

THE POLITICS OF CRIME, THE CRIMINALITY OF POLITICS:

STATE VIOLENCE IN ARGENTINA,

1930-1938

THESIS

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by

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TABLE OF CONTENTS

	Page
ACKNOWLEDGEMENTS.....	iv
LIST OF FIGURES	vii
LIST OF ILLUSTRATIONS.....	viii
INTRODUCTION	1
State Violence as Historical Problem	4
Criminality as Organizing Concept	9
State Violence in 1930s Argentina	12
CHAPTER	
I. THE POLITICS OF VIOLENCE AND CRIMINALITY.....	17
Origins of the Argentine State	17
Socioeconomic Conflict and Political Development	20
Coup of 1930 and the Re-imposition of Order	27
Rejecting Democracy.....	31
Limited Democracy: The Justo Presidency, 1932-1938	35
Enforcing the Social Order through the Repression of Common Crime...41	
Conclusions.....	46
II. VIOLENCE AS A TOOL OF GOVERNANCE.....	48
Didactic Violence: Incarceration and Corporal Punishment	53
Corporal Punishment	60
Extractive Violence: Incarceration, Deportation, Execution	65
Extractive Prison.....	67
Deportation	69
Execution	71
Interrogative Violence: Torture	74
CONCLUSIONS.....	79
BIBLIOGRAPHY	93

APPENDIX 1: Arrests in the Federal Capital, Organized by Crime.....	83
APPENDIX 2: Articles of Penal Code Violated by the Argentine Government, 1930-1938	86

LIST OF FIGURES

Figure	Page
1. Didactic vs. Extractive Violence Spectrum	49

LIST OF ILLUSTRATIONS

Illustration	Page
1. "Buenos Aires Police Will Use Teargas to Dominate Criminals," <i>Caras y Caretas</i> , January, 1931	63

INTRODUCTION

This thesis is motivated by a simple question: why do governments intentionally hurt and kill their own people? I have applied the question to the study of Argentine history during the 1930s. Argentina experienced its first modern military coup on September 6, 1930, making it an opportunity to examine how and why an authoritarian regime used violence to secure its control of the state. The great majority of the violence that the state inflicted on the populace during the 1930s, however, was not directly inspired by political conflict. Most of the repressive apparatus of the state concerned itself with enforcing concepts of private property and public order that had been established by nineteenth-century leaders who presided over Argentina's birth as a capitalist nation-state propelled by an agro-export economy. This period, therefore, also offers a chance to study quotidian forms of state violence that exist in all societies, permitting a much wider comparative perspective.

The goal of this thesis is to examine the repressive behaviors of the Argentine state, in order to understand and delineate the rationale that motivated governing authorities to deploy violence as a tool of governance. Analysts of state violence in both Argentina and Latin America more widely differentiate between violence used to repress political behavior and that used to repress social deviance. This study takes a different approach. The Argentine government in the 1930s used violence in order to neutralize threats to the state or the regime by either reforming or removing offenders to the rules

those organizations wished to enforce. The Argentine State, in order to guarantee a liberal economic model sustained by agricultural exports, committed itself to the defense of public order. “Public order,” in the minds of those who constructed the Argentine state, meant the maintenance of a peaceful atmosphere uncontaminated by the pollutants of interpersonal violence and the abuse of the rule of private property. The regimes that governed Argentina during the 1930s also used violence to keep the reformist Radical Party from gaining control of the State, as well as repressing threats to the social order presented by anarchists, trade union organizers, and the Communist Party. Regime leaders considered such political or economic reform threatening to the very foundations of authority that guaranteed public order because they had the potential to subvert the traditional social hierarchy and destroy the intellectual foundations of private property. Consequently, the violence that the government used to enforce public order, political order, and the social hierarchy stemmed from the same logic: to maintain the existing system of socioeconomic and political relations by impeding the distribution of political and economic power more widely throughout the society.

This study uses the “consensus” and “conflict” models of criminality in order to analyze the reasons why the State criminalizes certain behaviors, why it targets certain groups as criminals, and why it punishes different criminal acts with different types and levels of violence. The consensus model posits that certain behaviors become criminalized because they transgress against culturally-defined norms that become codified as law. The conflict model, on the other hand, proposes that the concept of criminality articulated by public institutions derives from a given society’s embedded

social conflicts.¹ Because control of the State and its accompanying capacity to define the law was restricted to an elite in Argentina for most of its independent existence until the 1930s and because socioeconomic conflict largely defined the political battles of the 1930s, this thesis favors the interpretation of the conflict model. The elites who controlled the State crafted a concept of criminality that in many ways reflected shared common interests with groups of lesser socioeconomic status, but their definition did not reflect “popular consensus” for the popular classes had little control of or influence upon the State. This problem makes the application of the consensus model to the study of Argentine criminality in the 1930s problematic, particularly where elite and non-elite interests collide.

While the conflict model is traditionally only applied to understandings of “common crime,” I have employed it to conceptualize all threats to the interests of the State or regime, from common thieves, to working class anarchists, to elite political prisoners. Nineteen-thirties Argentina lends itself particularly well to this approach because the State repressed both political and common criminality almost entirely through policing and because political threats against the State were included in the Penal Code, making an exclusive distinction between what constitutes “common” and “political” crime largely artificial.²

¹ William Chambliss, “Functional and Conflict Theories of Crime: The Heritage of Emile Durkheim and Karl Marx,” in Chambliss and Mankoff, eds., *Whose Law? What Order? A Conflict Approach to Criminology* (New York: Wiley, 1976): 1-34; Colin Sumner, “The Social Nature of Crime and Deviance,” in *The Blackwell Companion to Criminology* (Malden, MA: Blackwell Publishing Ltd., 2004): 3-32.

² Argentina, *Código Penal, ley 11179 del 30 de Septiembre de 1921 y leyes incorporadas o complementarias* (Buenos Aires: Biblioteca Policial, 1937): articles 70-300.

State Violence as Historical Problem

Studies of state violence in Latin America are only now beginning to take a holistic approach to the problem.³ The vast majority of such studies have focused on the repression of leftist dissidence in specific cases of internal warfare. The Argentine case is demonstrative of this trend. The study of state violence in Argentina has remained oriented around the “Dirty War” waged by the military government (1976-1983) against internal subversion, in which the government killed or “disappeared”⁴ an estimated 30,000 of its own people, the great majority of whom are believed to have been noncombatants. Studies of state violence in Argentina have their origins in the flurry of monographs and articles that attempted to understand why Argentina, one of Latin America’s wealthiest and most “modern” nations, had fallen victim to such extreme, self-inflicted atrocities.⁵

Studies of political violence in Argentina have not moved far beyond the last military dictatorship. Most Anglophone scholars that do study previous periods of state violence in Argentina do so with the explicit intention of finding a causal link between

³ Robert Holden, *Armies without Nations: Public Violence and State Formation in Central America, 1821-1960* (Oxford: Oxford UP, 2004); Tulio Halperín Donghi, “Argentina’s Unmastered Past,” *Latin American Research Review* 23:2 (1988): 3-24.

⁴ The term “disappeared” has entered the English lexicon from the Argentine experience as “*desaparecido*,” referring to a person mysteriously murdered by the government without explanation of the person’s whereabouts.

⁵ The demise of Argentine democracy caused a theoretical problem for political scientists influenced by modernization theory who assumed that greater prosperity would lead to greater democratization, and, presumably, to more peaceful societies. See the literature review in Guillermo O’Donnell, *Modernization and Bureaucratic-Authoritarianism: Studies in South American Politics* (Berkeley: University of California Press, 1973): 1-8.

previous historical episodes and the outbreak of the Dirty War.⁶ Most of these works view the rise of Peronism and mass politics as the principal cause of political polarization that degraded into a state of internal war. Nineteen-forty-three, the year when Perón first held national office, typically serves as the starting point for such studies.⁷

Curiously, 1930, the year of Argentina's first modern military coup, has figured less prominently in the research agenda, with the exception of a couple of studies that examined the historical development of Argentina's military and Peter Smith's classic study of the unraveling of Argentine democracy.⁸ Neglect of the 1930s characterizes the historiography in general. Historians have preferred to study Argentina's turn-of-the-century period or the rise of Peronism in the 1940s, underemphasizing the 1930s as a mere "prologue to Perón."⁹

A second branch of research began to examine state violence from a different perspective with the publication in 1982 of Johnson and Blackwelder's essay on arrest

⁶ Two Spanish language exceptions to this trend Ricardo Rodríguez Molas, *Historia de la tortura y el orden represivo en la Argentina* (Buenos Aires: Editorial Universitaria de Buenos Aires, 1984) and Vicente Gonzalo Massot, *Matar y morir: La violencia política en la Argentina (1806-1980)*, but they are better classified as essays than monographs.

⁷ Donald Hodges, *Argentina 1943-1987: The National Revolution and Resistance* (Albuquerque: University of New Mexico Press, 1988); Emílio Della Soppa, *Ao inimigo nem justiça: Violência política na Argentina, 1943-1983* (São Paulo: Editora Hucitec: Departamento de Ciência Política, USP, 1998). Torcuato Di Tella makes this case most bluntly, going so far as to claim that Perón "ruined the country." Lecture, "The Changing Face of Peronism in Argentina," University of Texas at Austin, 19 Feb 2007.

⁸ Alain Roquié, *Pouvoir militaire et société politique en République argentine* (Paris: Presses de la Fondation nationale des sciences politiques, 1978); Robert Potash, *The Army and Politics in Argentina, 1928-1945* (Stanford: Stanford University Press, 1969); Peter Smith, *Argentina and the Failure of Democracy: Conflict among Political Elites, 1904-1955* (Madison: University of Wisconsin Press, 1974).

⁹ Whitaker and Dolkhart, eds., *Prologue to Perón: Argentina in Depression and War, 1930-1943* (Berkeley: University of California Press, 1975).

patterns in the city of Buenos Aires.¹⁰ These works studied the nature of criminal justice in Argentina and, in particular, how socioeconomic structure and ethnic conflict among native Argentines and European immigrants informed the Argentina's cultural construction of criminality.¹¹ This area of the historiography opened up new ways to think about state violence because these works focused on the repression of people whose actions were motivated principally by self interest rather than politics. These works connected their analyses to socioeconomic conflict and state formation, exposing the political interests that motivated Argentina's ruling class to define the behaviors of subalterns as criminal, while justifying its own transgressions against the public good. For instance, while petty theft of small quantities of private property might have been considered by both elites and commoners to constitute a category of "crime," elites exploited the inherited Spanish laws that criminalized vagrancy in order to appropriate the labor of rural non-elites despite the prohibition on slavery during the mid-nineteenth century.¹² These studies seem to have been motivated by interests unrelated to the Dirty War, or even modern Argentine politics, as their authors generally focused on the distant turn-of-the-century period—a choice that may have been determined more by access to

¹⁰ Lyman Johnson and Julia Kirk Blackwelder, "Changing Criminal Patterns in Buenos Aires, 1890 to 1914," *Journal of Latin American Studies* 14:2 (1982): 359-79.

¹¹ Lyman Johnson, ed, *The Problem of Order in Changing Societies: Essays on Crime and Policing in Argentina and Uruguay* (Albuquerque: University of New Mexico Press, 1990); Richard Slatta, "Rural Criminality and Social Conflict in Nineteenth-Century Buenos Aires Province," *Hispanic American Historical Review* 60:3 (1972): 55-73; Ricardo Donoso Salavatore, "Criminology, Prison Reform, and the Buenos Aires Working Class," *Journal of Interdisciplinary History* 23:4 (1992): 279-99; Sandra Gayol and Gabriel Kessler, eds., *Violencias, delitos y justicias en la Argentina* (Buenos Aires: Universidad Nacional de General Sarmiento, 2002).

¹² Slatta, "Rural criminality."

archival sources than scholarly preference; police records for the twentieth century remain inaccessible in Argentina.

It is clear from the division that arose in the literature between studies of political violence and studies of the suppression of criminality that the violent behavior of the State *per se* did not interest scholars so much as specific aspects of the repressive apparatus. If scholars had studied the State's use of violence itself, no such division would have emerged, for the State uses violence to repress both common and political crime. This division most likely results from a greater acceptance by scholars of State-defined categories and logics of criminality. Although much of the literature that studies the history of Argentine criminality uses the theme as a point of departure from which to analyze the socioeconomic forces and interests that guide the State, the literature also shows a tendency to conceptualize both crime and its repression as objective phenomena that can be compared across societies. Lyman Johnson, for example, makes this intellectual leap when comparing Argentine, European, and American arrest records. He states that levels of criminality are dependent upon several variables such as urbanization, age, and gender. This statement assumes that both criminality and its suppression by governments have an objective definition that defies cultural and temporal boundaries as well as the differences between political and economic regimes.¹³

While the historiography of the Argentine criminal justice system often assumes the existence of an objective standard of criminality, the literature on political violence is almost entirely subjective. The vast majority of works that focus on the repression of political dissidence sympathize to some degree with the repressed group because the

¹³ Johnson, "Introduction," in *Problem of Order*, p. x-xi.

authors believe the political system in operation either acts unjustly in its dealings with the opposition or lacks legitimacy entirely. Few studies of political violence in Argentina would imagine a suppressed party or political activist who was killed or imprisoned by one of Argentina's dictatorial governments to be guilty of any "crime." In fact, it is often the repressive governments themselves who are portrayed as "criminal," because they violate humanitarian standards of respect for human rights and the sanctity of life. This claim was most famously made by Argentina's *Nunca Más* report, which referred to the perpetrators of Argentina's Dirty War as "criminals" rather than legitimate statesmen.¹⁴

The problem with the above-mentioned studies is that supposedly "universal" understandings of what constitutes a criminal act of violence are in fact based on the subjective perceptions of the writer. The logical problems presented by this approach can slip by unnoticed when discussing episodes of violence that are both qualitatively and quantitatively so extreme as to generate seemingly unanimous condemnation, such as the Dirty War (or, more commonly outside of Latin American studies, the Holocaust perpetrated by Hitler's Germany). But outside of the most extreme examples, such subjectivity becomes problematic when repressed groups use violence in their quest to challenge those who control the State, thus violating supposedly universal definitions of criminal behavior.

¹⁴ Ernesto Sábato, "Introduction," in *Nunca Más: A Report by Argentina's National Commission on Disappeared People* (London: Faber and Faber, 1986): 2-6; Donald Hodges, *Argentina's "Dirty War": An Intellectual History* (Austin: University of Texas Press, 1991); Martin Andersen, *Dossier Secreto: Argentina's Desaparecidos and the Myth of the "Dirty War"* (Boulder, CO: Westview Press, 1993).

Criminality as Organizing Concept

Despite the greatest wishes of humanitarian scholars (and I would count myself among their sympathizers), no objective or universal definition of criminal behavior based on a common ethical system exists. This is not to say that societies do not govern themselves based acceptable standards of conduct within particular communities. However, norms vary across populations, polities, cultures, and epochs. “Crime” is a particular type of norm that, within the modern nation-state system, can only be defined and punished by the State itself.¹⁵ Consequently, although criminality was a contested concept (as the quote that heads this introduction indicates) in 1930s Argentina, people’s behavior was only truly “criminal” if the State defined it as such.

Criminologists have advanced two competing models to explain why certain behaviors come to be classified as criminal, while others do not. The “consensus” model argues that certain behaviors, such as robbery or murder, have become criminalized by the modern state because they contravene a given society’s culturally constructed ideal of the public good. The “conflict” model, on the other hand, argues those who control the State construct and selectively apply a concept of criminality that serves their interests. According to this perspective, behaviors become criminalized not because they are inherently anti-social or because they contradict the public’s conception of the common welfare, but because they are inimical to the socioeconomic interests of those who control the State.

The consensus and conflict theories of criminality would cease to be at odds with each other if they were applied to an egalitarian and politically free society, because

¹⁵ Mark Kennedy, “Beyond Incrimination: Some Neglected Facets of the Theory of Punishment.” In *Whose Law? What Order?*, 37.

(theoretically speaking) the great majority of the population would belong to the powerful groups, so their interests would not diverge. It is precisely in the areas where divergent socioeconomic groups' interests converged that the consensus model most successfully explains Argentine construction of criminality in the 1930s. While socioeconomic and political conflicts pitted different individuals against one another, everyone shared a basic, fundamental interest in protecting their own person and property. The State filled this role, as well as other roles that required arbitration by a third party, such as guaranteeing contracts, by using violence against those who threatened public order.

As the interests of different socioeconomic groups begin to diverge, however, the State's neutrality becomes suspect. In the case under study, the State was controlled and directed by elites who formally excluded nonelites from power. By the 1930s, Argentina had been governed either by a dictatorship or an oligarchy that maintained its control of the government through electoral fraud for almost its entire independent existence.

Even if it could be sustained that the law represented an expression of a common moral culture in 1930s Argentina, the State most certainly did not behave according to that code and, consequently, should not be regarded as the custodian of Argentine morality. The crimes that carried the longest prison sentences in the Argentine penal code are acts of interpersonal violence resulting in permanent disability or death, and treason. The State itself not only committed at least eleven acts of premeditated homicide in the 1930s, but also many acts of torture that probably qualify as the most sadistic acts of violence committed by any person or entity during the decade. Although one of the defining features of the modern State according to Max Weber's classic definition is a "monopoly over the legitimate use of violence," Argentine law expressly

prohibited torture and corporal punishment of prisoners. While the Constitution of 1853 only specifically banned the use of the death penalty for “political reasons,” the Penal Code did not specify any crime for which death could be used as a punishment.¹⁶

This is not to say that the State was the only entity that committed violent acts prohibited by the law. Private individuals also committed the acts of violence, including homicide, for both personal and political reasons. The moral reprehensiveness of these acts did not determine their legality however; it was determined by the relative position of power of the groups involved. Control of the state served as the highest pinnacle of power, for it was this group that controlled both the definition of criminality and the power to selectively enforce that definition. The criminal justice system devoted itself not to protecting a lofty vision of the public good from abuse by social deviants, but to regulating a system of socioeconomic relations that necessitated the protection of private property, the maintenance of an obedient labor supply, and the suppression of non-governmental acts of violence. With no political power and little property beyond their own labor, the majority of the population had less incentive to participate in the liberal socioeconomic system or to support the oligarchy that controlled it.

