

Crime and Punishment in Latin America: Law and Society since Late Colonial Times.

Edited by RICARDO D. SALVATORE, CARLOS AGUIRRE, and GILBERT M. JOSEPH.
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The study of criminality and law in Latin America has come a long way since the days of *historia del derecho* books that represented official laws and constitutions as social reality. This fine collection of 15 essays plus a preface well illustrates the vigor and variety of newer work in the field. It took me seven years, beginning in 1980, to gather and publish a dozen essays on *Bandidos: The Varieties of Latin American Banditry*. Happily, the study of “crime and punishment” now attracts many scholars, a very welcome change in the profession. A plurality of the authors comes from the profession’s junior ranks, so we get to see some of the latest in ideas, methods, and sources.

Following a brief but helpful preface from Gil Joseph, the book’s introduction, by Carlos Aguirre and Ricardo D. Salvatore, surveys the development of the literature on law, society, and criminality. After a succinct but insightful look at prior historiography, the essay quickly summarizes the themes of the book’s three sections. The introduction concludes with an intelligent “agenda for further research.” According to Aguirre and Salvatore, the new studies in this volume “treat law as an ambiguous, malleable, and slippery arena of struggle the limits and parameters of which are themselves the result of contention and negotiation. According to these new perspectives law produces and reformulates culture (systems of identity, practices, and meaning), and it shapes and is shaped by larger processes of political, social, economic, and cultural change” (pp. 1–2).

Space does not permit commentary on all essays. The four essays of part 1 focus on “Legal Mediations: State, Society, and the Conflictive Nature of Law and Justice.” Charles F. Walker examines “Crime in the Time of the Great Fear: Indians and the State in the Peruvian Southern Andes, 1780–1820.” This essay reprises some material from his 1999 book, *Smoldering Ashes: Cuzco and the Creation of Republican Peru, 1780–1840*. He concludes that during the late colonial era, “the courts played an important role in Indians’ defense of autonomy and economic resources and ultimately in their challenge to Spanish domination” (p. 51).

Arlene J. Díaz examines “Women, Order, and Progress in Guzmán Blanco’s Venezuela, 1870–1888.” She presents the revival of marianismo as part of the government’s desire to produce “virtuous republican mothers” (p. 73). Her sources often cite references to similar processes elsewhere in Latin America, a welcome comparative perspective. She concludes, “only those women who followed the elite ideal of womanhood—those who proved without reasonable doubt to be virtuous and chaste—received favorable court rulings” (p. 72). Essays by Juan Manuel R.

Palacio on rural Buenos Aires province, 1900–40, and by Luis A. González on Brazilian sugarcane workers, 1930–50, round out this section.

Part 2 explores “The Social and Cultural Construction of Crime.” Cristina Rivera-Garza offers an incisive look at “The Criminalization of the Syphilitic Body: Prostitutes, Health Crimes, and Society in Mexico City, 1867–1930.” She illustrates how modern science and medicine in the postrevolutionary era succeeded in attacking prostitution under the guise of safeguarding the public from the threat of syphilis. This essay is one of several to explore important gender issues of law and criminality. Kris Ruggiero’s “Passion, Perversity, and the Pace of Justice in Argentina at the Turn of the Last Century” shows how changing legal classifications of human emotions intertwined with the definition of Argentine identity. She well demonstrates the fundamental tension between a desire for rationality and a recognition and appreciation of the passions as essential to life.

“Cuidado con los Rateros: The Making of Criminals in Modern Mexico City,” by Pablo Piccato offers an excellent example of the widespread phenomenon of the social construction of crime. *Rateros* perpetrated a variety of petty street crimes. However, these urban robbers “never became a variation of rural social bandits. The rich were not necessarily their targets, and they left no evidence of any intention to redistribute their profits” (p. 258). “Healing and Mischief: Witchcraft in Brazilian Law and Literature, 1890–1922,” by Dain Borges closes this section.

The book’s final section focuses on “Contested Meanings of Punishment.” Diana Paton analyzes the racist nature of the law in her essay, “The Penalties of Freedom: Punishment in Post-emancipation Jamaica.” “Death and Liberalism: Capital Punishment after the Fall of Rosas,” by Ricardo D. Salvatore, reinforces the conclusion drawn earlier by many other scholars. Much prior historiography has “overestimated the changes between the Rosas and the subsequent liberal period” (p. 310). Carlos Aguirre probes incarceration in Lima from 1890 to 1930. In two stimulating essays, Donna J. Guy and Lila M. Caimari investigate different aspects of women in the judicial and penal systems of Argentina.

Douglas Hay’s welcome afterward on “Law and Society in Comparative Perspective” completes the collection. He suggests many avenues for further comparative research, always a good prescription to reinvigorate any field. Overall, these essays remind us that a healthy dose of sweat equity in the archives bolstered by reading beyond one’s own narrow focus produce felicitous outcomes.

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