

and rein in "welfare as we know it." A prolific scholar of the history of welfare and public policy, Katz has drawn on his expertise to generate an unsettling but ultimately persuasive account of the erosion of America's welfare state and the fragmentation of our political community in the late twentieth century.

Underpinning Katz's argument is the deleterious impact the free market has had on the provision of welfare to America's most needy. Trying to tame budgets and determined to distinguish between the worthy and the undeserving poor, policy makers have increasingly tied welfare to the workplace, making breadwinning the gold standard of productive citizenship. Only working Americans get the social protections citizens of other nations get from the state. Instead of eradicating welfare woes, this orientation has reproduced the social inequalities of the marketplace. The least educated, the poorest, the disabled, the homeless: all find themselves cut off from the best jobs and benefits and are more vulnerable to the vicissitudes of the market. Welfare-to-work schemes, encouraged by the 1998 Family Support Act and governors John Engler of Michigan and Tommy Thompson of Wisconsin, cut public assistance rolls but not poverty. Hoping to save welfare administration from bureaucratic wastefulness, federal, state, and municipal governments have outsourced welfare to private organizations, particularly churches. Katz deftly illuminates the limits of "transforming voluntary, faith-based organizations into the nation's primary safety net" (p. 162). In one case, a Mississippi governor asked each of the state's congregations to adopt a needy family. Two years later, only fifteen of the state's 5,500 churches had heeded his call.

Katz shows how this war on welfare has been fueled by a gradual but successful redefinition of what welfare, as a term and as public policy, means. For example, Social Security legislation drafted during the Great Depression originally shielded Americans from fear of impoverishment during old age, a fear that was realized for millions. Measured against this mandate, and taking into account the numerous legislative reforms that have extended its reach to incorporate a wider segment of the population (especially African Americans and women, largely excluded from the original welfare net), Social Security is a success. It provides basic subsistence for elderly Americans. As insurance, it is also a bargain, for it offers not only retirement earnings but disability and survivor benefits to those who may need them. Yet, as Katz demonstrates, current policy debates gloss over original intent in favor of a market rhetoric that recasts social security as a "get-rich" opportunity rather than a "minimum standard of support for all" (p. 242). By this standard, which privileges profits for the individual over social justice for all, Social Security fails. And this charge of failure, compelling to Americans steeped in a culture that takes for granted the commodification of everything, makes possible serious consideration of alternatives proposed by both Republicans and Dem-

ocrats: privatized payroll taxes and individual retirement accounts that promise (but may not actually deliver) higher retirement yields.

Katz is as thorough in his discussion of the blow-by-blows of policy formation as he is critical of their outcomes. Parts of the book are riveting, such as Katz's chronicling of the rise and demise of President Bill Clinton's 1992–1993 health insurance campaign. Readers cannot miss Katz's pessimistic prognosis for the future of the welfare state. But they are likely to yearn for more suggestions by this seasoned scholar on how we can escape the market morass. They may also want a less top-down approach to the history of the welfare state, for curiously absent in this book are the stories of people who have experienced welfare reform firsthand. Perhaps, in the spirit of the fabled "Harry and Louise" television advertisements that helped doom Clinton's bid for universal health care, we can better assess the failure of the market model by learning more about its human costs.

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CARIBBEAN AND LATIN AMERICA

RICARDO D. SALVATORE, CARLOS AGUIRRE, and GILBERT M. JOSEPH, editors. *Crime and Punishment in Latin America: Law and Society since Late Colonial Times*. Durham, N.C.: Duke University Press. 2001. Pp. xxiv, 448. Cloth \$64.95, paper \$21.95.

Law has occupied a peculiarly intangible place in Latin American historiography. Traditional legal historians isolate law from other realms of social and political practice; political historians sidestep the institutional and discursive intricacies of popular legal cultures; and social historians tend to view the law as an epiphenomenon of class ideologies and state domination. Most tellingly, while all historians claim to know something about the legal dispositions and juridical procedures that produced their archival materials, few have taken the *law* itself as a subject for historical inspection.

In this collection of essays, Ricardo D. Salvatore, Carlos Aguirre, and Gilbert M. Joseph have brought together new work that promises to break with this trend in the regional historiography. The volume opens with a prologue in which Joseph calls for increased attention to the "legal contact zones" where the "hybrid liberalisms" of Latin America were forged. Joseph also calls attention to the surprising continuity in the regions' legal traditions and predicts that increased attention to legal history will provoke a reassessment of "the significance of the watershed separating the region's colonial and national periods" (p. xii). In the introduction that follows, Aguirre and Salvatore provide a useful survey of the traditional fields of "legal history" and "colonial law." They argue that the "social history of crime" did not find an audience among Latin Americanists whose interests remained focused, until recently, on "more open forms

of conflict and social change" (p. 7). In the early 1990s, however, increased attention to poststructuralist concerns of power, knowledge, hegemony, and subjectivity, along with the turn to anthropology, led to a "more contextualized" form of political history in which the concept of law was "extended in multiple directions" (p. 10). They conclude by outlining an agenda for future research on such issues as popular justice, the interaction of women and popular sectors with judicial institutions, and the sorts of local-level legal experts and brokers described in Joseph's prologue as "legal lubricators."

