

**Mapping Lima's morals:
The Cultural and Political Construction of the Criminal Classes in Late 19th-Century
Peru**

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I

This paper attempts to reconstruct the changing images of crime in Lima, Peru in the second half of the nineteenth century. It looks at the ways in which elite and educated commentators (politicians, journalists, hygienists, criminologists, jurists) thought about crime, criminals, the lower classes, and the larger issues of order, stability, and public morals. Its main argument is that the *Criminal question*--the idea that crime was a social, moral, and political problem that went beyond the accumulation of small individual actions against the law--was an innovation of the late guano age in Peru. This new way of thinking about crime that emerged in the 1850s and 1860s reflected both a growing concern with urban morals, labor discipline, and political control, and a demand for more intrusive state policies, both being part of the changes fostered during the age of guano.¹

Crime came to be regarded, for the first time, as a sort of social disease resulting from multiple and complex causes, as a threat to the stability of Peruvian society, as a sign of social decomposition, and, consequently, as an issue demanding prompt and energetic responses from the state. The construction of the "criminal question" was much more than just an intellectual exercise to "understand" the nature of crime, for it entailed a series of statements about social policies, state intervention, and the setting of boundaries of acceptable behavior that went far beyond the mere issue of containing unlawful behavior. Physicians, hygienists, journalists, criminologists, travelers, and other writers carried on the task of painting the city's profile, revealing its secrets and hidden angles and, especially, denouncing those practices that appeared

¹ The *Age of guano* in Peru refers to the period, roughly from 1840 to 1872, when Peru's economy was almost entirely driven by the revenues from guano exports, leading to a state of *fictitious prosperity* that ended in the 1870s and left Peru submerged in a catastrophic economic crisis. See Heraclio Bonilla, **Guano y Burguesía en el Perú** (Lima: IEP, 1974) and Paul Gootenberg, **Between Silver and Guano** (Princeton: Princeton University Press, 1988).

to contradict their Europeanized taste and that were depicted as obstacles in the Peruvian path to progress. As we will see below, crime, prostitution, alcoholism, poverty, gambling, and other such "vices" were gradually condensed into a single "social problem" that, even if--allegedly--did not have the dimensions it had reached in major European cities, was nevertheless considered alarming. By connecting crime with a lifestyle--i.e. plebeian forms of socialization and culture--or, better, by explaining crime as the result of such a lifestyle, it was constructed as if it were a problem associated only with the lower classes of society, not affecting generally the middle and upper sectors. Crimes committed by members of the upper classes were very rarely mentioned or commented upon in those statements.

This approach to crime and lower class behavior would prove to be resilient. It would survive the introduction of European, scientific ideas about crime--i.e. positivist criminology--in the final two decades of the nineteenth century. Though a comprehensive survey of criminological discourse is well beyond the limits of this paper, the ideas about crime imported from Europe were filtered through notions of moral (and, in some cases, racial) degeneration developed in the period between 1860 and 1890. Changing economic and political scenarios notwithstanding, explanations of crime based on culture and morals would remain powerful rhetorical devices used by the state and the ruling political, economic, and intellectual groups to justify social control policies and to deflect possible alternative explanations of crime and other acute social malaises grounded on social and political oppression.

II

On August 24, 1861, the recently-founded legal newspaper **La Gaceta Judicial** published an article under the title "The moral situation" in which the author, prominent lawyer Gabriel Gutierrez, outlined what he thought were the major causes behind the "alarming" rise of crime levels in Lima.² The lengthy article summarized what the self-proclaimed decent portion of Lima's population thought about the city, its population, and the state of public morals. Gutierrez offered a list of factors that, according to him, were responsible for the "alarming" growth in Lima's criminality. Because most of them appear so prominently in numerous representations of

² Gabriel Gutierrez, born in Ecuador, lived in Lima during most of his professional life. He authored an influential manual of forensic practice and is considered by historian Jorge Basadre one of the best lawyers of his time.

crime in Lima, and because of their contributing weight to the formulation of the "criminal question," it is worth summarizing Gutierrez's piece at some length:

1) Intermittent political instability and civil wars, Gutierrez argued, had "corrupted the [people's] customs, drained fiscal resources, destroyed agriculture, condoned militarism, eradicated the prestige of all [moral] principles, divided the population into antagonistic parties, [and] engendered profound enmities," as a result of which increasing numbers of people were taking the streets and roads to commit crimes.

