 to 1930, traces inmates' adoption and inversion of the rhetoric of prison reformers, doctors, criminologists and other officials. The careful historical studies in this book show how even regimes otherwise noted for tyrannical repression may have enabled (and at times even vindicated) rights-claims by subalterns. By channeling disputes through state mechanisms, various authors argue, courts conferred legitimacy on the regime, defusing the threat of violent rebellions from below.

These analyses constitute fascinating illustrations of the ambiguities of hegemony and the ways in which it plays out in the Latin American context. In urging attention to these everyday struggles, they provide a richer, more nuanced picture of Latin American history; expanding on the work of moral economists like James C. Scott, they illuminate the everyday acts of contestation and struggle which have been too often overlooked in historians' emphasis on uprisings as the only expressions of resistance. Yet they go beyond Scott's work by showing that resistance means not only violent uprising or subtle subterfuge, but also legal mobilization, which occurs even under extremely adverse circumstances.

Other noteworthy contributions, similarly, shed new light on themes of broad theoretical interest: Diana Paton shows how penal administrators in post-emancipation Jamaica were no less modern than their counterparts in Britain; yet the racial and sexual politics of the island combined to form a more violent – yet equally modern – penalty. Pablo Piccato's discussion of the shifting discourse of '*raterismo*' in Mexico shows how a particular class of 'criminals' is socially constructed and how the terms of that construction have real consequences, not only for those who fit the constructed definition but also for all those who participate in the cultural production of criminals.

At the same time, however, these efforts to recover hidden perspectives are not without dangers. Several of these essays exhibit weaknesses inherent in such a method: is it really possible to draw conclusions about subaltern groups' views of the law based on court records documenting the involvement of some members of these groups in legal disputes? What of those members who were *not* involved in legal disputes? Just as in failing to examine the law as a site for conflict and contestation by disempowered groups, previous scholars may have missed important facets of Latin American history, some of the analyses contained in this book may run similar risks by only examining those individuals or cases which went on record. While most of the essays in this volume include careful clauses acknowledging the limitations of their method, some draw broad conclusions that may be difficult to substantiate based on the partial nature of available data.

Overall, though, the volume is certain to be useful in establishing this emergent area of study. Its thoughtful, compelling and often clever empirical inquiries into the intersection of law and society across Latin American history enable the reader to see not only themes of broad theoretical interest in law and society, but also the history of this region, in a new light.

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*Public opinion, crime and criminal justice*, Julian V. Roberts and Loretta J. Stalans. Boulder, CO: Westview Press, 2000. 337 pp. ISBN 0-8133-6793-X.

In *Public opinion, crime, and criminal justice*, Roberts and Stalans deliver a unique work within criminology. Although others dabble in the realm of public attitudes, and a few notable reviews have been published, no other researchers have provided such a comprehensive examination of public opinion on criminal justice issues. Roberts and Stalans state early in the text that their intent is 'to convey an understanding of public views of