When employing this perspective, “crime” must be differentiated from other norms. Communities across the world tend to impose controls over harmful behavior, with murder, theft, and rape serving as some of the most frequently invoked examples. However, it would be misleading to conceptualize nearly universal taboos on such

¹⁶ Argentina, *Constitución de la nación argentina* (Buenos Aires: Editorial Universidad S. R. L., 1985): 17; Abelardo Levaggi, *Historia del derecho penal argentino* (Buenos Aires: Editorial Perrot, 1978): 29; Argentina, *Código penal*, articles 75-300.

behaviors as a prohibition, since elites across the world (as well “subelites”¹⁷ acting on elites’ behalf) consistently violate such supposed prohibitions with impunity; indeed, socioeconomic elites’ transgressions against such widely recognized norms may even escape being defined as “crime” at all. Incest provides a classic example of this phenomenon taking place, for while the taboo against sexual relations with a direct family member is nearly universal, it is also commonly practiced among aristocracies.¹⁸ Criminological theorists only define acts as “criminal” if its violation invites penal sanction.¹⁹ If penal sanction is dependent upon socioeconomic status, it follows that those exempted from punishment due to their control over or influence upon the State’s institutions are not actually criminals. In this way criminality is constructed both “positively” (by the criminalization of certain behaviors) and “negatively (by the selective application of the law).

State Violence in 1930s Argentina

The current literature fails to satisfactorily explain the logic behind state violence in Argentina in the 1930s for two principal reasons. First, the State’s police forces, criminological establishment, and political leadership conceived of themselves as combatting three groups of threats, not two: threats against public order, threats against the political order by legitimate political actors, and threats against the social order by

¹⁷ Rose defines the “subelite” as “surrogate enforcers for those who employ them and whose goals they have internalized,” citing “the police, conscripted members of the military, guards, and bodyguards...” as examples. See Rose, R. S. *The Unpast: Elite Violence and Social Control in Brazil, 1954-2000* (Athens: Ohio University Press, 2005): 2.

¹⁸ Pierre Van Den Berghe and Gene Mesher, “Royal Incest and Inclusive Fitness,” *American Ethnologist* 7:2 (1980): 300-317.

¹⁹ Kennedy, “Beyond Incrimination,” 37.

illegitimate political actors (who the State defined as “social criminals”). Lumping working class political groups such as the anarchists and Communists together with middle and upper class members of the proscribed Radical Party under the rubric of “political criminals” represents a presentist conceptual stretch (in the case of historical studies) or a theoretical leap of faith (in the case of political science studies) that fails to capture the logic that guided the State as it used violence as a tool of governance in Argentina during the 1930s. Rather, the State distinguished between three types of offenders: common criminals, social criminals, and political criminals. These groups should not be conceptualized in isolation from one another, but rather as three different breeds of the same species: criminals.

Second, conceptual isolation of these groups into distinct categories obscures the relationship between all criminals. If the State could not guarantee its system of public order (in this case, one whose guarantee facilitated the peaceful and free commercial exchange of private property and capital), it would cease to exist as a State, leading to a collapse of the political order. Subversion of the social order necessitated a redistribution of wealth and political power that would have offended the rule of private property as well as challenging elite control of the political order. Because legitimate channels for political organizations with nonelite power bases to take power were heavily restricted throughout the 1930s, political groups of the opposition used violence or otherwise violated the laws governing public order to challenge the political order. Threats to the public order, the political order, and the social order were, therefore, related to the degree that they threatened the interests of those who controlled the State.

The conflict perspective allows us to understand why the government punished different criminalized actions with differing methods and severity of violence. I define violence here as all acts that physically altered a person's behavior. Specifically, I have documented five acts: incarceration, corporal punishment, torture, deportation, and execution.²⁰ I have grouped these acts of violence into three semi-overlapping categories based on the purpose that each act aimed to achieve. The Argentine government employed *didactic violence* (incarceration, corporal punishment) in order to reform criminals' behavior, while it used *extractive violence* (incarceration, deportation, execution) in order to remove offenders from society altogether. *Interrogative violence* (torture) constitutes a third category, whose purpose was to force confessions of guilt or to acquire information about people the government wished to remove from society.

The government used four principal criteria to determine which types of violence to use against those it defined as "criminals." The most basic measure of criminality that the government used to formulate degrees of punishment was the nature of the crime, reflecting the influence of Enlightenment thought regarding criminal punishment that attempted to rationalize punishment by conforming it proportionately to the severity of the crime committed. The government punished those acts that it considered less threatening to the interests of the State or to the regimes that controlled it (petty theft,

²⁰ This definition invites criticism by including behaviors not popularly understood as "violence," particularly incarceration and deportation. It should be noted, however, that both incarceration and deportation are impossible policies to enforce without the threat of corporal punishment or execution. Furthermore, the definition of violence adopted here adheres more strictly to the popular understanding of violence as "physical harm" than that used by many scholars. See Carole Nagengast, "Violence, Terror, and the Crisis of the State," *Annual Review of Anthropology* 23 (1994): 111 and Robert Brubaker and David Laitin, "Ethnic and Nationalist Violence" *Annual Review of Sociology* 24 (1998): 427-28.

minor acts of interpersonal violence) with less severe didactic violence designed to reform the criminal's behavior, while it punished more severe threats (illicit public protests, major acts of interpersonal violence, acts of rebellion against the regime or the State) with harsher acts of extractive violence.

The nature of the crime, however, only served a baseline from which to apply to further criteria. The authorities also analyzed the level of criminal consciousness of the offender him or herself, for if the criminal had broken or disregarded the rules²¹ on purpose, he or she was presumed to be less susceptible to the reformatory influence of didactic forms of punishment. Instead, the government removed such people, recidivist common criminals and leaders of the political opposition in their majority, and their corrupting social influence from society.

The governing authorities punished people with greater severity when they perceived their control over the State to be less secure. The announcement of "States of Siege," which licensed the government to punish both common and political criminals extralegally, most clearly delineated the moments of perceived regime instability. Generally speaking, the José F. de Uruburu regime (1930-1932) perceived its control over the State to have been less secure than that of Agustín Justo (1932-1938).

The level of social prestige of the criminal exercised the greatest mitigating effect of all on violent punishment, a phenomenon that reflects the socioeconomic relations embedded in state institutions. Those of the middle and upper class lived largely free from the persecution of police forces. Even those who consciously committed the most

²¹ It is important to highlight here that criminals broke "rules" as well as laws, due to the legal improvisations of the regimes of the 1930s. The government routinely punished people committing formally legal acts or for breaking temporary laws during the numerous States of Siege.

extreme crimes, such as rebellion with the open use of violence, escaped execution, permanent deportation, or even prison sentences in excess of three years. Those with little or no social prestige, on the other hand, faced execution for even petty theft at times when the governing regime considered the power of the State to be tenuous.

CHAPTER I

THE POLITICS OF VIOLENCE AND CRIMINALITY

State violence in 1930s Argentina, whether used for political reasons or to enforce social control, was directed almost exclusively by elites against non-elites. This pattern stemmed from the control that elites exercised over the political system. A landed elite constructed a Liberal State in the mid-nineteenth century designed to serve their own economic and political interests as a class. The “Liberal Oligarchy,” the term used by historians to describe the elite-dominated governments of the late nineteenth and early twentieth centuries, maintained direct and exclusive control of the Argentine State until reform expanded the electorate in 1912. The electoral reform allowed the *Unión Cívica Radical* (UCR), a middle-class based reformist political party, to contest elite control of the State during the 1916-1930 period. As the World Depression hit Argentina in 1930, José F. de Urriburu, a retired general, led a coup that reasserted elite control over the political system.

Origins of the Argentine State

The modern Argentine State has its origins in the triumph of liberalism following the overthrow of Juan Manuel de Rosas in 1852. One of Argentine liberalism’s clearest

practical expressions is the Constitution of 1853. Its principal intellectual architect was Juan Alberdi, who expounded his ideas in the book *Bases y puntos de partido*. The book argued that Argentina's new constitution should emphasize economic rights at the expense of political freedoms.

Alberdi, and the liberal opinion he represented, understood South America's "backwardness" (*atraso*) as the result of policies inherited from the colonial period designed to isolate the Spanish empire economically from competing European powers. Restrictions on immigration, international free trade, and the failure to guarantee property rights prohibited economic advancement in a region plagued by underpopulation and economic stagnation. Alberdi urged Argentine leaders to avoid the example of neighboring South American countries whose constitutions continued such policies. He criticized the framers of the Chilean Constitution, who, though they were "strong men in theology and legislation..., poorly understood the economic needs of South America." Their ignorance was made apparent to Alberdi by their exclusion of "all creeds besides the Catholic faith [from the Chilean Constitution], without noticing that they mortally contradicted Chile's principal necessity, which was to populate the country with the hardworking and excellent immigrants offered by dissident and Protestant Europe."²² Alberdi faulted the constitutions of the rest of the Spanish American republics for limiting the property rights of foreigners because such restrictions would hamper much needed foreign trade and investment. Indeed, Alberdi believed that the political functions of the Constitution were of peripheral concern to the economic climate that the document would create. He criticized Argentina's previous constitutions for focusing on the issues

²² Juan Bautista Alberdi, *Bases y puntos de partida para la organización política de la república argentina* (Buenos Aires: Editorial Plus Ultra, 1974): 39-46.

of sovereignty and freedom rather than fostering an atmosphere conducive to economic success.²³

The Constitution of 1853 clearly bore Alberdi's imprint. Article fourteen of the Constitution of 1853, which purports to delineate Argentina's civil rights, makes it clear that the framers intended the document to protect economic rather than political rights. The article consists of nine guarantees. Three of them are related strictly to economic activity: the right "to work in licit industries," the right "to navigate Argentine waters and conduct commerce," and the right "use and dispose of personal property." The inviolability of private property is re-guaranteed in Article seventeen. The framers of the Constitution included two more of the clauses of Article fourteen—those guaranteeing freedom of religion and free entry and exit from Argentine territory—to recruit German and English immigrants rather than to establish a guarantee of civil rights. Three other guarantees delineated in Article fourteen were intended for economic purposes, although they simultaneously express Liberal political ideals. The last "civil right"—the right "to teach and to learn"—is less of a "right" and more of an economic goal advanced by the Liberals who considered Argentine natives uncultured and unintelligent. The framers included this guarantee because they expected Northern Europeans to "introduce and teach the sciences and arts" to native Argentines. Likewise, the guarantee of free association carries the qualification "with useful intentions" (*con fines útiles*), indicating

²³ *Ibid.* Previous to 1853, and technically until the National Consolidation of 1880, Argentina was governed by several constitutions, including independent provincial ones. David Bushnell, *Reform and Reaction in the Platine Provinces, 1810-1852* (Gainesville: University Presses of Florida, 1983).

that the behavior the architects of the constitution wished to protect was business association, rather than political association.²⁴

The Constitution envisioned an economic system governed by the free exchange of private property, consistent with the liberal notion that this system would nurture prosperity by allowing those with merit to realize their potential to produce wealth. The introduction of this system—while far from perfectly realized—was revolutionary in Argentina, where both wealth and the labor supply had been largely allocated politically.²⁵ In theoretical terms, such a system engenders socioeconomic inequality inherently as some succeed and others fail within a system based on providing equal economic opportunity. But while the system engenders inequality, universal access to social mobility based upon merit theoretically provides a mechanism to prevent socioeconomic tension from erupting into socioeconomic conflict. This mechanism failed to function in practice.

Socioeconomic Conflict and Political Development

By the beginning of the twentieth century, three principal socioeconomic groups came to dominate Argentine politics: the elite, the native middle class, and the largely immigrant working class. The elite consisted primarily of roughly 400 families of landed “aristocrats” whose wealth sprang principally from the agricultural export economy. Despite regional and personal rivalries that often manifested themselves in national politics, the elite distinguished itself from both common Argentines and the “simply rich”

²⁴ Argentina, *Constitución*, 14-19.

²⁵ Jeremy Adelman, *Republic of Capital: Buenos Aires and the Legal Transformation of the Atlantic World* (Stanford: Stanford University Press, 1999): 34; Slatta, “Rural Criminality,” 450.

through membership in exclusive clubs, such as the *Sociedad Rural* (a club of large landowners), and social events.²⁶ Argentina's socioeconomic elite also served as its political elite, exercising direct and exclusive control of the Presidency, the cabinet, the Congress, and other public offices until roughly 1912, the year that marks the political ascension of the middle class-based Radical Party. The "Liberal Oligarchy," as historians commonly refer to Argentina's political elite, maintained a stranglehold over the republic from 1880 until 1912, often employing voter fraud in order to perpetuate themselves in power.²⁷ Based on the figures of the 1914 census, the elite made up perhaps one percent of the population.²⁸

The Argentine elite's economic and political power derived from a process of land concentration that extended back to the Liberal government of Bernardino Rivadavia (1826-1827) and continued through the long, dictatorial reign of Juan Manuel de Rosas (1829-1832, 1835-1852). According to historian John Lynch, "By the 1830s some 21 million acres of public land had been transferred to 500 individuals, many of them wealthy recruits from urban society, like the Anchorena, Santa Colona, Alzaga and Sáenz Valiente families, the founders of Argentina's landed oligarchy."²⁹ The trend toward land concentration accelerated during the Liberal period. Under the direction of General and, later, President Julio Roca, the Argentine government conducted a genocidal

²⁶ Peter Smith uses the uncommon term "aristocrats" to refer to the Argentine landed elite. *Argentina and the Failure of Democracy*, 117-126; David Rock, *Politics in Argentina, 1890-1930: The Rise and Fall of Radicalism* (Cambridge University Press, 1975): 3.

²⁷ Smith, *Argentina and the Failure of Democracy*, 8-10, 26.

²⁸ *Ibid.*, 8.

²⁹ John Lynch, "River Plate Republics," in Leslie Bethell, ed., *Spanish America after Independence, c. 1820-1870* (New York: Cambridge University Press, 1987): 315-16; John Lynch, *Argentine Dictator: Juan Manuel de Rosas, 1829-1852* (Oxford: Oxford University Press, 1981): 22.

military campaign known to historians as the “Conquest of the Desert” in 1879 that allowed the State to take control of 30,000,000 hectares of land located in the pampas to the south and west of Buenos Aires province.³⁰ The land that the Argentine State added to its dominion following the war served to continue the trend toward land concentration, as large *estancia* owners added territories to their claims and wealthy businessmen from the city of Buenos Aires diversified their investments into rural real estate. According to historian Roy Hora,

“The sheer abundance of new land encouraged the granting of enormous tracts. Between 1878 and 1882, some twenty million hectares were sold in large units. Important landowners were among the major buyers: Saturino Unzué acquired 270,000 hectares; Tomás Drysdale, 320,000; Antonino Cambacères, 120,000; Leloir, 110,000; Luro, 140,000; the Alvears, Diego and Torcuato, 97,500 each; Joaquín Chas, 60,000; Tornquist, 90,000; Carlos Guerrero, 70,000.”³¹

Demand for labor surged as a result of the economic boom fueled by the Conquest of the Desert, allowing Argentine leaders to resolve the country’s chronic labor shortage. Between 1870 and 1914 roughly six million immigrants flooded the nation’s borders.³² The government took an active role in recruiting immigrants from Europe, dangling

³⁰ Roy Hora, *The Landowners of the Argentine Pampas: A Social and Political History, 1860-1945* (Oxford: Clarendon Press, 2001): 41.

³¹ *Ibid.*, 41-42.

³² David Rock, *Argentina 1516-1982: From Spanish Colonization to the Falklands War* (Berkeley: University of California Press, 1985): 142, 166.

promises of land ownership. Between sixty and seventy percent of the immigrants that crossed Argentina's borders in the 1880s declared themselves as "farmers," indicating a positive response to the government's offers.³³ But few of Argentina's immigrants realized the dream of land ownership due to the high costs and high risks of developing territories with little or no infrastructure, lack of credit, and the lack of political will to overcome local resistance from large landowners to the creation of class of small landholders.³⁴ Rather than owning land, the majority of immigrants either remained in the countryside to work as wage laborers, or, more commonly, sought economic opportunity in the rapidly developing urban service economy that developed in response to the expansion of the agricultural export economy. By the 1910s, immigrants made up the majority of the urban working class.

The urban service economy and nascent manufacturing industry also nurtured the development of a middle class of state bureaucrats, small business owners, professionals, and skilled laborers. By the outbreak of the First World War, the middle class was largely native born, but a large portion had benefited from the process of intergenerational social mobility described by social historian James Scobie. According to Scobie, the immigrant's aspiration to "make it in America" (*hacer la América*), Argentina's parallel to the "American dream," proved illusory: "The self-made man who lifted himself from stevedore to bank president did not exist in Buenos Aires... Only the grandchildren got enough education or training to allow them to move upward a notch or

³³ Ezequiel Gallo and Roberto Cortés Conde, *Argentina: La república conservadora* (Buenos Aires: Editorial Paidós, 1972): 55.