2) The growing number of idle hands resulting from the decline of local production, in turn caused by an "excessive and disorganized free-trade policy," was another important source of crime. Because work represented an "essentially moralizing element," its opposite, idleness, necessarily led to criminal behavior.

3) Alcohol consumption and gambling were also considered major catalysts of criminality. Gutierrez rejected the legal and customary practice of considering inebriation as a mitigating circumstance for the perpetrators of crimes. For him, it was just the opposite: "the individual that has put himself³ voluntarily in the aptitude of committing a crime should be punished more severely."

4) A psychological, somehow compulsory propensity to seek richness and luxury was also blamed for the commission of crimes. He considered this "a sort of furor or disease"--remember that we are in the heyday of guano prosperity--that, at some point, would involve the commission of crimes to keep up with the expenses. Poor and middle classes wanted to live like the rich. The situation had even more negative effects for Peruvian society because all the "luxury" goods being consumed were imported, thus negatively affecting local production.

5) Additional fuel for rising criminality came from public diversions. The abundance of festivities, said Gutierrez, underscored the dimensions of unproductive idleness among the Lima population, so he warned against the corruptive effects of public celebrations on the population's attitude towards labor and social discipline.

6) Lack of education, in addition, produced a certain "ferocity" of character which, he stated, made people even more prone to crime and violence. Gutierrez estimated that three

³ The "criminal" was almost always presented as a male subject.

quarters of the population of Lima were illiterate.

7) The abolition of slavery (1854) also had an impact on the levels of crime in the city. According to our author, the slaves--"abject beings with an obtuse intellect, subjugated by the lash of the overseer"--were unable to differentiate the "materiality of the flesh" from "the spirituality that animates it." They did not bear one single idea about the organization of society, their own rights, or the respect they would deserve. They were sort of "undomesticated and enchained tigers" that, suddenly incorporated into society, given rights, and elevated to the same position of other citizens, abandoned their homes and, lacking an industry, "rushed into roads and cities to make their lives out of theft and the knife."

8) The recent abolition of the death penalty, on the other hand, had been received by criminals, Gutierrez tells us, as a guarantee of impunity, which encouraged the commission of crimes. Such a "noble reform" was "inopportune," because it came when "our manners have reached a level of alarming relaxation, civil wars have corrupted our habits and character, the penitentiary system has not yet been implanted, [and] our penal legislation is extremely vicious." By protecting the criminal's life, he said, legislators had automatically condemned society to death.

9) Finally, deficiencies in the administration of justice--especially leniency (motivated by compassion towards the criminal) and tardiness in the application of justice--and an inefficient and irregular police service encouraged crime, for they made things easier for criminals. Putting criminals in jail, instead of transforming or deterring them, further corrupted them.

Gutierrez's list of contributing factors was rather comprehensive. Growing crime rates in Lima would have been the result of a series of components ranging from inappropriate or inopportune state policies (free trade, abolition of slavery, abolition of the death penalty), stubborn deficiencies in the social system (inadequate judicial and police institutions, lack of education), and the endurance of traditional popular values and customs (alcohol consumption, gambling, public diversions). Gutierrez blended here a critique of the urban poor's morality and pre-disposition to disorderly behavior with a conservative critique of liberal social and economic policies. This conservative/authoritarian view of social problems such as crime, in fact, expressed the anxieties of Lima's upper classes vis-a-vis social and political changes, and carried on the demand for more severe state responses to what they viewed as the threatening increase of lower class disorder.

Gutierrez's piece belongs to a growing genre of writings that during the second half of the nineteenth century offered a critique of the city's physical and moral malaises. His portrait of Lima's morals was a composite of multiple and varied sets of prejudices, stereotypes, fears, and reactions to--and interpretations of--recent events. The years 1854-1860 had witnessed a series of dramatic episodes that generated a greater sense of insecurity among the most conservative portion of the city's elites. The abolition of slavery in 1854, the abolition of capital punishment in 1856, and the artisans' riots of december 1858 (to name but the most notorious such episodes) were all interpreted as threats to the social order. In fact, I would argue that they shaped the way elite commentators and policy makers approached the issue of crime in Lima and, ultimately, constructed the "criminal question." Let's review in some detail these episodes.