The thirteen case studies that follow provide a sample of the sorts of issues and perspectives that can be opened up by a renewed attention to law. The essays are divided into three sections. The first, on "Legal Mediations," includes chapters by Charles F. Walker on indigenous legal strategies in late colonial Peru; Arlene J. Díaz on family law and the tensions between concepts of public and private in the 1873 Venezuelan civil and penal codes; Juan Manuel Palacio on oral contracts and legalism among small farmers in rural Buenos Aires; and Luis A. González on the uses of property law by Brazilian cane growers and workers under the Vargas regime. Taken as a whole, these four chapters make a strong case for the importance of legal discourses and practices to people's everyday lives. Walker, for example, provides a compelling argument that indigenous belief in the legal system, and their repeated recourse to it, not only helped Indians to contest specific legislative and administrative reforms, but, more importantly, "reshaped relations among local authorities, the state and themselves" (p. 37). For Walker, as for other authors in this section, law is both "repressive and redressive" in that it forms individuals as subjects of the state as it simultaneously affords them the languages and strategies for contesting state rule.

The four essays in part two document the importance of criminology as a social discourse. In her study of prostitutes and health crimes in Mexico City from 1867 to 1930, Cristina Rivera-Garza analyzes the "medical and social terrain" in which the syphilitic body came to be acted upon as a specific sort of criminal subject. In the process, she provides a brilliant reading of the "language of insurrection" through which sequestered prostitutes responded to criminological discourse (p. 162). Pablo Piccato's chapter maps the transformation of the category of *ratero* in Porfirian and postrevolutionary Mexico City, from a relatively benign form of neighborhood thief to the more daring and violent thieves whose collective identities emerge not from a particular technique or form of theft, but rather from their relationship with penal institutions and the police. Like Rivera-Garza, Piccato argues that criminological discourse emerges in "the permanently contested urban spaces" (p. 235) where popular and elite fears rub up against each other. The other chapters in this section discuss legislation controlling witchcraft and healing in turn-of-the-century

Brazil (Dain Borges) and the concept of "crimes of passion" in Argentina (Kristin Ruggiero).

The five essays in part three explore the "Contested Meanings of Punishment." Both Diana Paton's chapter on post-emancipation Jamaica and Salvatore's on the aftermath of the fall of Juan Manuel de Rosas in Argentina cite the persistence of public forms of physical punishment as evidence that "the development toward a disciplinary society was not longlasting" (p. 282). As in other essays in this volume, the divide between disciplinary and monarchical societies described in Michel Foucault's *Discipline and Punish: The Birth of the Prison* (1977) is used to invoke an implicit comparison with Europe, where the shift toward regulatory and normalizing forms of punishment was supposedly more marked. Curiously, despite its direct relevancy for the forms of medicalized discourses at stake in many of the chapters, only one author in the volume (Rivera-Garza) makes use of Foucault's later work on ethics, subjectivity, sexuality, and biopower.

Other essays in this final section provide examples of the "legal contact zones" where criminology was deployed and reinterpreted by its "disciplined" subjects. Aguirre, for example, offers an intriguing analysis of criminological and public health pamphlets, a short-lived philanthropy movement in 1920s Lima, and letters written by prisoners to the president of Peru. Donna J. Guy's chapter on the "rehabilitation" of homeless girls in early twentieth-century Buenos Aires reinforces Aguirre's emphasis on the importance of private philanthropy in the formation and implementation of state penal and welfare policies. Finally, Lila M. Caimari examines case histories in which Argentine inmates crafted idealized narratives of family in the gendered language learned from criminologists and penal reformers.

On the whole, the essays collected in this volume offer a suggestive glimpse of what can be gained by an increased attention to law as a site of cultural innovation. As such, they offer rich, and for the most part, highly readable texts for graduate and advanced undergraduate courses in Latin American history and anthropology. Detracting somewhat from the volume's appeal for classroom use is its heavily urban and Argentine focus. Of thirteen chapters, five deal with Buenos Aires and two with Mexico City. Only three discuss legal cultures in rural areas. Most puzzling of all, only one (Walker) focuses on an indigenous region. The inclusion instead of a chapter on the very different legal traditions of Jamaica is not explained. I was similarly puzzled by the afterword in which Douglas Hay advocates for "market democracies" as an antidote to medicalized legislation and racialized criminologies. The liberal market democracies (U.S. and United Kingdom) Hay cites as examples, however, were themselves advocates and promoters of the "sciences" of public hygiene and positive criminology. In this respect, Hay's conclusion that "the liberal state that believes in, celebrates and seeks to strengthen free markets will create a body of law more resistant to

medical and other explanations for human failing” seems oddly misplaced in a volume that so richly documents the close relationship between “the uneven advance of liberalism and the medico-legal state.”