³⁴ *Ibid.*, 44-45; Miguel Angel Cárcano, *Evolución histórica del régimen de la tierra pública 1810-1916* (Buenos Aires: Editorial Universitaria de Buenos Aires, 1917/1971): 165-185.

two in social stratum.”³⁵ Based on an analysis of the 1914 census, social scientists Gino Germani and Peter Smith estimate the size of the middle class at 32% of the population and subdivide it into an upper strata (8%) and a lower strata (24%).³⁶

Conflict among these groups stemmed from barriers to the upward mobility of urban nonelites. Two major bottlenecks in the system of social mobility developed due to the tension between mass immigration and limited access to land ownership—that which constrained upward movement for the working class to assume middle class status, and that which constrained upward mobility of the middle class to elite status. It is from these two classes that the political organizations of the opposition sprang.

Historian James Scobie has documented several cases of middle class entrepreneurs, primarily immigrants, who managed to acquire elite status through intermarriage and other social and economic associations with native elites.³⁷ But such upward movement was exceptional and the lack of access to elite status prompted discontent among elements of the middle class. That anger was politicized as the *Unión Cívica Radical*, which became the most prominent opposition party by the 1910s. Although the party garnered most of its support from the urban middle class, the leadership was composed of a significant number of landed elites. Despite the inclusion of elites in the party leadership, however, the Radical Party maintained a staunchly middle class identity. Indeed, anti-elitist and anti-oligarchic discourse defined the Radical Party and distinguished it from the Oligarchy much more than the differences

³⁵ James Scobie, *Buenos Aires: Plaza to Suburb, 1870-1910* (New York: Oxford University Press, 1974): 212-13.

³⁶ Smith, *Argentina and the Failure of Democracy*, 8.

³⁷ Scobie, *Plaza to Suburb*, 208-249.

between their political programs (the name notwithstanding).³⁸ By 1912 the Radical Party had become the most important opposition party and stood on the verge of challenging the Oligarchy's absolute control of the State.

The working class, deeply influenced by the contemporaneous anarchist, syndicalist, communist, and socialist trends of thought that southern European immigrants brought to Argentina, first began to organize into trade unions in the 1870s. The Socialist Party and its splinter, the Communist Party, joined the unions in 1895 and 1920, respectively, becoming the first political parties to formally represent the interests of the working class.³⁹ Working class political organizations ran the gamut from relatively moderate groups that sought to improve basic standards of living by raising wages, improving work conditions, reducing work hours, and so forth, to extremely radical groups that rejected the legitimacy of the Liberal State and advocated its destruction. The anarchists, more of a tendency among particular trade unions and the workers' federation known as the *Federación Obrera Regional Argentina* (FORA) than an actual organization, embodied the latter spirit (their ideological precepts precluded their formal organization as a political party). The FORA led a series of successful strikes in the first decade of the twentieth century that led to "substantial increases in real wages between 1904 and 1909," according to political scientist Peter Smith.⁴⁰

Confronting politicization of the urban working and middle classes, the Oligarchy attempted to co-opt the Radicals into a more inclusive arrangement while avoiding the

³⁸ Peter Smith and Graciela Sylvestre, "Los radicales argentinos y la defensa de los intereses ganaderos, 1916-1930, *Desarrollo Económico* 7:25 (1967): 795-829.

³⁹ Richard Walter, *The Socialist Party of Argentina, 1890-1930* (Austin: University of Texas Press, 1977): 3-22; 178-180.

⁴⁰ Smith, *Argentina and the Failure democracy*, 15.

inclusion of the working class into the polity. The effort manifested itself as the Roque Sáenz Peña Electoral Law of 1912, which guaranteed free, secret, and obligatory voting for native males.⁴¹ This legislation left the majority of the working class population unrepresented, due to their immigrant status. According to historian David Rock, “Among the males the non-voting immigrants outnumbered the native at this time by about nine to four...” in the city of Buenos Aires.⁴² But the electoral reform paved the way for the rise of the Radicals, who, contrary to the expectations of the Oligarchy, overwhelmed the conservatives at the ballot box. The UCR took the presidency 1916 with the election of Hipólito Yrigoyen and held it uninterrupted until 1930, when Yrigoyen was overthrown during his second, non-consecutive term. The Radicals gained a sizeable representation in the House of Deputies and some observers expected them to gain a majority in the Senate as well on the eve of the coup. Electoral defeat in the Senate would have marked the Oligarchy’s total loss of direct control of the State.⁴³

The rapid political decline of the Oligarchy was accompanied by the onset of the World Depression in 1929, which exerted downward economic pressure upon the country’s traditional elite, whose economic fate was tied to the failing agricultural export economy. With profits from agricultural exports falling, the landed elite began to reorient their investments into the urban economy beginning in the 1930s. But many failed to anticipate the change. According to historian Roy Hora, “Large-scale

⁴¹ Although native males already had the right to vote by 1912, electoral fraud made impeded the free exercise of that right. David Rock, *Argentina, 1516-1987: From Spanish Colonization to Alfonsín* (Berkeley: University of California Press, 1987, 2nd ed.): 202; Rock, *Politics*, 26.

⁴² David Rock, “Machine Politics in Buenos Aires and the Argentine Radical Party, 1912-1930, *Journal of Latin American Studies* 4:2 (1972): 234.

⁴³ Scobie, *Argentina: A City and a Nation* (New York: Oxford University Press, 1971, 2nd ed.): 205.

landowners like Federico L. Martínez de Hoz, Ezequiel Ramos Mexía, Herbert Gibson and Rufino Luro, who died between 1934 and 1935, left very precarious finances.”⁴⁴ The landed elite, as a class, now faced the possibility of economic ruin in addition to the loss of control of the State. Understanding economic ruin as a result of democratization, representatives of Argentina’s landed elite abandoned the experiment.

Coup of 1930 and the Re-imposition of Order

Retired General José de Urriburu and his adherents took control of the government in an armed coup on 6 September 1930, blaming Radical financial and administrative mismanagement for exacerbating the economic crisis provoked by the World Depression and accusing the UCR of pushing the Argentina to “the edge of chaos and ruin.”⁴⁵ The Radicals’ use of electoral fraud and intervention in the provinces, although commonly practiced by the previous regimes as well, also provided fuel for discontent.⁴⁶ But while Urriburu and his followers rationalized the coup as a necessary measure to bring economic stability back to the country, their rhetoric regarding the Radical’s inability to maintain

⁴⁴ Roy Hora, “Landowning Bourgeoisie or Business Bourgeoisie? On the Peculiarities of the Argentine Economic Elite, 1880-1945,” *Journal of Latin American Studies* 34:3 (2002): 614-15.

⁴⁵ José de Urriburu, *La Palabra del general Urriburu: Discursos, manifiestos, declaraciones y cartas publicadas durante su gobierno* (Buenos Aires: Roldán, 1933): 15-17; Argentina, Intervención Nacional en Córdoba, *Memoria, setiembre 18 de 1930 a febrero 18 de 1932* (Córdoba: A. Biffignandi, 1932 [?]), p. 15-28. For an elite’s memories of the coup, see Carlos Ibarguren, *La historia que he vivido* (Buenos Aires: Ediciones Dictio, 1955/1977).

⁴⁶ Article six of the Constitution of 1853 gives the federal government the right to intervene militarily in the provinces in order to preserve the republican system of government, repel foreign invasions, or to suppress internal rebellion. In practice, Argentine leaders have used this clause to control provincial politics and reconstitute hostile governments. Argentina, *Constitución*, 12; Ronald Dolkhart, “The Provinces,” in Mark Falcoff, ed., *Prologue to Perón: Argentina in Depression and War, 1930-1943* (Berkeley: University of California Press, 1975): 172.

social order reveals both a primary motivation for the coup itself and the rationale that motivated the use of political violence throughout the period.

In the minds of the coup leaders, Radical Party rule had threatened traditional relationships that demanded social deference from commoners to elites by allowing the proliferation of leftist movements among the urban working class. While the Radical Party did not represent the workers, *per se*, in the eyes of the coup leaders it had not done enough to exclude them from politics. Uriburu lambasted the Radical government for presiding over an “exaltation of the subaltern” in a manifesto delivered on 7 September in which he explained the reasons for the coup.⁴⁷ Uriburu also sensed that the traditional structure of authority that governed the relationship between students and teachers had been subverted. He claimed that the Radicals had allowed the universities to be “converted into centres of anarchy, demagogy and disorder...” Uriburu and his followers believed that this demagogic reordering of socioeconomic relations would lead to “the inevitable advent of social collapse.”⁴⁸

“Exalting” those of a lower social class, who should respect the constituted authorities, contradicted the philosophy of people like Uriburu. Uriburu, as well as many of his followers and participants in the coup of 1930, such as Carlos Ibarguren and Matías Sánchez Sorondo, belonged to Argentina’s budding Nationalist movement. The Nationalist leadership sprang from the landed families of the Liberal oligarchy. But

⁴⁷ Uriburu, *La palabra*, 15-17.

⁴⁸ Uriburu quoted in Great Britain, Foreign Office, Macleay to Henderson, A 2780/168/2, received April 30 in *British Documents on Foreign Affairs—Reports and Papers from the Foreign Office Confidential Print: Part II, from the First to the Second World War. Series D, Latin America, 1914-1939* (Bethesda, MD: University Publications of America, 1989-1992, Vol 7): 162-3. Hereafter “Great Britain, Foreign Office” abbreviated as “BFO.”

despite their roots in the families that had constructed Argentina's export economy based on liberalized trade with England and other European nations, they rejected the traditional export-oriented economic model that had left Argentina slavishly dependent on foreign markets and manufacturers. That debility had been exposed when Argentina lost its access to foreign markets during the world Depression of the late 1920s and early 1930s, unleashing economic mayhem. The Nationalist leadership shared, however, the elitism and anti-democratic attitudes that had characterized the Liberal Oligarchy. The Nationalist Movement viewed Marxism as an undesired byproduct of the mass immigration that had populated Argentina with foreigners, which held the potential to destroy the bond between worker and owner that Nationalists believed to stem from a mutually beneficial relationship between unequal partners.⁴⁹

Enthusiastically rejecting the social value of equality, the Nationalists drew upon two contradictory ideas to advocate the maintenance of Argentina's fundamentally unequal ordering of power, social prestige and economic remuneration. First, they looked to the past, drawing upon a romanticized ideal of Hispanic social relationships that prized noble birth and the values of Spanish nobility (*hidalguía*) in order to justify the necessity for the elite to be entitled to a greater amount of wealth and social deference than non-elites. Second, the Nationalists extolled the value of the work ethic. Given this perspective, social equality was neither necessary nor desirable, because the abundance of opportunity in Argentine society obviated the necessity of state intervention in the economy to relieve poverty. For the Nationalists, these two pillars of order faced threats not only from political movements that sought to overthrow the state or mismanage it into

⁴⁹ David Rock, *Authoritarian Argentina: The Nationalist Movement, Its History, and Its Impact* (Berkeley: University of California Press, 1993): 87-99.

financial ruin, but from the degradation of traditional Hispanic values and healthy lifestyles. Neo-Conservatives blamed the decline of Catholicism, the breakdown of the nuclear family, and the gross materialism of *porteño* society for the degradation of the social order and the disrespect for authority that they viewed in their society.

The writings of Carlos Ibarguren, a prominent Nationalist thinker, politician, and historian who played a leading role in the coup and subsequently governed the province of Córdoba as *Interventor*⁵⁰, provide a typical example of the Nationalist idealization of a Hispanic past that ordered society more successfully than a chaotic, authorityless, and democratic republic. In his autobiography Ibarguren romanticized the Hispanic heritage that served as the foundation for a social system in which nonelites accepted their place as the humble servants of local elites. Describing the northern city of Salta, where he was born and raised, he claimed that “The *hidalguía* of the race, the open hospitality...and the paternal familiarity of the *patrón* to his humble servant characterized the psychological characteristics of the gentleman of Salta.”⁵¹

Carlos Silveyra espoused similar views. A Nationalist who headed the Special Section Against Communism, a division of the Federal Police established in 1932, Silveyra blamed rapid economic growth for the introduction of an overly sensual materialism into Argentine society that had destroyed the spiritual values of Catholicism and honest labor. Like Ibarguren, he idealized the Liberal era as a golden age, referring to yesterday’s Argentina as a society “that did not know class divisions...” Argentines in that bygone era were “simple, generous, Christian, unswervingly gentlemanly” and “if [they] had inherited anything from the mother country, it was *hidalguía*.” Silveyra

⁵⁰ The executive-appointed governor of an intervened province.

⁵¹ Ibarguren, *La historia que he vivido*, 16.

depicted the modest potential for social mobility as the backbone of this honest and uncorrupted society. In turn of the century Argentina, “The creole of the countryside, our noble and loyal countryman, slowly prospered day by day and as the years passed he managed to become master of a piece of land...” The ability to acquire such modest but noble wealth sprang from the creole’s “honorable work, with the aid of the generosity of his kind *patrones*.”⁵²

The Argentina of the 1930s, by contrast, had evolved into a materialist nightmare in which “economic man” had replaced “spiritual man.” As economic rationales displaced the spiritual values of Catholicism in a process that Silveyra dates from the Enlightenment, non-elites became resentful of their relative or absolute poverty, causing class-consciousness, the source of social discord.⁵³ For Silveyra, the Catholic religion was a necessary spiritual foundation for a stable family and an honorable approach toward labor. Communism, the ideology of the “economic man incarnate” presented, therefore, not just a political problem, but also a social problem that struck at the sources of “honor and virtue” and the basis of human organization, the “Christian organization of the family.”

Rejecting Democracy

It was not possible to preserve both a rigidly hierarchical social order and the process of democratization that Argentina had experienced since the reform of its electoral laws in 1912. Both the middle class and the increasingly politicized working

⁵² Carlos Silveyra, *El comunismo en la Argentina: Origen, desarrollo, organización actual* (Buenos Aires: La Editorial “Patria,” 1937, 2nd ed.): 125.

⁵³ *Ibid.*, 23-5.

class largely rejected a passive role in public life as “humble servants” and no longer (if they ever had) viewed their bosses and political leaders as praiseworthy “gentlemen.” Nonelites held numerical superiority over the oligarchy. Even with the working class’s electoral disadvantage produced by the inability of resident aliens to vote, the Nationalist movement was destined to lose control of the State if the country resumed post-Sáenz Peña levels of suffrage.

This consideration led Uriburu to attack democracy itself. He mounted a campaign to formally exclude nonelites from the political process by abrogating the Sáenz Peña law of 1912.⁵⁴ In a speech to the *Escuela Superior de Guerra* on 13 December 1930, Uriburu argued that Argentina was intellectually unprepared for democracy. “Aristotle defined democracy saying it was the government of the majority ruled by the best, that is to say, by those elements most qualified to steer the ship,” Uriburu explained. But, he inaccurately argued, “It is almost impossible for that to happen in this country, where there are 60% illiterate people who would unquestionably govern the country, for they constitute the majority in legal elections.”⁵⁵ He blamed the uneducated populace itself for allowing the Radicals to take control the national legislature, claiming that “The action of a submissive and servile majority has sterilized the labor of Congress and reduced the dignity of that institution of public representation.

⁵⁴ United States, Department of State, Bliss to Secretary of State, despatch, 835.00/487, 18 December 1930, in *Records of the Department of State Relating to Internal Affairs of Argentina, 1930-1939: Decimal File 835*. Hereafter “United States, State Department” abbreviated as “USSD.”

⁵⁵ Uriburu quoted in USSD, Bliss to Secretary of State, despatch, 853.00/487, 18 December 1930 (Translated by the State Department). Argentina’s illiteracy rate had actually fallen below 35% by 1914, the year of Argentina’s most recent census. Anne Potter, “The Failure of Democracy in Argentina 1916-1930: An Institutional Perspective,” *Journal of Latin American Studies* 13:1 (1981): 87.

The voices of opposition that have been raised in defense of the principles of order and of dignity in both Cameras have been impotent to lift the majority from its moral prostration...⁵⁶ He went on to claim that “If you study the history of nations which have acquired characteristics of their own in the world, you will see that it was the minority that governed them and took them into the high positions they hold.”⁵⁷ It is not clear what Uriburu meant by “characteristics of their own,” but he seems to refer to world power status. Whatever he meant, his message was clear: common Argentines should not be permitted to vote because they voted for the wrong candidates.

Tradition and personal conviction, however, obligated Uriburu to respect the country’s republican institutions, even if he attempted to alter them. Shortly after Uriburu took power, he and the other coup leaders had promised not to run for the presidency in the future and to provide for congressional elections in order to return the country “to normalcy as soon as possible...”⁵⁸ True to his promise, Uriburu’s Provisional Government announced that it would preside over a series of staggered elections to reestablish the National Congress, which the coup leaders had closed since taking power. The Provisional Government began the process by suspending the State of Siege and holding elections in Buenos Aires province on 5 April 1931.⁵⁹

Uriburu’s plan to use free elections to legitimize the coup and the Provisional Government installed by it backfired when the Radicals triumphed with a clear

⁵⁶ *La Vanguardia* 7 September 1930, 1.

⁵⁷ USSD, Bliss to Secretary of State, despatch, 853.00/487, 18 December 1930. Translated by the State Department.

⁵⁸ *La Vanguardia*, 7 Sept, 1930, p. 1.