III

The abolition of slavery in 1854 was both preceded and followed by an outcry of statements warning society about the dangers associated with the manumission of slaves. Increased levels of crime were attributed to the release of thousands of slaves who, blind, stupid, ignorant, or unrestrained (the adjectives abounded), had no other choice than entering a life of vice and crime. According to Felipe Barriga, an acid critic of nineteenth-century liberal policies writing under the pseudonym of "Timoleón," an "army" of 20,000 freed slaves was going to invade Lima and generate such a "horrendous social quake" ["espantoso sacudimiento"] that society would be left with no choice other than "exterminating" them.⁴ For the conservative newspaper **El Herald**, granting full citizenship to former black slaves--the automatic result of abolition--was "an insult to common sense" ("insulto al buen sentido"). Abolition, they added, produced "the absolute idleness and total unbridledness of all blacks."⁵

The abolition of slavery opened up a new scenario in the social and political reality of Lima. Landowners and other members of the upper classes expressed their fears that slaves would abandon haciendas and houses en masse which, they assumed, would turn them automatically into criminals. The outcry of warnings against the explosion in crimes committed

⁴ Quoted by Pedro Davalos y Lisson, **La primera centuria** (Lima: Librería e Imprenta Gil, 1919-1926), vol. 4.

⁵ **El Herald** de Lima, June 5 and 6, 1855.

by Blacks was, in fact, part of an attempt on the part of former owners to convince the state to impose stiffer mechanisms of control that could guarantee them the continual use of Black labor force. Whether or not ex-slaves turned into criminals is impossible to estimate. Santiago Távara, a supporter of the abolition, compared Lima's criminal statistics for the years 1854 and 1855 and found out that there was actually a decrease in crime after the abolition except for the category of murders, which he attributed to soldiers. Former slaves, Távara concluded, "have not turned into criminals."⁶ On the other hand, social commentator Manuel Atanasio Fuentes provided statistical support for the allegations that Blacks made up an important portion of criminals: in 1857, according to Fuentes, Blacks represented 23.1% of those being held in Carceletas (either as indicted or convicts), a proportion more than double the Black population's share of Lima's inhabitants (about 11.34% at that time).⁷

The image of slaves-turned-into-criminals was part of the overall climate with which Lima's society received former slaves: they did not deserve full citizenship, they lacked morals and values, they had their intellects impaired; thus, only harsh labor, social, and political control would prevent them from destroying society. Castilla responded to landowners' pressures by enacting a decree in January 1855 which forced agricultural slaves to remain working in their former plantations, at least for the next three months, but allowed slaveowners to discharge old, sick, or troublemaking slaves from their plantations. Former slaves that did not go back to work would be treated as vagrants and sent to the guano Islands.⁸ In June, Castilla reopened the old, colonial "Tribunal de la Acordada," an institution viewed as harsh and effective enough to contain crime.⁹ An article published in **El Comercio** and signed by "The Notables," praised the government for such a decision that, they said, "has exalted our vanity and has filled us with pride."¹⁰ Labor and

⁶ Santiago Távara, **Abolición de la esclavitud en el Perú** (Lima: Imprenta de J.M. Monterola, 1855), p. 43.

⁷ Fuentes, **Estadística General de Lima** (Lima: Tipografía Nacional de M.N. Corpancho, 1858), p. 211.

⁸ Juan Oviedo, **Colección de leyes, decretos y órdenes publicadas en el Perú desde el año 1821 hasta el 31 de diciembre de 1859** (Lima: F. Bailly, 1861-1872), vol. 4, pp. 371-373.

⁹ Oviedo, **Colección de leyes**, vol. 12, pp. 255-257.

¹⁰ **El Comercio** (hereafter **EC**), July 18, 1855.

social control over former slaves was the real endeavor of the campaign that "warned" society about the "risks" of emancipating blacks. The association between crime and abolition was transparent only in the minds of commentators such as Timoleón. Authors such as Gabriel Gutierrez, thus, simply took for granted, as a proven truth, that abolition did generate a crime wave.