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FERNANDO MARTÍNEZ HEREDIA, REBECCA J. SCOTT, and ORLANDO F. GARCÍA MARTÍNEZ, editors. *Espacios, silencios y los sentidos de la libertad: Cuba entre 1878 y 1912*. (Colección Clio.) Havana, Cuba: Ediciones Unión, Unión de Escritores y Artistas de Cuba. 2001. Pp. 359.

Between the 1870s and 1912, Cubans experienced the gradual abolition of slavery, two wars for independence, the expansion of large-scale and technologically advanced sugar production, the transition from Spanish colony to a republic under American hegemony, and the violent, state-sponsored repression of an Afro-Cuban rebellion that resulted in thousands of deaths. The historiography on each of these topics is rich and promises to become richer. Fernando Martínez Heredia, Rebecca J. Scott, and Orlando F. García Martínez have edited a collection of nineteen excellent essays by Cuban, American, and (one) German scholars that exemplifies the high quality of the existing historiography for this period of Cuban history. The book also gives the reader a good idea of the direction of future research topics and trends. For these two reasons alone, the book will be essential reading for historians of Cuba. Yet this collection does much more than present innovative essays by leading historians. The contributors provide masterful lessons in historical methodology, how to read and combine a wide range of archival and other primary sources, and how micro-history can reveal new information about larger regional, national and international processes. In other words, the book will be of interest to anyone who is grappling with the problems of how to link meticulous archival research, microhistorical analysis, and macro-historical trends in state formation, political mobilization, race relations, and colonial and neocolonial transitions.

This book is the product of a workshop held in the city of Cienfuegos, Cuba, in the spring of 1998. The workshop brought together scholars who were carrying out archival research into the local and regional characteristics of Cuban society. Indeed, the Cienfuegos area and central Cuba are the focus of most of the essays in the book, and the remarkable richness of the Cienfuegos archives comes through in several of the essays. The book is divided into four sections. Following a thoughtful introduction by Martínez Heredia, part one sets the tone with an essay by Scott. Scott details a fascinating case in which a fight over property rights was also a fight for citizenship rights and both struggles were fueled by anticolonial rebellion. An essay by Carlos Venegas Fornias examines how U.S. intervention in Cuba transformed architecture and, in

some cases, notions of urban space. Part two has four essays that discuss the political economy of the Cienfuegos region. What is especially noteworthy about this section is that we gain a heightened appreciation of how the expanding sugar latifundios in central Cuba adapted to preexisting agrarian social relations. All too often, the existing historiography gives the impression that the eastward expansion of sugar plantations was a uniform and inevitable process. It was neither, and these four essays provide a model for anyone seeking to write Cuban regional history.

The third section has eight contributions that analyze the complex interaction among race, nation, and political mobilization between 1878 and 1912. We are now accustomed to the idea that race and nation are social constructions forged within specific historical contexts. The essays in this part of the book apply this general principle to specific case studies. Through the meticulous use of archival evidence combined with sophisticated analyses of racial identity, Ada Ferrer, García Martínez, and Michael Zeuske show that there was not a continuous or linear struggle for political freedom and for racial equality. Their essays provide us with glimpses of the social composition of the Cuban rebel army and how that composition varied over time and place. The authors make a convincing case that we cannot impute a predetermined meaning to slave ancestry and that the actual experience of fighting in an anticolonial war shaped people's notions of freedom, racial identity, political alliances, opportunities, and exclusions both during and after the war of 1895–1898. The other five essays in this section by Alejandro de la Fuente, Jorge Ibarra Cuesta, Alejandra Bronfman, Martínez Heredia, and Blancamar Rosabal León discuss the connections among race, political affiliation, and clientism in the years after 1898. In the immediate aftermath of Cuba's second war for independence, powerful myths about racial equality became part of the political landscape; yet these myths were not simply elite-generated ideas that demobilized Afro-Cubans. It was certainly true that black and white Cubans from all social classes would be incorporated into a complex web of local, regional, and national patronage networks, but that incorporation was not always a top-down process, especially between 1898 and the 1920s. The Cuban state was too weak and wartime memories, loyalties, and alliances were too strong for anyone to monopolize political power. Political power before the 1920s was not centered in any particular national group or institution; rather, power was defused in a complex hierarchy of national, regional, and local networks of caciques and patron-client relations. The essays in this section remind us that notions of freedom, citizenship, and race were social constructs created within the context of wartime loyalties and day-to-day struggles that sustained powerful notions of honor, dignity, and the demand to be heard and to have a political voice.

The final section contains four essays that reflect on the larger issues and implications raised by all the