⁵⁹ BFO, Macleay to Henderson, A 2780/168/2, received April 30, in *British Documents*, Vol 7, 162-3; BFO, Macleay to Henderson, A 3053/168/2, April 18, 1931, *British Documents*, Vol 7, 169-71; Joel Horowitz, *Argentine Unions, the State and the Rise of Perón, 1930-1945* (Berkeley: University of California Press, 1990): 14.

majority.⁶⁰ Despite Uriburu's coaxing, the Argentine public had voted "incorrectly." The unexpected results indicated that a reactionary regime was incapable of commanding the electoral support necessary to govern Argentina within a republican framework. But Uriburu and the anti-democratic opinion that he represented refused to allow the same constellation of circumstances that had permitted the election of Yrigoyen to reappear. Uriburu had announced from his first day in power that his Revolution was to be permanent. Referring to the UCR, he stated in a speech on the eve of the April 1931 elections that "The triumph of those men would bring us back to the pre-revolutionary era, and it would mean that the revolution had been useless and sterile."⁶¹ In response to the electoral upset, Uriburu annulled the April 5 elections, cancelled the elections scheduled to take place in Santa Fe, Corrientes, and Córdoba provinces, and reimposed the State of Siege.⁶² The following July the Provisional Government prohibited anyone who had held office under the deposed Radical government from seeking election, a restriction that amounted to a ban on the presentation of Radical Party candidates.⁶³ Uriburu's attempt to return Argentina to normalcy through free elections had failed. Instead, he preserved unrepresentative government by implementing a system of "limited democracy."

⁶⁰ Potash, *Army and Politics in Argentina*, 65-6.

⁶¹ BFO, Macleay to Henderson, A 2780/168/2, received April 30, in *British Documents*, Vol 7, 162-3

⁶² Decree found in USSD, enclosure to despatch 1173, 18 April 1931.

⁶³ Potash, *Army and Politics*, 71.

Limited Democracy: The Justo Presidency, 1932-1938

When Uriburu's constitutional reforms failed along with his health in mid-1931, retired military engineer Agustín Justo emerged as the conservative presidential candidate. With the Radical candidate, former president Marcelo de Alvear, disqualified because insufficient time had elapsed since his last term in office to legally stand, Justo easily won the presidency in November of 1931 and took office the following February. Justo represented an older incarnation of the political right that believed that reviving foreign trade even on unfavorable terms was more desirable than implementing protectionist measures to nurture the nascent manufacturing economy.⁶⁴ Rather than instituting the protectionist economic measures demanded by the Nationalists, Justo continued the Liberal model propelled by agricultural exports to European markets. This attitude was symbolized by the signing of the Roca-Runciman agreement with Great Britain in 1933, which resumed British purchase of beef quotas that had ceased with the onset of the Depression. In exchange the Argentine government granted sweeping exemptions of duties and reduced tariffs on British imports, provoking harsh criticism from Nationalists.⁶⁵

Although Justo differed from Uriburu in terms of economic philosophy, they shared the belief that nonelites should be excluded from the polity. As a supporter of the coup, if not an active participant, Justo also shared Uriburu's concern that the Radicals would retake control of the government and reproduce the same conditions that led to the

⁶⁴ Ironically, the manufacturing industry began to displace the reliance on agricultural exports during Justo's administration anyway due to necessity. Ronald Dolkhart, "The Right in the *Década Infame*, 1930-1943," in Sandra Deutsche McGee and Ronald Dolkhart, eds., *The Argentine Right: Its History and Intellectual Origins, 1910 to the Present* (Wilmington, DE: SR Books, 1993): 65-98.

⁶⁵ *Ibid.*

political crisis of 1930 if suffrage attained post-Sáenz Peña levels. Consequently, although Justo began to reinstate republican government, his regime remained as oligarchic and authoritarian as the Provisional Government that preceded it because the most popular party in the country was prohibited from exercising its power.⁶⁶ Although historians often portray Justo as a relative moderate compared to Uriburu, his government's policy of political exclusion or informal criminalization of parties and movements that challenged the social order provide continuity with Uriburu's.⁶⁷

Justo began his attempt to reintegrate the Radicals into the official political system as soon as he took office in February of 1932. He released the Radical political prisoners and ended the State of Siege that had provided the legal justification for their detention. Despite Justo's conciliation, the Radicals refused to participate in elections. Given the result of the April 1931 elections, they suspected that the Justo administration would imitate his predecessor by using electoral fraud in order to keep them from getting elected. Furthermore, the party's success in the congressional elections of April 1931 in Buenos Aires province led much of the party leadership to believe that they had the popular support necessary to retake power by force. The Radical Party abstained from

⁶⁶ The Radical Party split into two factions following the presidential administration of Marcelo de Alvear (1922-1928): the personalist faction, which supported Yrigoyen, and the impersonalist faction, which viewed Yrigoyen as a demagogue. Although the division began in response to a conflict between Alvear and Yrigoyen, Alvear joined the leadership of the personalist faction following Yrigoyen's death in 1933. The impersonalist faction joined the conservative coalition known as the *Concordancia* that supported Justo when the republic resumed in 1930. In the interest of simplicity, the terms "Radical," "Radical Party," and "UCR," refer exclusively to the personalist faction.

⁶⁷ Rosenda Fraga, *El general Justo* (Buenos Aires: Emecé Editores, 1993): 317-324. Fraga's is the best work on Justo, and paints him as a "center-right" moderate, often contrasting him to Uriburu. Laura Kalmonowiecki has attempted to revise this view. See her "Military Power and Political Policing in Argentina, 1900-1955," PhD dissertation, New School for Social Research, 1997, especially p. 141-149.

participating in elections until 1935 as a form of protest against the electoral manipulation that began in April 1931.⁶⁸ By then each of their attempts at retaking the government by coup had resulted in resounding defeat and the incarceration, deportation, or—in one case—execution of the plotters. Their fears were confirmed. Although the Radicals rapidly became the strongest minority party in the House of Deputies, they faced constant electoral fraud and obstruction at the polls that artificially reduced their representation. In addition to using fraud, the Justo government overrid congress. According to Horowitz, “In 1937 congress passed only three bills, two of which permitted Justo to go on vacation.”⁶⁹

Anarchists and Communists faced even greater obstacles to their political participation. The Justo Administration, like the Provisional Government that preceded it, repressed the activities of the far left more systematically than those of the Radicals because the authorities believed that working class political movements that advocated the destruction of the Liberal State presented a different type of criminal threat than the Radical Party, which merely wished to control the Liberal State without fundamentally altering its basic tenants. This distinction is highlighted by policing practices. The Political Order division of the Federal Police monitored the subversive actions of the Radical Party. The actions of anarchists and Communists, however, were classified as “crimes against the social order,” an unofficial category of criminality applied to the

⁶⁸ USSD, Ambassador to Secretary of State, despatch 559-G, 12 Jan 1935. Despite the formal decision of the Radical party to rescind its policy of intransigence, military conspirators continued to plot against the government, although an actual coup attempt never materialized. Argentina, Archivo General de la Nación, Agustín P. Justo Papers, Box 97.

⁶⁹ Horowitz, *Unions*, 17-18.

anarchists as early as 1891.⁷⁰ The Social Order division of the Federal Police monitored the actions of anarchists, labor agitators, and Communists until 1932, when the Justo Administration established the Special Section Against Communism in order to provide for greater specialization of surveillance.⁷¹

The anarchists embodied the antithesis of the established social, economic, and political systems, leading the authorities to conceptualize them as inherently criminal. The Federal Police and the criminological establishment viewed anarchists as a combination of common delinquents, organized criminals, and terrorists. In an annual report to the Minister of the Interior in 1933, Police Chief Luis Jorje García claimed that

For years, people that support that doctrine have evolved toward the delinquency, committing the most terrible attacks... Assault and robbery, followed by aggression against the authorities who shortly arrive on the scene to do their job have been committed again this year by criminals who belong to this sect. Terrorist attacks, individual homicides, and other treacherous aggressions were committed without any kind of justification...⁷²

⁷⁰ Julia Rodríguez, *Civilizing Argentina: Science, Medicine, and the Modern State* (Chapel Hill: University of North Carolina Press, 2006): 144.

⁷¹ García to Melo, 1 March 1933, Policía de Buenos Aires, Capital Federal, *Memoria: Antecedentes y datos estadísticos correspondiente al año 1932* (Buenos Aires: Imprenta y Encuadernación de la Policía, 1933): 6.

⁷² *Ibid*, p. 38-39.

He recommended the government “to definitively contain the action of these groups [of anarchists] that infiltrate the unions and direct them, through violent methods, toward conflicts with capital...”⁷³

The Federal Police created a special task force, the Special Section Against Communism, in April 1932 and charged it with identifying Communists, monitoring their activities, and imprisoning or deporting the party’s leadership. The ultimate purpose of the Special Section was to extinguish the Communist Party altogether by attacking its leadership, as indicated a report written on 1 January 1933 to the Chief of Investigations: “The activity of most representative value, consisted in the selection and detention of the most prominent people of that ideology [communism] so that the new office would be prepared not only with respect to the development of communism and its infiltration, but also especially with the knowledge of which men constitute the head of the Party...”⁷⁴

The Special Section’s activities included raiding independent workers’ schools, surveilling Communist Party meetings, and impeding the distribution of “subversive propaganda,” despite the fact that none of these actions were formally illegal once the republic was reinstated in February of 1932.⁷⁵

Indeed, the Justo Administration inaugurated the Special Section Against Communism without formally criminalizing the Communist Party, although Nationalists attempted to do so throughout the 1930s. Sánchez Sorondo, an ardent Nationalist who had participated in the coup of 1930 and acted as Minister of the Interior under Uriburu’s Provisional Government, continued his involvement in politics throughout the 1930s as a

⁷³ *Ibid.*

⁷⁴ Sección Especial to Jefe de la División Investigaciones, 1 January 1933, *Ibid.*, 77-

80.

⁷⁵ *Ibid.*

congressman. He spearheaded the effort to criminalize the movements of the far left, twice proposing laws to ban communism in the 1930s. During a lengthy speech in defense of one of these laws in 1936, he claimed that

Communism, anarchy and syndicalism, forces seeking by different means to destroy the existing social order, constitute a formidable danger against which we must forthwith defend ourselves in view of their international organization, their doctrinarian and financial power, their methods whereby indistinct use is made of books, pamphlets, speeches, tribunes, bombs, revolvers or knives, and above all else by reasons of the appearance on the world stage of a powerful state which has officialized, centralized and financed subversive propaganda and which now holds the economic control of occidental civilization.⁷⁶

While Sorondo's second attempt to criminalize the Communist Party passed the Conservative-dominated Senate, it died in the Chamber of Deputies where the Radicals nearly held a majority. Despite the failure of the measure, provincial governments beginning with that of Buenos Aires under the direction of Nationalist Martínez de Hoz prohibited the presentation of communist candidates.⁷⁷ While the Justo administration itself did not officially criminalize the Communist Party, it clearly remained silently supportive of the Nationalists'

⁷⁶ USSD, Weddell to Secretary of State, despatch 1218, enclosure, 10 Jun 1936. Translated by the State Department.

⁷⁷ USSD, Tuck to Secretary of State, despatch 2457, 15 Mar 1939.

attempts to do so. The Justo government demonstrated sensitivity to even symbolic offenses to Argentina's social hierarchy. In preparation for Labor Day, 1933, president Justo issued a decree prohibiting the flying of "flags or symbols which do not correspond to any nation, and the flying of which is an affirmation of intended attempts against institutions and social order."⁷⁸

Enforcing the Social Order through the Repression of Common Crime

Like the Argentine government's suppression of political dissidence, the repression of common crime stemmed from conflicts over socioeconomic organization. The Argentine political system in the 1930s lacked any form of institutional representation of the working class, whose political parties were barred both formally and informally from holding office. Working class representation was limited to the interest articulation provided by trade unions, whose activities were largely restricted during the 1930s due to the combined effects of unemployment and governmental repression and manipulation. While the Radical Party resumed electoral participation in 1935, official manipulation of the political system prohibited the middle class from articulating demands that would lead to a formal sharing of power. Consequently, the Argentine State was directed entirely by elites and members of the upper middle class, or their representatives. The vast majority of non-elites faced the choice of either voting for Conservative candidates or not voting at all.⁷⁹

⁷⁸ BFO, Macleay to Simon, A 4063/97/2, 2 May 1933, in *British Documents*, Vol 9, 374-5.

⁷⁹ Smith, *Argentina and the Failure of Democracy*, 1-40.

The criminal population, by contrast, was culled almost entirely from the working class and the poor. The people most likely to end up in the prison system were those with the least economic security. *Jornaleros*, or unskilled day laborers, accounted for 48% of all criminals arrested in 1938. Although the number of unemployed was not tallied, it is reasonable to assume that they made up a large portion of those categorized by the authorities as “other profession,” a category comprising an additional 29% of offenders. Of those professions listed, working class jobs dominate: bricklayers, 1.75%; chauffeurs, 4.01%; painters, 1.24%; servants, 1.89%. Educational profile betrays the same overrepresentation of the poor. A mere 1.29% of those arrested in 1938 had completed a high school education; only 0.3% had attended a university.⁸⁰

The Argentine government incarcerated the great majority of criminals for committing three types of acts: interpersonal violence, property crime, and gambling. Taken together, such offenses accounted for roughly 87% of criminal sentences nationwide (43%, 37%, and 7% respectively).⁸¹ In the federal capital these three categories of offenses constituted 88% of all incarcerations over the period running from 1932-1937 (48%, 22%, and 18%, respectively). (See Appendix 1)

The State interpreted acts of common crime as symptoms of moral degeneration, consistent with the application of positivist thought to Argentine criminology at the turn of the century.⁸² If moral depravity is to succeed as an explanation for the existence of

⁸⁰ Extrapolation from 1938 figure, based on a national total of 15,641 criminals sentenced. Argentina, *Registro nacional de reincidencia y estadística criminal y carcelaria* (Buenos Aires: Ministerio de Justicia e Instrucción Pública, 1938): 25.

⁸¹ Extrapolation from 1938 figure. *Ibid.*, 28.

⁸² This topic is discussed in detail in the following chapter. For the history of positivist criminology in Argentina see Salvatore, “Criminology, Prison Reform”; Rodríguez, *Civilizing Argentina*; Lila Caimari, *Apenas un delincuente: crimen, castigo y*

common crime, however, one would have to demonstrate that a common morality governed the Argentine society in the 1930s and that the State's leaders, laws, and institutions exemplified the culturally defined ideal standard of behavior. But analysis of the State's behavior suggests that, if such a moral system existed, the governing authorities were probably its greatest offenders.

When Uriburu overthrew the Yrigoyen administration in 1930, he characterized the participants in his movement as "Exponents of order and educated in the respect of the laws and institutions..."⁸³ This claim is demonstrably false. If the State's behavior is subjected to scrutiny, one finds that of the 177 articles of the Penal Code that carry a jail sentence, the governing authorities violated 49, or 28%. (See Appendix 2) Indeed, it is likely that the State itself was the most criminal entity in Argentine society. Furthermore, these numbers underestimate the criminality of the State, for they include a number of laws that had either become irrelevant (such as dueling) or that few or people broke (such as poisoning the public water supply), as well as laws that that the State itself could not possibly break due to the nature of its existence (practicing medicine without a license).

The numbers provided by Appendix 2 also hide criminal facets of the State's acquisition of property, either because certain of the State's criminal behaviors were committed in periods prior to the 1930s or because the legitimacy of certain economic behaviors accorded by the State either to itself or to the governing elites that controlled it obscures their criminal nature. For example, neither the State as an entity nor those who controlled it appear to have violated the laws prohibiting to theft or robbery. It will be

cultura en la Argentina, 1880-1955 (Buenos Aires: Siglo Veintiuno Editores Argentina, 2004).

⁸³ Uriburu quoted in *La Vanguardia* 7 September 1930: 1.

recalled, however, that the origin of the Argentine elite's wealth was the private ownership of land for the purpose of producing agricultural goods for export. Not a single square acre of the land claimed by the Argentine State was acquired according to the principals of liberal commercial exchange mandated by the Constitution—it was conquered by force in its entirety. While the Argentine State conquered much of its territory from the Spanish crown prior to the introduction of the laws of liberal commercial exchange, the State opened the pampas to colonization by means of the genocidal Conquest of the Desert campaign in 1879—two decades after the writing of the Constitution. The State's behavior thus violates a series of laws mandated by the Penal Code. Given that the formation of the Argentine governing elite and the economic boom that made modern Argentina economically possible stemmed from the Conquest of the Desert, it is not possible to ignore these facets of the State's behavior. Although the campaign occurred a half century prior to the 1930s, the beneficiaries of these criminal acts continued to govern Argentina. Criminality thus became an embedded feature of the Argentine State from its inception.

Another feature of embedded criminality concerns the process of mass immigration. The Argentine State, in collusion with large landholders, began campaigns to recruit rural wage laborers from Europe in the 1870s, offering promises of land ownership. Few of these people, however, managed to secure title to land, largely because the central government did not follow through with legal projects designed to create a class of smallholders.⁸⁴ The most productive land of Buenos Aires province and the Littoral had been claimed decades prior, while the land stolen by the State following

⁸⁴ Gallo and Conde, *La república conservadora*, 44-45.

the Conquest of the Desert was reported amongst native landholders or businessmen seeking to invest in agriculture or real estate. Consequently, while the quantity of victims remains to be quantified, the Argentine State was guilty on a large scale of *estafa* (swindling, confidence crimes), prohibited by articles 80 and 81 of the Penal Code.⁸⁵

Labor relations in the larger sense betray a similar tendency toward criminality, even if it is not traditionally defined as such. The liberal model of commercial exchange views wages as a derivation of a series of economic factors of which the law of supply and demand acts as the greatest determinant. But economic organizations can and do function according to a wide variety of labor arrangements that can be conceptualized along a spectrum running from the purely exploitative (slavery) to the purely egalitarian (independent cooperatives). The existence of such a variety of economic organization invalidates the claim that wages are determined by factors outside the realm of human control. Rather, they derive from a negotiated agreement between two or more individuals who fulfill the roles of employer and laborer, or, macroscopically, between two entities (employing organization and laboring class). Systematically introduced mechanisms that served to stifle the negotiating position of laborers *vis-à-vis* employing organizations, from the repression of leftist political parties and trade unions to the nearly exclusive application of criminal punishments to the lower class, made it impossible for laborers to negotiate on terms of relative equality with their employers. Consequently, the directors of many, if not most, economic enterprises of the republic of Argentina in the 1930s were guilty of *estafa*, including the State itself.