Debates around the death penalty also offer antecedents to the emergence of the "criminal question." Capital punishment had existed since colonial times though, according to some scholars, it was rather leniently applied.¹¹ During the early independent period Peruvian constitutions flirted with abolition but the most they did was to declare that death penalty should be limited to punish "serious" crimes. Public executions conceived as spectacles to deter criminals by infusing terror continued to be performed until the 1840s, while illegal executions of highway robbers and other criminals were also common during these decades.¹² The death penalty, however, in spite of its continual application, did not enjoy unanimous support. Although isolated, opinions against capital punishment began to appear in the 1830s.¹³ Enlightened ideas against the death penalty began to persuade Peruvian liberals, but religious arguments were also very prominent in criticisms against capital punishment. This is evident in the first pamphlet ever published in Peru against the death penalty, which appeared in 1851 under the title "Inviolability of the human life, or discourse on the death penalty." The author, José Manuel Loza, elaborated a philosophical/religious attack on the death penalty drawing from Christian and other Western philosophers.¹⁴ Apart of being contrary to God's law, the death penalty was deemed "ineffective as a repressive means, useless for teaching a lesson [*escarmiento*], unjust in its application, and

¹¹ Sarah Chambers, "The Many Shades of the White City. Urban Culture and Society in Arequipa, Peru, 1780-1854," Ph.D. dissertation, University of Wisconsin, Madison, 1992.

¹² See Carlos Aguirre, "The penitentiary of Lima and the modernization of criminal justice in nineteenth-century Peru," in Salvatore and Aguirre, eds. **The Birth of the Penitentiary in Latin America**, p. 48.

¹³ An article in the newspaper **El Telégrafo de Lima** (September 20, 1833) for instance, advanced the opinion that "to condemn any convict to death by a majority of votes is a crime (...) capital penalties are deliberate homicides."

¹⁴ José Manuel Loza, **Inviolabilidad de la vida humana, o discurso sobre la pena de muerte** (Lima: Imprenta de Félix Moreno, 1851).

destructive of industry and of the most laborious and miserable race." He favored sending criminals to penitentiaries as a more suitable form of punishment, for they "improve the condition of the prisoner, deter other criminals, benefit society, and give satisfaction to the public authority, who thus corrects and moralizes without destroying them."¹⁵

The death penalty was abolished by the liberal Constitution of 1856.¹⁶ The decision generated (as did the abolition of slavery) a series of alarming complaints against the perceived growing levels of crime produced by the lack of "appropriate" responses to crime. Representative of this attitude is Manuel Atanasio Fuentes, for whom "the abolition of the death penalty has also been the abolition of the little bit of public security that we enjoyed (...) never before have so many crimes been committed as in the past year."¹⁷ The message was clear: crime was on the rise because society was not being tough enough on criminals. The death penalty was deemed as the only deterrent against potential law-breakers, especially at a moment in which, as we have been told, former slaves were having free hands to commit crimes in the city. By 1858, a constitutional assembly began to discuss a new constitution and the death penalty was again the subject of fierce controversies both inside the congress and among the "public opinion." For some, like José Silva Santisteban, the purpose of any penalty must be the moral reform of the criminal and not his destruction. Because most crimes had social causes (poverty, unemployment) or were the product of passion, the real solution was the creation of jobs rather than the killing of criminals.¹⁸

The opposite view was defended by Antonio Arenas, for whom the main purpose of punishment was to restore social order. He defended the society's right to self-defense against law-breakers. A similar argument was put forward by the Minister of Justice himself, who in his Memoria of 1858 stated that "a misunderstood philanthropy has declared the lifes of the evil murderer, the arsonist, and other such criminals protected," while the law-abiding citizen was left "abandoned at

¹⁵ Idem, pp. 24, 30. Interestingly, Loza linked the (not yet effected, but already seen as inevitable) abolition of slavery with the abolition of the death penalty: "The abolition of slavery expedites and predicts the inviolability of human life." p. 38.

¹⁶ Basadre, **Historia de la República**, vol. 3, p. 333; Carlos Valladares Ayarza, "La pena de muerte," Thesis, University of San Marcos, 1946, p. 129.

¹⁷ Fuentes, **Estadística General de Lima**, pp. 114-115.