⁸⁵ Argentina, *Código Penal*, articles 80 and 81.

Conclusions

Overrepresentation of the poor and the working class in the prison system resulted not from moral degeneration, but from the inability of nonelites to confer the magic of legality upon their contentious actions. Because the poor and the working class did not command control of, or even significant influence upon, the State, they were condemned to obey its dictates whether it served their interests or not. It should not be surprising that a portion of Argentina's nonelites broke property laws because that system of resource allocation had failed to benefit them. Neither should it surprise anyone the Argentine public used violence. Argentina's wealthy also committed such acts. Like elites, common criminals stole or committed acts of interpersonal violence in order to advance their own economic interests or to exercise their power over another. Unlike elites, common criminals were punished by the State for committing illicit actions.

The work ethic constituted a fundamental element of the governing authorities' criminological morality because it served their interests to convince the common people that labor itself was intrinsically good, regardless of the remuneration received. Indeed, it is difficult to entertain criminologists' assessments of common criminals as lazy, given that they tended to work much more physically demanding jobs than the middle or upper classes.

The conflict between the State and unruly elements of the popular classes that manifested itself as crime and punishment emanated from the same socioeconomic tensions that caused the political conflicts that dominated modern Argentina. Argentine elites reasserted their direct control over the government in 1930 order to keep nonelites—both from the middle and the laboring classes—from participating in

government in the context of an economic depression that threatened elite economic and political power. Ultimately the State used violence, in both the political and social contexts, in order to maintain the social order. An analysis of the way in which the State used violence further highlights this trend, for the State punished criminals based on the degree to which their actions threatened the social order.

CHAPTER II

VIOLENCE AS A TOOL OF GOVERNANCE

When using violence, the government usually applied strategies that either favored a preference to reform the offender or to remove him or her⁸⁶ from society. Consistent with this observation, I have categorized governmental acts of violence into three semi-overlapping groups based the purpose they were intended to serve. The government used *didactic* violence (incarceration, corporal punishment) in order to reform criminals, while it used *extractive* violence to remove people who it considered immune to reeducation. In addition, governing authorities used a separate category of violence—*interrogative* violence (torture)—that aimed neither to reform nor to remove, but rather to extract information and force confessions from the unwilling. Didactic and extractive violence can be conceptualized along a spectrum, running from lighter to harsher punishments (see Figure One). Four principal criteria determined the type and severity of violence that the Argentine government used against its populace: the nature of the crime, the offender's level of criminal consciousness, the level of regime stability,

⁸⁶ The grammatical convention is misleading. Over 93% of all people processed by the criminal justice system and all political prisoners documented for this study were male. See Argentina, *Registro nacional de reincidencia*, 25.

and the degree of social prestige enjoyed by the criminal.⁸⁷

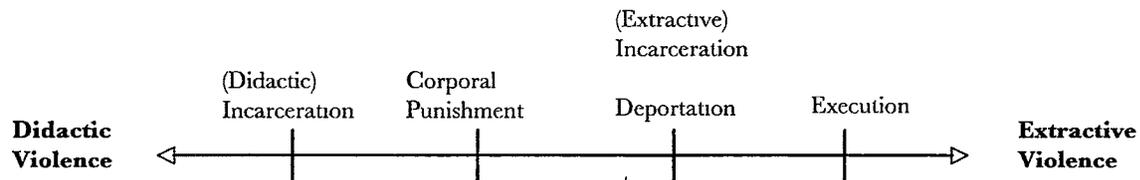


Figure 1: Didactic vs. Extractive Violence Spectrum

The nature of the crime provided the baseline from which the Argentine authorities assessed what type of punishment to inflict. The Argentine Penal Code distributed the severity of punishment according to the severity of the crime. This practice reflects the historical influence of Enlightenment figures such as Beccaria who argued that the penal system should be rationalized, applying punishments whose goal was “none other than to impede the prisoner from causing more harm to his fellow citizens, and to dissuade others from doing as he had done.”⁸⁸ To apply this principle, “the punishments and the method of inflicting them should be chosen so that, by conserving proportion, they produce a more efficient and lasting impression in the spirit of such men, with less emphasis on torturing the body of the prisoner.”⁸⁹ Although the government used five methods of violent punishment (two of which, execution and torture, were illegal), the Penal Code measures the severity of crime exclusively by length of jail sentences.⁹⁰ Within this scheme, the length of jail sentences increases,

⁸⁷ “Social prestige” is perspectival, making it a difficult concept to apply objectively. The meaning intended here is the level of social prestige ascribed by the elite to the rest of society, following the use of Peter Smith and José Luis de Imaz. Smith, *Argentina and the Failure of Democracy*, 24-26; 117-120.

⁸⁸ Beccaria, quoted in Abelardo Levaggi, *Historia del derecho penal*, 95.

⁸⁹ *Ibid*, voice of Levaggi.

⁹⁰ Argentina, *Código Penal*, articles 79-300.

showing an increasing tendency toward the extractive pole of the violence punishment spectrum, until arriving at the purely extractive punishment of “perpetual imprisonment.” Generally speaking, the Penal Code prescribes lighter punishments for victimless crimes and increasingly harsher punishments for property crime, violent crime, violent crime resulting in death, and treason (in that order).

The level of “criminal consciousness,” defined here as the criminal’s rejection of the legitimacy of government-enforced rules of behavior, provided the second determinant of governmental violence. Authorities demonstrated a tendency to use didactic methods of violence against those who had broken the law due to minor or “correctable” moral weaknesses, while it punished criminals who broke the law consciously with extractive violence. If the authorities perceived the criminal to have broken the law in error, because the offender thought he or she could get away with it, because of improper socialization, or because he or she had followed the lead of a someone more depraved, they tended to suspend sentences despite conviction or to reform the criminal through the penitentiary system. If, however, the authorities suspected that the criminal had broken the law because he or she consciously opposed or disregarded it, they labeled the criminal as either “uncorrectable”⁹¹ (in the case of common criminals) or “subversive” (in the case of political criminals) and instead applied punishments designed to remove the criminal and his or her corrupting influence from society. For governing officials who equated legality with morality, consciously breaking the law served as a sign of irredeemable depravity and inherent criminality. In the realm of common crime, the government punished recidivists more harshly than first-

⁹¹ Argentina, Buenos Aires, Museo Penitenciario “Antonio Ballvé,” *Fichas Criminológicas*.

time offenders, whereas in the political arena leaders and organizers of illicit political actions were punished more severely than followers. Conversely, those who the government interpreted to possess either no criminal consciousness or impaired consciousness, such as the insane, and, under some circumstances, women,⁹² were exempted from culpability and, thus, theoretically exempted from punishment as well. Consistent with the legal culture Argentina inherited from Spain, it was not possible for such people to truly break the law because they did not understand the error of their actions. The National Congress reformed the Penal Code in 1933 to provide that all criminals exonerated due to their state of “mental incapacity or complete unconsciousness” were to be incarcerated in mental asylums.⁹³

The third determinant of the severity and type of governmental violence was regime stability. Although offenses to public order were codified by the government in law and executive decrees (*bandos*) as criminality, and can therefore be generalized, the State’s application of violent punishment expanded and contracted consistent with the subjective interpretation of the governing authorities of the level of internal security, like

⁹² Post partum depression (*estado puerperal*), for example, could be used as an excuse to reduce the crime of infanticide from homicide to manslaughter. See Argentina, *Código Penal*, article 81; Lila Caimari, “Remembering Freedom: Life as Seen from the Prison Cell, Buenos Aires Province, 1930-1950,” in Ricardo Salvatore, et al, eds., *Crime and Punishment in Latin America: Law and Society since Late Colonial Times* (Durham: Duke University Press, 2001): 391-409.

⁹³ José Peco, *La reforma penal en el Senado de 1933* (Buenos Aires: Imprenta Mercatali, 1936), p. 324. The first major debate about the legality of using violence to punish the “intellectually impaired” by the Spanish in the New World was that surrounding the corporal punishment of indigenous neophytes for reverting to paganism in Mexico. See Alan Knight, *Mexico: The Colonial Era* (Cambridge, UK: Cambridge University Press, 2002), p. 50-51; Richard Greenleaf, *Zumárraga and the Mexican Inquisition, 1536-1543* (Washington, DC: Academy of American and Franciscan History, 1961), p. 14; Inga Clendinnen, “Disciplining the Indians: Franciscan Ideology and Missionary Violence in Sixteenth Century Yucatán,” *Past and Present* 94 (1982), p. 41-42.

the concept of criminality itself. Consequently, both the concept of criminality and the level of severity of criminal actions varied depending on who governed and when they governed. Although multiple, subtle variations exist throughout the period, February 1932, when Agustín Justo assumed the presidency, serves as a major dividing line. Uriburu viewed internal security as extremely fragile in the period immediately following the coup. Expecting violent retaliation from the deposed Radicals and political parties of the far left as well as a more generalized insecurity of person and property, he imposed a State of Siege—a constitutionally sanctioned suspension of political liberties—and intervened militarily in eleven of Argentina's thirteen provinces.⁹⁴ He issued an executive decree (*bando*) that provided for the execution of anyone caught committing nearly any illegal act, including minor acts of property crime.⁹⁵ Justo did not share Uriburu's view that Argentine society teetered on the brink of a total social collapse. Although he reimposed the state of siege throughout the period, Justo's assumption of the presidency in February of 1932 brought with it an attempt to return to relative political normalcy, in which property crime and some political organizing by the opposition was no longer seen as a grave threat to the security of either the State or the regime. This also partly resulted in some degree from Uriburu's success in violently subduing the political opposition.

The fourth, and most important, determinant of criminal punishment was the social prestige of the victim. Because the State and its institutions of criminal punishments had been created by elites in order to reflect elite interests, the governing authorities punished those with greater social prestige more lightly than those with less

⁹⁴ Dolkhart, "The Provinces," 185.

⁹⁵ *La Vanguardia*, 7 Sep 1930, p. 1.

social prestige, in both quantitative and qualitative terms. Political criminals of the Radical Party, the only sizeable middle or upper class population to suffer state violence, served shorter jail sentences and were less susceptible to corporal punishment, execution, or permanent deportation than either political or common criminals of the working class. This assertion remains valid even in the case of Radicals who attempted to overthrow the governing regime. On the other hand, the government punished even the most noxious acts of petty thievery with execution during moments of regime instability if the criminal commanded little social prestige. The use of torture presents the only major exception to this trend. A number of Radical politicians, public figures with both wealth and social prestige, suffered torture as the government sought to extract information about suspected attempts to overthrow the government.

Didactic Violence: Incarceration and Corporal Punishment

The government used two methods of didactic violence: incarceration and corporal punishment. These punishments were didactic in both “positive” and “negative” senses. Both punishments were designed to reform peoples’ behavior through the negative inducement of punishment, either by applying pain or by depriving freedom. In the same way that a dog learns the barriers of an invisible fence through electrocution, the Argentine authorities used incarceration and corporal punishment to teach the population the bounds of acceptable behavior. The penitentiary system, however, also employed the positive inducement of education in the norms of officially sanctioned conduct, rather than punishment alone.

Imitating models developed in the United States and Western Europe, Argentine penal reformers and criminologists led by José Ingenieros spearheaded the establishment of the penitentiary system, which was designed to replace the spirit of punishment and retribution that permeated the prison system with a reformatory ideal. The National Penitentiary at Buenos Aires, opened in 1871, symbolized this transition in Argentine penal thought, although the Constitution had mandated that the “prisons are to be healthy and clean, for the security rather than the punishment of the prisoners detained...” nearly twenty years prior.⁹⁶ Because criminologists believed that crime sprang principally from laziness and inability to support oneself in Argentina’s opportunity-filled socioeconomic system, they mandated that “Discipline, work, and educational instruction constitute the regiment of the [penitentiary].”⁹⁷ Inmates attended literacy courses and penitentiary workshops that produced various manufactures as part of their daily routine.⁹⁸ The *Talleres Gráficos de la Penitenciaría Nacional*, a book publisher run by the prison system, in fact, originally produced a number of government publications that are now housed at the Benson Library in Austin, Texas, where most of the research for this thesis was conducted.⁹⁹

⁹⁶ Argentina, *Constitución*, 17.

⁹⁷ “Reglamento de la Penitenciaría Nacional de Buenos Aires,” *Revista Penal y Penitenciaria* 1 (1936): article 2, p. 65. The development of the penitentiary and its relationship to the formation of the modern state is discussed most famously in Michel Foucault’s *Discipline and Punish: The Birth of the Prison* (NY: Vintage Books, 1977/1995). In the Argentine context, Julia Rodríguez describes the contribution of medical and scientific thought to the discipline of criminology in *Civilizing Argentina*.

⁹⁸ Lila Caimari, “Remembering Freedom,” 391-409.

⁹⁹ Examples include the *Anales de la Sociedad argentina de criminología* [Buenos Aires]; Argentina, Ministerio de Justicia e Instrucción Pública, *Comisión argentina revisora de textos de historia y geografía americanas* (Buenos Aires: Talleres Gráficos de la Penitenciaría Nacional, 1936); Conferencia Nacional sobre Analfabetismo,

The educational system of the penitentiary also served the purpose of instilling respect for authority in the criminal. In the words of the regulations of the National Penitentiary at Buenos Aires, “The prisoners owe obedience and respect to all employees of the Establishment, whatever his rank, and will execute the orders that they receive from them, without the slightest objection.”¹⁰⁰ Criminals who failed to internalize this lesson had little hope of gaining conditional liberty—a program that allowed for early release.

The penalization of common criminals varied to the degree that the state authorities considered offenders to be conscious that their behavior constituted crime. Most first-time offenders for minor crimes only received the threat of imprisonment, and even recidivists were often given partial jail sentences depending on the gravity of their antecedents. The authorities placed great emphasis, however, on patterns of behavior in determining sentences, ostensibly because they considered those with longer criminal histories to be immune to the reformatory ideal of the penitentiary. The Justo regime facilitated the separation of “correctable” and “uncorrectable” prisoners by creating the National Register of Recidivism in 1932. The Register annotated offenders’ criminal antecedents, because the criminal justice system would “lack efficiency if the habitual or professional delinquent could evade the controller of his misconduct or inadaptability.”¹⁰¹

Once imprisoned, the government acquired information about each criminal through a series of examinations and questionnaires administered by the Institute of

Antecedentes, actas y conclusiones (Buenos Aires: Talleres Gráficos de la Penitenciaría Nacional, 1935).

¹⁰⁰ “Reglamento de la Penitenciaría Nacional de Buenos Aires,” article 39, p. 65-86.

¹⁰¹ Argentina, *Registro*, 24; Argentina, Ministerio del Interior, *Poder Ejecutivo Nacional: Período 1932-1938* (Buenos Aires: Talleres G. Kraft Ltda., 1938, vol IX, *Justicia e Instrucción Pública*): n. p., section “Afianzamiento y desarrollo de la justicia.”

Classification. The Institute used this information to more closely assess the level of criminal consciousness of each offender. These professionals used a variety of information to assess whether or not a criminal could be rehabilitated by the penitentiary system. They measured mental capacity, physical characteristics, political affiliation, and a host of “anthropological measurements” (size of skull, shape of nose, etc). They gathered and analyzed information about convicts’ family histories, criminal antecedents, educations, work histories, and political affiliations. Based on this information, the Institute of Classification offered an estimate of how “correctable” (*corregible*) the criminal was. This assessment was used when deciding whether or not to grant conditional liberty.¹⁰²

David Molina provides an example of a person that the authorities classified as completely “uncorrectable.” Suspecting his neighbor, Juan Losavio, of having stolen a horse, David Molina approached him on 27 August of 1935 and led him to a nearby lot. Upon arriving, David ordered Juan to return the mare or face death. When Juan denied having stolen the horse, David shot him twice, causing injury but not death. He was convicted of premeditated attempted homicide and sentenced to ten years’ imprisonment.¹⁰³

Practically every question that Molina answered during his evaluation by the Institute of Classification pointed toward irredeemable moral depravity, in the eyes of the officials. Molina had criminal antecedents, including maltreatment of his horses and drunkenness. His father had been an alcoholic, of “poor work habits.” At 28 years old,

¹⁰² Argentina, Buenos Aires, Museo Penitenciario “Antonio Ballvé,” *Fichas Criminológicas*.

¹⁰³ Argentina, Buenos Aires, Museo Penitenciario “Antonio Ballvé,” *Fichas Criminológicas*, David Molina.

he had yet to start a family, preferring “relations with prostitutes,” perhaps because they more efficiently assuaged his “uncontrollable desire to masturbate.” He exhibited “abysmal” behavior, repeatedly defying and insulting the prison authorities. In one instance, when the guards asked him to clean his cell, Molina responded, “you are an idiot.” When his case came up for review for conditional liberty, his evaluation contained six citations for misconduct. His psychiatric examination concluded that

The elements that structure his psychological personality: gluttony, vanity, masturbation, malignity, cowardice—permit us to make a definitive diagnosis and classify him as an imbecile. His profound biological, hereditary, and acquired defects lead us to the conclusion that this subject is impermeable to all treatment and, consequently, his sentence should be completed in full.¹⁰⁴

But such hopeless cases were not the norm. Nikita Bobiluk, for example, managed to convince the Institute of Classification that he was worthy of redemption despite committing a successful homicide. On 16 April 1937, Bobiluk approached his estranged lover and led her to his apartment, where he demanded that she define their relationship. When she rejected him, he shot her to death. The courts convicted Bobiluk of premeditated homicide and sentenced him to twenty years in prison.¹⁰⁵

¹⁰⁴ *Ibid.*

¹⁰⁵ Argentina, Buenos Aires, Museo Penitenciario “Antonio Ballvé” *Fichas Criminológicas*, Nikita Bobiluk.