¹⁸ Quoted in Basadre, **Historia de la República**, vol. 3, p. 380.

the cruel knife of the bandit." In the end, however, the Assembly's majority agreed that the death penalty should be restricted only to "qualified homicide." The Peruvian Constitution of 1860, thus, opted for the restoration of the death penalty in such cases of "qualified homicide." A bill of May 13, 1861 successively established fourteen cases in which it must be applied, but the penal code of 1862 reduced the number to just three: parricide, qualified homicide, and death caused by arson.¹⁹ The solution was in fact a compromise, and in practical terms the death penalty was rarely applied. But debates around the death penalty continued and demands were voiced for enlarging the number of crimes to be punished with death. In 1861, Luis E. Albertini considered abolition "a noble and generous utopia" that could not be effected without putting at risk the social order. He stressed that "capital punishment is, regrettably, necessary in Peru as a repressive and intimidating means" and as "the only brake capable of restraining evil passions."²⁰

Fears and paranoia associated with the abolition of both slavery and the death penalty, I would argue, were instrumental for the emergence in Peru of the "criminal question." More important than the real statistical growth of crime in the city was the way elites reacted to a changing social and political context, to the so-perceived handicaps of a less severe system of justice, and to a (at least in formal terms) more fluid social structure resulting from the abolition of slavery and the extension of citizenship to former slaves. To a certain extent, the criminal question was an "invention" of authoritarian-conservative authors such as Fuentes and Gutierrez, who generally opposed liberal/enlightened reforms and supported stiffer mechanisms of social control.²¹

The "decent" portion of Lima's population was frightened after realizing that the worst predictions of conservative commentators could in fact materialize. In December 1858 the cities

¹⁹ Valladares, "La pena de muerte," p. 130.

²⁰ Luis E. Albertini, "Consideraciones legales y filosóficas sobre la pena de muerte," *LGJ*, I, 1, May 15, 1861; see also *LGJ*, I, 4, May 22, 1861.

²¹ For the differences and similarities between liberals and conservatives during the early Republican period, see Gonzalo Portocarrero, "Conservadurismo, liberalismo y democracia en el Perú del siglo XIX," in A. Adrianzén, ed. *Pensamiento político peruano* (Lima: DESCO, 1987); and Paul Gootenberg, "Beleaguered Liberals: The Failed First Generation of Free Traders in Peru," in Joseph Love and Nils Jacobsen, eds. *Guiding the Invisible Hand: Economic Liberalism and the State in Latin American History* (New York: Praeger, 1988).

of Lima and Callao witnessed three days of violent protests by artisans discontent with the increasing importation of manufactured goods. They went to the streets to denounce liberal import policies that, they claimed, negatively affected their trades. The protest was accompanied by unusual levels of violence and destruction. "The pacific populations of Lima and Callao have been the scenario of dreary scenes intermixed with blood and destruction," wrote a prominent commentator of the event.²² According to Silva Santisteban and others, the occasion was seized by marginals, vagrants, and criminals to sack and steal, actions that had nothing to do with the just protest of honest artisans. Both liberal and conservative observers alike highlighted the "ominous" role played by the urban plebe in those riots and called the attention of the government towards the problem of "vagrancy." Harsher repression and control was deemed the only way to avoid the repetition of such threatening scenes.²³

These events somehow framed the emergence of crime as a "social problem" around 1860. Insecurity associated with political and social changes, together with a series of circumstances that seem to have affected, indeed, the crime rates (inflation, epidemics, and unemployment being the most important), created a climate (both psychological and political) germane for heightening concern with the city's morals.²⁴ A sort of official sanction of this viewpoint came in 1860 from President Ramón Castilla. His message to the congress must have sounded distressing:

The picture offered by recent criminal statistics, and especially the high number of terrifying crimes, is truly disheartening. A plague of malefactors that has increased its numbers and audacity with foreign bandits, is infesting our country, so it is imperative to adopt effective and severe measures for deterring the evil man from pursuing a criminal career, instead of encouraging him with impunity.

²² José Silva Santisteban, **Breves reflexiones sobre los sucesos ocurridos en Lima y el Callao con motivo de la importación de artefactos** (Lima: José Sánchez, 1859).

²³ On the artisans' riots, see Cecilia Méndez, "Importaciones de lujo y clases populares. Un motín limeño," **Cielo Abierto**, 29, September 1984; and Paul Gootenberg, "Artisans and Merchants. The Making of an Open Economy, Lima, 1830-1860," M.A. Thesis, Oxford, St. Anthony's School, 1981.

²⁴ On inflation and unemployment see Gootenberg, "Carneros y Chuño: Price levels in nineteenth-century Peru," **Hispanic American Historical Review**, 70, 1, 1990, pp. 1-56, and Quirós, **La deuda defraudada**. For a brief allusion to the 1855-56 epidemics, see Aguirre, "De esclavos a delinquentes? Manumisión y conducta social," **Hipocampo** (March 16, 1986).