Despite the similarities between the crimes, the authorities interpreted Bobiluk as more correctable than Molina. The man who took Bobiluk's family history characterized his home as a "Legitimate" and "moral" one of "rustic, sober, and hardworking farmers," although the untimely death of Bobiluk's father had left the house "incomplete." While in his initial evaluation Bobiluk's interviewer classified him as possessing a "tendency toward hate and vengeance" as well as an "egocentric" disposition and "rudimentary" moral sentiments, Bobiluk was able to redeem himself in the eyes of the Institute of Classification through his behavior. Bobiluk's exemplary performance in the penitentiary school system and workshops earned him consistently positive marks on his conduct reviews. On 13 February 1946, the Institute of Classification concluded that Bobiluk had committed his crime out of passion and did not suffer from great "psycho-moral defects..." Confident that the penitentiary had succeeded in making a "greatly useful impact," the Institute of Classification granted Bobiluk's request for conditional liberty after serving roughly half of his original sentence.¹⁰⁶

Government officials considered political criminals to be more conscious of their criminality than common criminals. Consequently, for political criminals incarceration served an extractive function that was only tangential to the experience of most common criminals. Because political criminals, due to their opposition to the State or regime, were considered un-educable, prison sentences for them did not carry the same positivist, didactic ideal. None of the Radical political prisoners mention being processed through

¹⁰⁶ *Ibid.*

the Institute of Classification, although it is not clear whether anarchists, Communists, or labor leaders (“social criminals”) were.¹⁰⁷

The government did, however, use incarceration for didactic purposes against political criminals. The government’s treatment of those suspected in the December 1932 Radical coup plot against President Justo is indicative of a generalized pattern. The police arrested numerous suspects, but the “more important ones”—practically the entire Radical leadership, including former President Yrigoyen and several of his cabinet members—were handed over to the military or jailed on the island prison of Martín García. Minor figures in the plot were shortly released.¹⁰⁸ The pattern repeated itself in response to another Radical plot that the government defused in December of 1933. The following February the US State Department reported that the Argentine government announced that it would charge 176 Radicals with the crime of rebellion. Only the leaders of the failed uprising, however, ultimately faced trial. The State Department reported on 16 June 1934 that

The lesser Radical lights, in fact all those who were arrested in connection with the December disturbances, except the leaders, were acquitted

¹⁰⁷ Representative examples of the memoirs of the Radical political prisoners include Salvador de Almenara, *Del Plata a Ushuaia: Memorias de un confinado* (Montevideo: “Impresora Uruguaya,” 1931); *Los Torturados, la obra criminal de Leopoldo Lugones, hijo. Relato de las víctimas. La inquisición de “Orden Político.”* (Montevideo? Editorial Estampa, 1932); Néstor Aparicio, *Los prisioneros del “Chaco” y la evasión de Tierra del Fuego* (Buenos Aires: M. Gleizer, 1932).

¹⁰⁸ USSD, Ambassador to Secretary of State, despatch 1901, 19 December 1932.

recently on the ground that there was no penalty under Argentine law for minor accomplices in an attempted rebellion.¹⁰⁹

The government did not incarcerate rank-and-file Radical political prisoners in order to extract them from society, but rather to provide a negative inducement toward further disruptive behavior by depriving them of freedom. Rather than imposing a work ethic, the government used prison to instill fear in minor political rebels so that they would return to society less inclined to challenge the regime's power.¹¹⁰

Corporal Punishment

Corporal punishment constituted a less constructive form of behavioral manipulation than the penitentiary system. The Uriburu and Justo governments used corporal punishment to disperse crowds and to impose its authority on prisoners. Uriburu's Provisional Government prohibited public protests within a week of taking power in order to "avoid disturbances of the public order."¹¹¹ Without official representation or the ability to publicly protest, opposition groups such as trade unions, university students, and proscribed political parties lost their last available means to articulate demands legitimately through the political system. Either to show their discontent with the political situation or to articulate demands publicly, opposition groups such as trade unions, university students, and proscribed political parties staged demonstrations, rallies, protests, and strikes despite the prohibition. The government

¹⁰⁹ USSD, despatch 184-G, 23 February 1934; USSD, despatch 317-G, 16 June 1934.

¹¹⁰ Ricardo Rodríguez Molas refers to such practices as the creation of a "pedagogy of fear." *Historia de la tortura*, 11-28.

¹¹¹ *La Vanguardia*, 15 September 1930, p. 3.

used corporal punishment to disperse the participants who violated the ban because their demands were unwelcome and formally illegal. The prohibition of public protests and political gatherings of the opposition lasted for nearly all of Uriburu's administration and was re-imposed intermittently under Justo's.¹¹² A typical example of the use of corporal punishment occurred on 11 March 1932. The Communist Party organized a parade in the city of Córdoba in order to celebrate the return of party members who had been internally exiled to Ushuaia by Uriburu's Provisional Government. The provincial government had not authorized the demonstration, so they ordered the police to dissolve it. When the demonstrators refused, the police forced crowd to disperse with the use of physical force.¹¹³

Electoral fraud and the Argentine practice of intervention often provoked political demonstrations, leading to governmental application of corporal punishment. Although the Constitution intended intervention as a means of preserving the integrity of the union, in practice the Uriburu and Justo regimes—following a pattern established in the previous century—used the clause to control provincial politics. The federal government routinely ordered troops into the provinces in order to reconstitute local governments and preside over fraudulent new elections.¹¹⁴ This method of controlling provincial elections was common for the period, particularly once the Radicals gave up on the possibility of a counter-coup and resumed participation in legal elections in 1935. American Ambassador Alexander Weddell reported on October 11 of that year that Justo's regime

¹¹² Uriburu lifted the state of siege only twice during his regime, in order to conduct elections. Dolkhart, "The Provinces," 185; Horowitz, *Argentine Unions*, 68-70; USSD, Ambassador to Secretary of State, despatch 451 G, 16 Oct 1934.

¹¹³ USSD, White to Secretary of State, despatch, 835.00/77, 23 March 1932.

¹¹⁴ Dolkhart, "The Provinces," 185.

had used “coercive methods” to control elections in the provinces of Catamarca, Corrientes, and Santiago del Estero in order to prevent a return to power of the Radical Party. These events prompted the generally pro-Justo Ambassador to remark that the Justo administration “has shown that it is moving in the direction of a dictatorship.”¹¹⁵ Coercive methods for controlling elections included impeding dissenters’ access to the polls with force. Such incidents provoked armed conflicts in several provinces. Two foreign commentators described one such example that took place during Córdoba’s November, 1935, congressional elections as a “battle.”¹¹⁶

Although the forcible dispersal of public demonstrations using corporal punishment had the potential to inflict serious injury or death, these were not generally the intended consequences. In order to soften the blows of corporal punishment, the Federal Police introduced the use of tear gas in early 1931 “to solve the problem of dispersion of public protests...” by inflicting “tears of repentance...” rather than bodily harm.¹¹⁷ Although the conservative magazine *Caras y Caretas* applauded the introduction of teargas as a modern method to control unruly crowds, its application did not always reduce the level of violence needed to pacify rioters. In December 1931, prison guards fired teargas against prisoners in the Villa Devoto penitentiary who rioted in protest against overcrowding. Because the guards discharged the gases indoors, “the prisoners, asphyxiated by the gases, were obligated to intensify the disorder by breaking

¹¹⁵ USSD, Ambassador to Sec of State, despatch 918 G, 11 Oct 1935.

¹¹⁶ USSD, Weddell to Secretary of State, despatch, 830.00/726, 22 November 1935; BFO, Henderson to Hoare, A 77/77/2, 9 December 1935, *British Documents*, Vol 14, 172.

¹¹⁷ “La policía porteña usará gases lacrimosos para reducir a los maleantes,” *Caras y Caretas*, January 1931.

the windows in order to let fresh air enter.” Teargas, in this case, could not be used as a substitute for firing into the crowd, causing several injuries.¹¹⁸



Illustration 1: "Buenos Aires Police Will Use Teargas to Dominate Criminals," *Caras y Caretas*, January 1931.

The government also routinely employed corporal punishment inside prison facilities in order to establish its authority over the disobedient. Outside of the context of torture, the government used corporal punishment exclusively against nonelites, such as far leftists, common criminals, and military conspirators. In all cases, the police used corporal punishment to break the will of the criminal in order to reinforce the institutional hierarchy of the prison system. Emir Mercader, who was arrested in November of 1930 for his affiliation with the Radical party, writes that a companion in the police car told him “Hey, don’t eat. That way, when they beat you, you’ll pass out easier!” (*Oiga, no*

¹¹⁸ *La Vanguardia*, 22 December 1931, p. 2.

morfe. ¡Así cuando le puegen se desmaya más pronto!)¹¹⁹ Mercader fails to describe the individual in detail, but his use of *lunfardo* (an Argentine argot used principally among the working class during this period) indicates that he was most likely a common criminal of the Buenos Aires working class. The fact that Mercader's acquaintance expected to receive a beating as a matter of course suggests that he had probably experienced such treatment in the past.

The guards of the penal colony of Ushuaia (the penal colony is discussed below) immediately established their authority over the prisoners using corporal punishment. According to Radical political prisoner Néstor Aparicio, upon entry to the penal colony at Ushuaia, "chained convicts and more than one hundred social prisoners...received a ferocious beating...These prisoners were obligated to work in the freezing cold fixing the streets of the city, and were corporally punished brutally in the view of the public."¹²⁰ Soldiers and low-ranking officers implicated in plots led by the Radicals suffered similar treatment. According to Aparicio, when a group of such people arrived in the penal colony, the guards ordered the prisoners to undress, and then beat them repeatedly without explanation. After the prisoners could no longer stand, the guards dragged them to their cells.¹²¹ Anarchists, Communists, military criminals, and recidivist common criminals all suffered these beatings; the only ones who escaped them were Radical political prisoners. As Radical political prisoner Emir Mercader recalls of his experience

¹¹⁹ *Los Torturados, la obra criminal de Leopoldo Lugones, hijo; relato de las víctimas. La inquisición de "Orden Político."* (Buenos Aires [?]: Editorial Estampa, 1932 [?]), p 11.

¹²⁰ The term "social prisoner" (*preso social*) refers to anarchists, Communists, and trade unionists who were subject to detention by the *Orden Social* branch of the Federal Police.

¹²¹ Aparicio, *Prisioneros*, 56-58.

in Ushuaia, “All of those tormented were workers and subofficials. They did not treat us brutally...” The difference in treatment between the middle and upper class Radicals and the popular classes that Mercader witnessed during his prison experiences prompted him to comment that “while they do not torture workers so much, they certainly treat them like animals.”¹²²

Extractive Violence: Incarceration, Deportation, Execution

Unlike didactic violence, the government used extractive violence to remove criminals from society completely. The principal commonality between execution, exile, and extractive prison is that governing authorities used these forms of violence against criminals that they considered immune to reeducation. Criminal consciousness, therefore, was the primary determining factor that the government considered when deciding whether to apply extractive methods of violence. The government used extractive punishments against three principal populations: “professional criminals” (recidivists), members of the far left who rebelled against governmental authority by advocating the abolition or reconfiguration of the State, and leaders of the proscribed Radical Party suspected of attempting to retake power by force. All of these groups consciously opposed the dictates of either the State or the governing regime, making them immune to didactic methods of behavioral reform. Such threats could not be “managed” like isolated incidents of property crime, interpersonal violence, or street

¹²² *Los torturados*, 14-19.

protests. The threat had to be eliminated altogether by removing those who openly challenged the dictates of the state or regime.¹²³

Although consciousness served as the principle that guided the government's use of extractive violence, social prestige mitigated the severity of its application. This is clear from the government's treatment of Radical political prisoners. Despite the fact that the Radicals presented the greatest practical threat to the Uriburu and Justo regimes, they received the least severe punishments. Recidivist common criminals generally faced prison sentences of ten years or more. Leftists were permanently deported in large numbers. Radical leaders, including ones who organized major coup attempts, instead faced relatively brief prison sentences or periods of deportation. Few Radical political prisoners spent more than eighteen months in either jail or forced exile. This variation in the terms of violent punishment reflects the higher social prestige of the Radicals. The Radicals' social prestige emanated from their high socioeconomic standing, which gave them a stake in the Liberal State and made them reluctant to attack the social order. Although they rebelled against the Uriburu and Justo regimes, they did not attack the basic principles of private property and commercial exchange of wealth that undergirded the Liberal State and the socioeconomic hierarchy, as social criminals did.

¹²³ The concept of criminal management comes from Gabriel Haslip-Viera, *Crime and Punishment in Late Colonial Mexico City, 1692-1810* (Albuquerque: University of New Mexico Press, 1999): 49 asserts that criminologists have argued that "law-enforcement agencies and the judiciary should not be measured on their ability to significantly reduce the level of crime. They should be judged, instead, on their ability to manage, regulate, or control criminality and social disorder."

Extractive Prison

Extractive imprisonment is distinguished from didactic imprisonment both qualitatively and quantitatively. Qualitatively, spatial segregation characterized the application of extractive imprisonment to a greater degree than didactic imprisonment. Quantitatively, extractive imprisonment differs from didactic imprisonment by the length of the sentence. There is no clear marking point to determine when the purpose of incarceration passes from primarily didactic to primarily extractive, but the median maximum sentence of four years¹²⁴ mandated by the Penal Code provides a conceptual grounding point.

Not only did the government segregate conscious criminals from the larger society, it also attempted to separate conscious criminals from wider prison population. Argentine criminologists advocated the isolation of recidivists from first-time offenders in order to avoid disturbance of the reformatory process, although overcrowding of the prison system compromised this goal in practice.¹²⁵ The penal colony at Ushuaia, located 1,470 miles south of the capital city, served as the greatest symbol of the use of geographic segregation for the purpose of isolating criminals even from other criminals. According to the *Dirección de Institutos Penales*, “No individual for whom the society can have any hope of reform should be sent to the Jail at Ushuaia. It will be reserved for those prisoners serving sentences that expressly determine reclusion in the Southern

¹²⁴ With perpetual imprisonment coded as “50.”

¹²⁵ “El problema penal,” *Revista Penitenciaria* (1906): 47-49.

Territories, for rebels against the regimes of the other establishments, and for those who threaten to morally contaminate the rest of the penal population.”¹²⁶

The penal colony at Ushuaia primarily served as a jail facility for recidivist common criminals and social criminals, but it became notorious during the first State of Siege ordered by Uriburu’s Provisional Government as the institution that housed the Radical political prisoners. The Uriburu government did not explain why he sent the Radicals to Ushuaia. Indeed, Salvador de Almenara claimed that the Radical political prisoners did not even know that they were to be deported until the day of the event.¹²⁷ The most likely reason for the internal exile of the Radical prisoners was that Provisional Government wished to isolate them from coup plotters in the capital.¹²⁸

Because the Radical political prisoners enjoyed greater social prestige as members of the middle and upper class, compared to the working class anarchists, Communists, and common recidivists, they suffered quantitatively lighter extractive prison sentences. The Provisional Government’s treatment of former President Hipólito Yrigoyen highlights the mitigatory role that social prestige played. As the former president, and the one who supposedly had led the country down the path that caused the revolution of September 6 to be necessary in the first place, Yrigoyen was theoretically the newly constituted government’s greatest enemy. But the Uriburu administration neither ordered his death, nor did they internally exile him. Instead, the Provisional Government incarcerated Yrigoyen on the island prison of Martín García. He was released in February of 1932, along with the other Radical political prisoners, upon the promulgation

¹²⁶ Dirección de Institutos Penales, “Plan de construcciones carcelarias y organización de los establecimientos.” *Revista Penal y Penitenciaria* (1936): 269-306.

¹²⁷ Almenara, *Del Plata a Ushuaia*, 11-12.

¹²⁸ *Ibid.*, 50-57.

of an amnesty that pardoned “all persons accused of political offenses which had not been declared by the courts to be offenses against the common law”—a provision that excluded anarchist and Communist political prisoners.¹²⁹

Deportation

As a society of immigrants, deportation was a preferred method of removing intractably subversive individuals from Argentine society. Argentine law had provided for the deportation of immigrants whose conduct “threaten[ed] the social order” by a series of laws including the Law of Residence (1902) and the Law of Social Defense (1910).¹³⁰ These laws targeted the far left and “labor agitators.”¹³¹ Although the period of mass immigration had begun to tail off by the outbreak of the First World War, Spanish, Italian, German, Russian or Polish immigrants still dominated the leadership of leftist movements and organized labor by the 1930s, putting them in a vulnerable position.¹³² A despatch from the American embassy in Buenos Aires in 1934 reported that only 256 of the 1,606 “persons arrested in Buenos Aires in connection with communist activities” that year were native Argentines.¹³³ According to *La Vanguardia* the government deported 148 leftists between 1930 and 1932.¹³⁴ The estimate is certainly low. In January of 1931 alone the American Ambassador to Buenos Aires noted that 600

¹²⁹ Macleay paraphrasing 1932 Amnesty Law in BFO, Macleay to Simon, A7579/119/2, 17 Oct 1932, *British Documents*, Vol 9.

¹³⁰ Roque Sáenz Peña, quoted in Rock, *Politics*, 38.

¹³¹ *Ibid.*, 82-3.

¹³² USSD, Bliss to Secretary of State, despatch 1019, 30 October 1930.

¹³³ USSD, American Consulate General to Secretary of State, despatch 1816, 26 Aug 1934.

¹³⁴ Quoted in Horowitz, *Argentine Unions*, 13. Horowitz provides the only attempt that I have seen to quantify the number of politically inspired deportations under Uriburu’s Provisional Government.

“undesirables and socialists” were to be deported to Europe.¹³⁵ The term “undesirables” probably also referred to common criminals, who were also deported under the provisions of the Law of Residence. On 8 July 1931, the Minister of Foreign Affairs provided American Ambassador Bliss with two lists containing over 285 names of deportees, only a few of whom were being expelled for “unorthodox ideas.”¹³⁶

In addition to leftists, the Provisional Government deported a number of prominent Radicals to Europe immediately after the coup in 1930 or in retaliation for Radical plots foiled by the Argentine government between 1931 and 1934.¹³⁷ In 1934, following the last major Radical coup attempt at least 22 Radicals were exiled to Europe, including ex-President Martín de Alvear.¹³⁸

In all these cases, the purpose of deportation was the removal of the individual from Argentine society. The extractive intention of deportation mirrored the rationale behind execution. A government functionary revealed the disposition of the Uriburu Administration in a private comment to American Ambassador Robert Bliss in October of 1930. Referring to a group of deported Communist leaders who had escaped their Europe-bound vessel in Montevideo, the functionary reportedly informed Bliss that “a return to Argentina from Uruguay of any of these deportees would result in a trip across another river from which there would be no return...”¹³⁹ But that extractive tendency was mitigated by social prestige. The deported Radicals invariably made their way back

¹³⁵ USSD, Navy Department, Attaché’s Report, 835.00/501, 21 Jan 1931.

¹³⁶ “Los penados extranjeros indeseables y la Ley 4.144, *Revista Penal y Penitenciaria* (1937): 675-678; USSD, Bliss to Secretary of State, despatch 1287, 21 July 1931.

¹³⁷ USSD, Ambassador to Secretary of State, despatch 163 G, 26 Jan 1934.

¹³⁸ USSD, Bliss to Secretary of State, despatch 158, 19 Jan 1934.

¹³⁹ USSD, Bliss to Secretary of State, despatch 1019, 30 Oct 1930.

to Argentine soil within two years of deportation, while leftists and common criminals were not invited back.

Execution

No one has attempted to systematically document the number of people executed by the Uriburu and Justo regimes, but the research for this thesis produced twelve cases.¹⁴⁰ The circumstances of those events indicate that the government was most disposed to use lethal authority at moments when leaders sensed a grave threat to the security of the regime. The greatest number of executions took place immediately following the coup, in September of 1930. Few of the crimes that the government punished with execution, however, posed a serious threat to the security of the regime. Rather, the newly constituted government sought to use drastic action in order to demonstrate to the population that they intended to impose a strict sense of law and order. While regime insecurity explains the government's disposition to use lethal violence, social prestige guided the government's selection of targets.

The day after Uriburu and his forces overthrew Yrigoyen's government, the Provisional Government suspended *Habeas Corpus* and issued a *bando* which called for the summary execution of "Any individual caught *in flagranti* committing a crime against the security of the person or property of the inhabitants, or who disturbs public services

¹⁴⁰ Casual references to executions are commonly made by historians to highlight the authoritarian character of the Uriburu government. Such comments only refer to political criminals. The only enumerations I have seen are those found in Horowitz, *Argentine Unions*, 13 and Potash, *Army in Politics*, 58-9. They both document five cases, although they conjecture that more may have taken place. I am inclined to agree with their assessment that a detailed investigation would produce further cases, as seven of the cases I documented came solely from a perusal of the September 1930 editions of the socialist newspaper *La Vanguardia*.

or public security...”¹⁴¹ The decree served as the basis for a string of executions of common criminals who, under normal circumstances, might not have even served a jail sentence. Less than a week after the coup, a military tribunal executed a man in Rosario for stealing a chicken.¹⁴² Later in the month, the military executed two more people who police caught in the act of stealing from a lead factory.¹⁴³ The military also executed a bandit leader with a “considerable record of murders, robberies, and assaults” in Mendoza under the provisions of Marital Law.¹⁴⁴

The Uriburu regime also applied martial law to far leftists who presented no significant threat to the regime’s control of the State. Military tribunals executed three anarchists in Rosario for attempting to instigate a general strike, as well as a Communist apprehended in the act of distributing subversive propaganda.¹⁴⁵ According to labor historian Joel Horowitz, anarchists unions began to lose prominence in the 1930s both because of official repression and because “the Anarchist base was in sectors of the economy that were weakening, either because they were archaic (such as carting) or tied to exports (such as stevedoring).” Furthermore, they did not have the cooperation of other key unions or the Socialist Party necessary to conduct a successful general strike.¹⁴⁶ Likewise, despite the greater numbers and better organization of the Communist party, the Uriburu regime had no reason to construe an isolated incident of distributing literature as a practical threat to the regime’s security. These cases of execution reflect the

¹⁴¹ *La Vanguardia*, 7 Sep 1930, p. 1; US State Department, Bliss to Secretary of State, report, 835.00/489, 13 Nov 1930.

¹⁴² *La Vanguardia*, 13 Sep 1930.

¹⁴³ *Ibid.*, 19 sep 1930, p. 2.

¹⁴⁴ “En Mendoza fué fusilado un delincuente,” *Caras y Caretas*, January 1931.

¹⁴⁵ *La Vanguardia*, 11 September 1930; 13 September 1930.

¹⁴⁶ Horowitz, *Argentine Unions*, 68-9.

government's preoccupation with reestablishing a fragile socioeconomic and political order, rather than manifesting a true fear that such people could possibly overthrow the newly installed government. The leftists executed in September of 1930 were the ideological version of common criminals.

The Argentine government also executed three men for rebellion. In January of 1931, the Federal Police arrested Italian anarchists Severino Di Giovanni and Paulino Scarfó. The former was a notorious figure, who the *Orden Social* division of the federal police had categorized as a "fearsome anarchist agitator" (*temible agitador anarquista*) since his first arrest several years earlier.¹⁴⁷ Both Di Giovanni and Scarfó were suspected of coordinating a bombing of the *Once* subway station in Buenos Aires the previous month. The police had tied that bombing to a coup plot that was being coordinated by Radical exiles in Montevideo with the complicity of anarchists in Buenos Aires.¹⁴⁸ Di Giovanni and Scarfó were unique figures in this period because they advocated, in theory and practice, the use of violence to destroy the state. Furthermore, the government suspected them of being tied to a coup plot with a realistic, albeit remote, chance of success. The military court-martialed and executed them by firing squad in the National Penitentiary within days of their arrests.¹⁴⁹

The last case of execution took place in June of 1932, when Major Remigio Lascano was assassinated in the streets of Corrientes by a large group of people, allegedly with the support of government forces. Although the government did not confess to executing him, they justified the assassination because of his participation in a

¹⁴⁷ Quoted in Osvaldo Bayer, *Severino di Giovanni: El idealista de la violencia* (Buenos Aires: Editorial Legasa, 1989): 26.

¹⁴⁸ *Ibid.*, 298.

¹⁴⁹ *Ibid.*, 26; USSD, Bliss to Secretary of State, despatch 1103, 5 February 1931.

Radical plot to overthrow the government, admitting that they had put him under surveillance.¹⁵⁰ Although the possibility of a Radical counter-coup presented the greatest threat to the security of both the Uriburu and the Justo regimes, Lascano was the only Radical executed during the period.

Interrogative Violence: Torture

The use of torture served a different function than didactic and extractive methods of violence. Consistent with its Spanish legal origins, torture was used to extract both confessions and information from the unwilling.¹⁵¹ One unique the features of torture was its use of often complex methods of inflicting extreme, measured doses of pain, although interrogotars generally combined such practices with much simpler techniques, such as striking prisoners with a blunt object.

Source biases make it difficult to know much about torture because it was an illicit practice, officially prohibited in Argentina since 1813.¹⁵² We know, however, that the government tortured numerous Radical political prisoners because they denounced their mistreatment in a series of books following the end of Uriburu's Provisional Government.¹⁵³ We also know that the government tortured far leftists because Socialist deputy Luis Ramiconi raised the issue in the National Congress in 1934. But it is difficult to assess whether the government tortured common criminals because they had less access than prominent political figures to the education and resources necessary to

¹⁵⁰ USSD, Unsigned to Secretary of State, despatch 1698, 1 July 1932; Atilio Cattáneo, *Plan 1932, el concurrencismo y la revolución; estudio crítico y orgánico de una política argentina* (Buenos Aires: Proceso Ediciones, 1959): 68.

¹⁵¹ Levaggi, *Historia del derecho penal*, 29.

¹⁵² *Ibid.*

¹⁵³ *Los torturados*; Almenara, *Del Plata a Ushuaia*; Aparicio, *Los prisioneros*.

publicize their accounts. Furthermore, the low level of social prestige enjoyed by common criminals, who the middle and upper class vilified as forces of disorder and threats to their person and property, would have made it difficult for such people to find a sympathetic reading audience. The use of torture to find accomplices in acts of common crime or to obtain confessions may, therefore, have been a reality unknowable from the source documents.¹⁵⁴

The government tortured Radicals in the National Penitentiary during Uriburu's Provisional Government in order to extract information about suspected coup attempts. Radical political prisoner Salvador de Almenara described some of the methods of torture that political prisoners endured immediately following the coup. Those subjected to the *silleta* ("little chair") were tied to a chair in with their hands bound between their legs and their neck tied by a rope leading to the ceiling. Interrogators pulled both cords while simultaneously pressuring a screw into the suspect's back, forcing him to contort his body in a futile attempt to reduce the pain. Interrogators submerged victim's heads into a receptacle filled with urine for lengthy periods in order to simulate the sensation of drowning in another method of torture known as the "*tacho*" ("trashcan"). The *picana eléctrica*, an Argentine innovation facilitated by the cattle economy, was also introduced in the 1930s. Torturers adapted the cattle prod (*picana*) as a torture instrument, using it to electrocute victims during interrogations. In addition to these more complex methods

¹⁵⁴ Medina Onrubia claims that "Until [the 1930s], only suspected delinquents had been subjected to torture in order to get them to confess and indicate accomplices (*cantar*).” In Ricardo Rodríguez Molas, ed., *Historia de la tortura y el orden represivo en la Argentina: Textos Documentales* (Buenos Aires: Editorial Universitaria de Buenos Aires, 1985): 91. The use of torture against common criminals has been documented for the period of the 1960s. Antonius C. G. M. Robben, *Political Violence and Trauma in Argentina* (Philadelphia: University of Philadelphia Press, 2005).

of pain infliction, interrogators, including police chief Lugones, repeatedly struck victims with the butt of their revolvers.¹⁵⁵

Communists suffered similar torments. Socialist Deputy Luis Ramiconi denounced the torture used by the Special Section Against Communism in a congressional session on 25 July 1934. Qualitative characteristics of torture practices reveal political overtones as much as the targets themselves. Some innovative torture practices betrayed elements of ideological confrontation. The Special Section Against Communism forced suspected Communists to swallow leftist pamphlets. Interrogators repeatedly beat victims with an especially “fat edition” of Marx’s *Das Kapital* (as opposed to the more merciful *Communist Manifesto*). Interrogators also employed methods less imbued with political symbolism, such as crushing suspected Communists’ fingers with vices and mutilating their genitals.¹⁵⁶

The police demonstrated extreme hatred and a desire to dehumanize their victims when performing torture. The torture of Italian anarchist Nichola Recchi highlights these features of police practice. The Federal Police arrested Recchi in May of 1932 in connection with his involvement with the executed anarchists Di Giovanni and Scarfó. Interrogators beat him, subjected him to the *picana eléctrica* and the *tacho*, and burned his genitals with cigarette butts. In an interview with journalist and historian Osvaldo Bayer, Recchi claimed that the police “threw my food to the floor and urinated it. I had to eat like a dog, helping myself only with my mouth. They told me that they wanted to

¹⁵⁵ Gonzalo Massot, *Matar y morir*, 167; Bayer, *El idealista*, 298; Salvador de Almenara, *Del Plata a Ushuaia*, 14.

¹⁵⁶ Argentina, Congreso de la Nación, Cámara de Diputados, *Diario de Sesiones* (Buenos Aires, 1934, vol. 3): 618-625.

make me die like a worm. I never understood the reason for so much cruelty upon a man with social ideas.”¹⁵⁷

The goal of the torture was to either force a confession or to acquire information about a person or people that the government wished to extract from society. The suspected Communists¹⁵⁸ who Ramiconi referred to in his speeches in 1934 had been forced to sign confessions to the charge of carrying concealed weapons (*portar armas*) under torture in order to justify their incarceration. (Ramiconi commented that it was suspicious that the ad-hoc force charged all of the people it arrested with the exact same crime.¹⁵⁹) The Radicals tortured under Police Chief Lugones were all suspected of involvement in plots to overthrow the Uriburu government. According to Radical political prisoner Salvador de Almenara, all torture sessions began by being implored to “talk” (*cantá!*). Torturers delivered pain upon failure of the suspect to answer a question.¹⁶⁰

Torture was the only type of violence that the authorities applied to Radicals with the same severity as far leftists. The mitigating effect that the Radicals’ social prestige normally exercised failed in this case to save them from suffering the extreme levels of violence visited upon their less wealthy peers because of the Uriburu and Justo administrations’ well founded concern that the Radicals could potentially overthrow the government. Indeed, the probability of a successful Radical coup provides a ready explanation for the torture they suffered. The torture of far leftists who had very distant

¹⁵⁷ Recchi quoted in Laura Kalmanowiecki, “Military Power and Policing in Argentina,” p. 147.

¹⁵⁸ At least one was actually a socialist. Cámara de Diputados, *Diario de Sesiones*, 618- 621.

¹⁵⁹ *Ibid.*, 618-625.

¹⁶⁰ Almenara, *Del Plata a Ushuaia*, 14.

chances of success and generally no plans to overthrow the government beyond theoretical postulates is less readily explicable.

CONCLUSIONS

The State used violence in 1930s Argentina because nonelites contested the concept of the social order defended by governing elites. This socioeconomic conflict manifested itself both politically and socially. As the middle class Radical Party and organized labor attempted to gain influence over the government in the early twentieth century, conservative groups representing the interests of the landed elite sought to avoid their inclusion within the polity. Unable to maintain an aristocratic government in the context of modernization, elites attempted to soften the impact of democratization by selectively incorporating the middle-class based Radical Party into the formal system of representation while continuing to exclude the working class. When this arrangement resulted in the elites' loss of control over the State in a context of economic depression, José F. de Uruburu led a coup that halted the process of democratization. Both the Provisional Government established by Uruburu and the semi-democratic regime inaugurated by the election of Agustín Justo unswervingly defended an increasingly archaic definition of "social order" that contradicted economic modernization. The rapid expansion of the urban and middle and working classes that accompanied the landed elites' own economic ascent produced a political conflict that, if channeled through representative, republican political institutions, would have inevitably resulted in the elites' loss of political dominance, for they were numerically inferior to the middle and working classes.

The violent suppression of common crime further highlights the socioeconomic conflict that consumed Argentine politics throughout the 1930s. Both elites and the middle-class dominated criminological establishment viewed common criminality as a symptom of moral depravity that needed to be redeemed through education. The most fundamental plank of that moral reeducation was the inculcation of a work ethic. Indeed, governing authorities viewed crime itself as the result of laziness and inability to succeed within the licit economy.

The use of violent punishment further demonstrates that the preoccupation with maintaining the social order motivated violent punishment. The State punished criminals in proportion to the degree that their actions violated the principles of social order. Those who either repeatedly violated the State's imposition of the law or who rejected the fundamental tenants of the Liberal State suffered the most severe punishment, while those who could be remolded into the State's image of obedient citizens were reeducated and released. The State punished criminals of the popular classes disproportionately because the imposition of official concepts of social order was most difficult to achieve against those whose property was limited to their own labor. The popular classes had little incentive to behave according to the dictates of the Liberal State. Perhaps more importantly, they had the least influence over the State.

The government's moral stance on criminality cannot be taken seriously for the authorities only subjected nonelites—and principally the poorest of Argentine society—to its standards. The State itself could and did swindle, batter, beat, torture, enslave, deport, and kill people if it so desired. The State's illegal actions were no more or less

morally reprehensible than those of the people who populated Argentina's prisons. What made an action "criminal" in 1930s Argentina was that the State defined it as such.

The role of violence within the State's system of legalized morality was combat resistance to the system of property relations and social relations that guaranteed the elites' privileged socioeconomic position, their business interests, and the political control they needed to advance those interests. The only way that the Argentine government could have effectively reduced its dependence on violence would have been to define less people's actions as criminal. This could have been done in two ways. Either the government could have classified fewer behaviors as criminal, or it could have provided greater incentive for people to behave in ways that the government considered licit. The two regimes that governed Argentina from 1930 to 1938 did precisely the opposite.

This case study provides evidence that the division in the scholarly literature between state violence used to repress political dissidence and that used to punish common crime may be preventing us from gaining a more holistic understanding of state violence as a phenomenon. Between 1930 and 1938, the Argentine State used violence principally to defend the social order, a broad concept that spanned categories including both political repression and social control. Scholars' narrow focus on political violence ignores the fact that common crime itself contradicted the State's mandates and, thus, threatened it. Understanding the politics of criminality is a fundamental step toward gaining a more complete comprehension of the rationale behind the state's use of violence, for some of the most severely violent acts perpetrated by the Argentine State in the 1930s were directed not at political dissidents, but to punish common criminals. At

the very least, the schematic division between political and common criminality fails to reflect the historical perspective of the Argentine State, for it categorized threats based on a tripartite division between common criminals, social criminals, and political criminals.

APPENDIX 1: Arrests in the Federal Capital, Organized by Crime

	1932	1933	1934	1935	1936	1937
Crimes against Persons						
Homicide	125	138	146	104	82	88
Attempted Homicide	5	9	2	9	3	10
Infanticide	0	2	3	3	3	6
Instigating suicide	0	0	3	0	1	0
Abortion	8	28	26	21	19	40
Battery	3,505	3,918	5,115	5,086	5,115	4,639
Abandonment of persons	3	2	2	1	0	4
Abuse of firearms (unlawful discharge)	295	260	227	110	58	66
Abuse of firearms (aggression)	187	278	231	124	96	99
<i>Total</i>	4,128	4,635	5,755	5,458	5,378	4,950
Against Private Property						
Theft, shoplifting (hurto)	994	1,192	1,140	1,061	1,023	860
Attempted hurto	31	33	31	42	36	22
Robbery (of a person)	349	396	300	317	293	266
Attempted robbery	69	65	48	33	33	25
Usurpation (occupation of immovable property)	4	15	16	16	3	7
Extortion	14	42	24	10	23	20
Attempted Extortion	35	83	29	12	8	13
Swindling (estafa)	277	328	239	175	185	120
Attempted estafa	64	206	66	46	54	49
Fraud (defraudación)	243	217	207	200	244	217
Attempted defraudación	5	7	4	3	2	2
Damage of private property	98	299	365	352	315	227
<i>Total</i>	2,183	2,782	2,486	2,267	2,347	1,929
Against Honesty and Liberty						
Law 12.331	n/a	n/a	n/a	n/a	n/a	43
Law 11.723	n/a	n/a	26	94	24	6
Priv. ileg. D/la liber. P/particip.	2	1	9	4	6	1
Con. L/lib. Ind. P/fun. E/ejer. Fu.	2	0	5	0	0	0
Breaking and entering (into a house)	85	81	97	74	76	56
Violation of secrets	1	0	0	0	0	0
Work and association	23	11	14	67	24	7
Freedom of reunion	1	0	0	0	0	0
Freedom of press	0	0	0	0	0	0
Electoral freedom	0	0	0	0	0	0

Abduction of minors	0	0	10	8	0	2
Rape	74	71	85	116	135	103
Statutory rape/rape of a minor	7	13	12	13	26	11
Minor Corruption	33	19	21	43	53	31
Major Corruption	48	58	39	30	57	45
Offenses against Shame - Dishonest Abuse	51	40	60	66	57	49
Offenses against Shame - Publishing Obscene Materials	5	17	26	26	8	8
Offenses against Shame - Obscene Spectacles	28	38	43	58	57	38
Kidnapping (rapto)	1	3	4	4	7	7
Illegal marriage	3	2	8	1	3	3
Supposition of Marital Status	1	0	2	0	0	2
Suppression of marital status	0	0	0	0	0	0
<i>Total</i>	365	352	461	609	533	411

Against Administration

Public Administration

Law 11.386	12	23	38	54	132	28
Attack against authority (resisting arrest)	229	273	221	6	168	138
Resistance against authority	26	17	18	14	24	13
Contempt of court/contravention of legal mandate (desacato)	101	74	87	46	32	32
Copyright infringement	7	6	1	6	3	4
Copyright infringement in violation of public service	1	0	15	11	11	6
Violation of stamps and seals	1	1	6	1	13	4
Mail fraud	1	1	1	0	3	1
Bribery	4	12	28	16	20	9
Misuse of public funds	0	0	0	0	3	0
Illegal extractions (for performing public service)	2	1	4	0	2	6
Purgery (false testimony)	0	0	0	0	0	1
Escape from prison (evasión)	24	25	30	19	12	27
Suppression of evidence	6	10	15	14	22	22
Miscellaneous	3	1	0	44	20	7

Public Health/Security

Damages, explosions, etc.	7	0	0	2	2	1
Against forms of transportation and communication	124	13	10	32	30	8
Sale and possession of illegal drugs (estupefacientes)	60	107	131	102	90	32
Practicing medicine without a license	67	68	35	83	47	43
Miscellaneous	0	0	4	6	6	0

Public Order

Instigation to commit a crime	0	0	13	5	19	1
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Public Intimidation	12	22	33	6	14	0
Justification of a crime (apología del crimen)	0	0	0	0	0	0
Illegal association	n/a	n/a	19	0	0	0
Miscellaneous	41	279	n/a	n/a	n/a	n/a
Public Faith						
Falsification of bills or coins	0	15	3	5	15	8
Falsification of bills or titles of credit	0	0	3	0	0	0
Falsification of official seals or stamps	7	2	24	4	0	5
Falsification of documents in general	8	6	6	34	23	12
Bouncing checks	67	50	33	40	57	43
Miscellaneous	0	0	3	0	0	0
<i>Total</i>	810	1,006	781	705	768	461
)						
Law 4097 (against gambling)	n/a	3,298	2,964	1,812	1,630	1,644

Source: *Memorias de la Policía Federal*.

APPENDIX 2: Articles of Penal Code Violated by the Argentine Government,
1930-1938

	Crime	Violated by Government	Source
79	Simple Homicide	Yes	11 Cases (section "Execution")
80	Qualified Homicide (premeditated homicide planned by two or more people)	Yes	11 Cases (section "Execution")
81	Manslaughter (causing death while attempting to attack with nonlethal force)	Yes	USSD, Despatch 1103, 5 Feb 1931
82	Qualified Manslaughter (premeditated attack planned by two or more people resulting in death)	Yes	De Almenara, <i>Del Plata a Ushuaia</i>
83	Instigating someone to suicide	No	
84	Causing death due to negligence	No	
85	Performing an abortion	No	
86	Providing medical assistance to perform an abortion	No	
87	Provoking an abortion unintentionally with violence	No	
88	Woman causes own abortion	No	
89	Causing injury	Yes	<i>Los Torturados</i>
90	Causing permanent injury or putting someone's life in danger	Yes	Kalmonowiecki, "Political Policing," 147
91	Causing injury producing permanent disability, loss of limb, insanity, inability to work	Yes	<i>Ibid</i>
94	Causing physical harm due to negligence	No	
95	Group of people causing injury or manslaughter	Yes	<i>Los Torturados</i>
96	Group of people causing light injury	Yes	<i>Ibid</i>
97	Dueling	No	
98	Dueling, with specifications	No	
99	Provoking a duel	No	
100	Provoking a challenge to a duel	No	
101	Participating in a duel without following the agreed upon instructions	No	
102	Referees in a duel who break the agreed upon rules to determine the outcome, resulting in death or injury	No	
103	Referees who convoke a duel to the death, resulting in death	No	
104	Firing a gun at someone	Yes	USSD, Despatch 1103, 5 Feb 1931
105	Firing a gun at someone causing injury or death	Yes	<i>Ibid</i>
106	Abandonment of a child	No	

107	Re abandonment of a child	No	
108	Re abandonment of a child	No	
109	Slander, false public accusation of a crime	Yes	BFO, Macleay to Henderson, Vol. 7, 162-3 <i>Ibid</i>
110	Publicly dishonoring or discrediting someone	Yes	
112	Reduction of penalty for slanderous accusation proved to be accurate	No	
118	Adultery	No	
119	Rape	No	
120	Statutory Rape	No	
121	Carnal knowledge gained by disguising oneself as a woman's husband	No	
122	Rape causing serious injury or rape of directly related family member	No	
123	Statutory rape of a directly related family member	No	
124	Rape or statutory rape resulting in death	No	
125	Prostitution of minors	No	
126	Prostitution of adults through use of force, deception, or coercion	No	
127	Attempted rape, statutory rape, or prostitution not resulting in carnal knowledge	No	
128	Publication of obscene or pornographic materials	No	
129	Public exhibition of obscene spectacles	No	
130	Abducting a woman	Yes	<i>Los Torturados, 23</i>
131	Abducting a female child	No	
133	Aiding in the abduction of a child	No	
134	Illegal marriage	No	
135	Illegal marriage, using deception	No	
136	Public official who consciously effects an illegal marriage	No	
138	Suppression of marital status	No	
139	Woman/medical personnel faking pregnancy or birth to give in order to give the child rights to which he or she is not eligible	No	
140	Enslavement	Yes	<i>De Almenara, Del Plata a Ushuaia</i>
141	Illegally depriving someone of personal freedom	Yes	<i>Los Torturados</i>
142	Aggravated deprivation of personal liberty (committed with violence, simulating the public authority, if it lasts more than one month)	Yes	<i>Los Torturados</i>
143	Public functionary who deprives someone of personal freedom without conducting the prescribed formalities, etc.	Yes	<i>Los Torturados</i>
144	Public functionary who deprives someone of personal freedom without conducting the prescribed formalities, etc., using violence	Yes	<i>De Almenara, Del Plata a Ushuaia</i>
145	Abducting someone outside of Argentine territory to put that person illegally in the power of another or to enlist said person in a foreign army	No	

146	Removing a child from the custody of parents or guardian	No	
147	Failing to return a child to parents or guardians after being charged with their temporary custody/protection	No	
148	Inciting a minor to runaway from home	No	
149	Hiding a runaway child from the authorities	No	
150	Breaking and entering	Yes	<i>La Vanguardia</i> , 15 Sep 1930, 2
151	Breaking and entering performed by public functionary without authorization	Yes	Ibid
153	Mail fraud (opening others' mail or telegraphic communications)	Yes	Kalmonowiecki, "Political Policing"
154	Mail fraud committed by employee of Correos or Telégrafos	Yes	Ibid
158	Worker who uses violence to compel another to participate in a strike; owner/patrón who obligates someone to part-take in a lockout	Yes	Horowitz, <i>Argentine Umons</i> , 84-85
160	Impeding someone to part-take in a in a licit gathering	Yes	<i>La Vanguardia</i> , 18 Sep 1930, 3
161	Impeding the free circulation of a book or periodical	Yes	USSD, Despatch 1290, 23 July 1931
162	Theft	No	
163	Theft of cattle, work instruments, other qualifications	No	
164	Robbery (uses force in this def)	No	
165	Robbery resulting in death	No	
166	Robbery resulting in permanent or serious injury or committed by a band	No	
167	Armed robbery	No	
168	Simple extortion	No	
169	Extortion using threat of public dishonor	No	
170	Extortion using abduction of hostages for ransom	No	
171	Exhuming a corpse in order to recover a debt	No	
172	Simple estafa (confidence crimes, swindling)	No	
173	Qualified estafa (confidence crimes, swindling)	No	
174	Multiple variations of defraudation (destruction of collateral, taking advantage of the mentally incapacitated, etc.)	No	
176	Fraudulent commercial bankruptcy resulting in defraudation of creditors	No	
177	Commercial bankruptcy resulting from negligence or imprudence and leading to defraudation of creditors	No	
179	Fraudulent personal bankruptcy leading to defraudation of creditors	No	
180	Creditor who acts as accomplice to false bankruptcy	No	
181	Usurpation of real estate (inmueble)	No	
182	Stealing or disturbing the public water supply	No	

183	Destroying property/real estate/livestock	Yes	USSD, 835.00/478, 10 Sep 1930
184	Destroying property/real estate/livestock, acting as a band, etc.	Yes	<i>Ibid</i>
186	Causing fire, explosion or inundation	Yes	<i>Ibid</i>
187	Causing destruction by destroying a boat, building, collapsing a mine, etc.	No	
188	Destroying or inhabilitating a dike	No	
189	Causing fire or other damage due to negligence	No	
190	Destroying or inhabilitating roads, public communications	No	
191	Disturbing or derailing a train	No	
192	Disturbing the functioning of the telegraphs used to operate the trains	No	
193	Throwing projectiles at a moving train	No	
194	Endangering, attacking, or sinking a boat	No	
195	Conductor or pilot of train or boat who abandons post while on the job	No	
196	Sinking a boat or derailing a train due to negligence	No	
197	Disturbing the functioning of telegraphs	No	
198	Piratry	No	
199	Piratry resulting in death	No	
200	Poisoning the public water, food, or medicinal supply	No	
201	Selling harmful medicines or other poisonous things	No	
202	Propagating a dangerous and contagious disease	No	
203	Poisoning public water, food, medicine; selling faulty medicine, propagating a disease, etc., due to negligence	No	
204	Selling alkaloids or narcotics without a prescription	No	
205	Violating public orders adopted to impede the introduction or propagation of an epidemic	No	
206	Violating laws related to animal sanitation	No	
208	practicing medicine without a license	No	
209	Publicly instigating someone to commit a crime	Yes	USSD, 835.00/76, 11 Mar 1932
210	Illicit association (associating with a band of three or more people who come together to commit crimes)	Yes	<i>Los Torturados</i>
211	Creating a false panic, tumult or disorder	Yes	Urriburu, <i>La palabra</i> , 15-17
212	Fabricating, selling, transporting, or possessing explosives without authorization	No	
213	Making a statement in defense of a crime	Yes	Urriburu, <i>La palabra</i> , 15-17
214	Public functionary who takes arms against the government	Yes	USSD, 835.00/478, 10 Sep 1930

215	Taking arms against the government with designs to submit the country to foreign rule or limit its independence	No	
216	Conspiring to commit treason	No	
218	Conspiring or taking arms against an allied government during a war against a common enemy	No	
219	Prompting a foreign nation to alter its relationship with the Argentine government or to take action against Argentine citizens	No	
220	Violating treaties, truces or armistices with foreign nations	No	
221	Violation of diplomatic immunity	No	
222	Revealing military secrets to foreign nations	No	
223	Revealing military secrets to foreign nations due to imprudence or negligence	No	
224	Trespassing on military territory	Yes	USSD, 835.00/478, 10 Sep 1930
225	Failing to follow instructions when negotiating a treaty	No	
226	Armed Rebellion	Yes	USSD, 835.00/478, 10 Sep 1930
227	Granting extraordinary faculties to the provincial governors	Yes	Argentina, <i>Intervención nacional en Córdoba...</i>
228	Promulgating a papal bull without approval	No	
229	Sedition	Yes	USSD, 835.00/478, 10 Sep 1930
230	Forming a parallel government	Yes	<i>Ibid</i>
233	Leading a failed rebellion or sedition of two or more people	No	
234	Instigating a rebellion of a portion of the military without creating more than a momentary disruption of the public order	No	
237	Resisting the public authority	Yes	USSD, 835.00/478, 10 Sep 1930
238	Resisting the public authority with arms, in groups, etc	Yes	<i>Ibid</i>
239	Resisting the authority of a public functionary in the legitimate exercise of his function	Yes	<i>Ibid</i>
241	Disturbing the functioning of the legislatures or courts	Yes	USSD, 835.00/489, 13 Nov 1930
243	Witness or interpreter who fails to obey legal order to testify/interpret	No	
244	Challenging a public functionary to a duel or otherwise threatening or insulting him for carrying out his legitimate duties	Yes	USSD, 835.00/478, 10 Sep 1930
246	Holding a public office without authorization	Yes	<i>Ibid</i>
248	Public functionary who dictates orders or resolutions contrary to the national or provincial	Yes	USSD, Despatch 1103, 5 Feb 1931

	law, does not execute existing laws		
250	Public servant who refuses to aid or obstructs the assistance of someone legally entitled to it	Yes	<i>La Vanguardia</i> , 13 Jan 1931, 1-2
251	Using police forces to impede the orders of the legal authority or judicial mandates	Yes	Policía de Buenos Aires, <i>Memoria...</i> , 77-80
254	Violating the stamps put by the authorities to assure the conservation or identity of something	No	
255	Destroying, hiding documents from the appropriate authority	No	
256	Public functionary who accepts payment or other gifts to perform or not perform a job function	No	
257	Judge who accepts payment or other gifts in exchange for dictating a sentence	No	
258	Someone who pays a public functionary to perform or not perform a job function	No	
261	Embezzlement of public funds	No	
263	Pilfering possessions of the government administration or the public school system	No	
265	Public functionary who manipulates government contracts for personal benefit	No	
266	Public functionary who illegally exacts a fee or other contribution for performing a government service	No	
267	Public functionary who illegally exacts a fee or other contribution for performing a government service using force or intimidation	No	
268	Public functionary who illegally exacts a fee or other contribution for performing a government service for personal benefit or that of a third party	No	
269	Judge who dictates a sentence contrary to the law	Yes	USSD, Despatch 1103, 5 Feb 1931
271	Lawyer who represents opposing parties in the same or successive trials	No	
272	Public prosecutor or advisor who represents opposing parties in the same or successive trials	No	
275	Providing false testimony	No	
276	Bribing someone to give false testimony	No	
277	Suppression of evidence	No	
280	Escape from detention using violence	No	
281	Assisting a prisoner to escape	No	
282	Falsification of legal tender	No	
283	Disfiguring or altering legal tender	No	
286	Falsifying, disfiguring, or altering foreign legal tender	No	
287	Public functionary or director of bank or company authorized to emit legal tender that emits a quantity greater than that legally authorized	No	
288	Falsifying stamps or official seals	No	
289	Falsifying trademarks, signatures, or other official	No	

	identifying marks of public offices or private companies	
290	Removing official sign of use of a stamp or other seal for the purpose of re-using it	No
291	Public functionary who violates official stamps or seals or illegally re-uses them	No
292	Falsifying documents	No
293	Including false declarations in a public or private document that can cause someone harm	No
294	Destroying a public or private document, causing harm	No
295	Falsification of a medical document	No
296	Passing false documents	No
297	Possession of tools for purpose of falsifying legal tender or documents	No
300	Commercial or industrial fraud	No

Note: Elipses represent an abbreviation of a source's title. The complete title of the sources can be found in the bibliography.

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VITA

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