He commanded the congress to examine whether the origin of that situation was in the imperfections of the law or "in the morality of a corrupted and degraded part of the people."²⁵

Castilla's statement points to two different components in the construction of the criminal question. First, he suggested that the crime wave may be related to the "morality" of the lower tiers of society, a statement that will prove to be ubiquitous. Intellectual constructions about the crime problem did not rely solely on immediate causes or events. They were also built upon a series of pervasive discourses about the lower and colored classes that usually coalesced into a singular narrative: the supposed "moral degeneration" of the lower classes of Lima, a phenomenon allegedly affecting particular racial and social groups (blacks, Indians, Chinese, the urban plebe), specific urban environs (some neighborhoods of Lima), and even certain trades (domestic servants, peons, street vendors). "Lack of morals" was a condition associated with multiple manifestations of lower-class culture, and explained by a combination of factors, one of the most influential being the lack of severe punishment. The time-honored notion that the most effective way to achieve order and obedience was the use of violence and severe punishment translated into paranoia, once severe forms of social control--such as slavery or the death penalty--were removed.

Second, Castilla supported his claims with "recent criminal statistics." In fact, the construction of crime as a social problem was also bolstered by the development of statistics as a source of reliable information about different aspects of urban life, including the population's "morals." Statistics furnished commentators with data that could "prove" their assertions. The beginnings of what we may consider modern statistics in Peru occurred precisely during the late 1850s, as a result of the mostly individual efforts of the most conspicuous chronicler of nineteenth-century Lima, Manuel Atanasio Fuentes. In 1858 Fuentes published his masterful **Estadística General de Lima**, a 760-page volume that included information on population, employment, bureaucracy, production and, not surprisingly, on Lima's morals ["estado moral"].²⁶

²⁵ "Mensaje que el Libertador Presidente de la República dirige a la legislatura de 1860," **El Peruano**, July 28, 1860.

²⁶ *Op. cit.* It is worth noticing that Fuentes's book not only included statistical figures and tables, but also extensive historical and sociological essays on a variety of issues. Interestingly, he offered the reader a section on "Famous crimes committed in Lima" during the colonial period. Fuentes had certainly some illustrious predecessors such as José María Córdova y Urrutia's

Fuentes projected a certain image of Lima and its inhabitants that helped construct the image of crime as an ever-growing social malady resulting from defective policing, an inefficient judicial system, the inopportune abolition of the death penalty, and the overall destruction of "social life" in post-independence Peru.²⁷ He presented gambling, drinking, begging, and prostitution as serious problems that threatened the social order, and demanded the creation of a "correctional police" for persecuting those that lacking an "honest job" preferred to live "corrupting public morality." He also demanded the creation of houses of correction "for abolishing habits of idleness and combating vices that degrade humanity, and which so easily captivate souls that, instead of seeking consolation and peace in work, think they can muffle the sufferings of life with drinking and theft."²⁸ The inflections and particular style of Fuentes' portrait of the city's morals would have a powerful impact on successive depictions of the lower classes of Lima. Whether or not his figures were accurate is impossible to assess, and for our purposes here the issue is irrelevant. Fuentes's statistical and descriptive depiction of Lima's population definitively set the tone for decades to come. In this, as in other realms, he truly was, as historian Paul Gootenberg has asserted, the "social constructor of Limeño reality."²⁹

IV

The construction of the criminal problem in Lima was also related to a growing concern with labor discipline. Crime as a public issue, in fact, was much more closely associated with vagrancy and idleness than with an outburst in property or violent crimes.³⁰ The lack of work

Estadística histórica, geográfica, industrial y comercial de los pueblos que componen las provincias del departamento de Lima (Lima: Imprenta de Instrucción Primaria, 1839).

²⁷ Fuentes, **Estadística general**, pp. 111-112.

²⁸ Idem, pp. 610, 700.

²⁹ Paul Gootenberg, **Imagining Development. Economic Ideas in Peru's 'Fictitious Prosperity' of Guano, 1840-1880** (Berkeley: University of California Press, 1993), p. 71.

³⁰ Policies geared towards curtailing vagrancy and forcing the population to work had been implemented by state authorities since colonial times. During the early independent period, different measures were taken to eradicate vagrancy, including forced enlistment in the army and the incarceration of all those plebeians not carrying a boleto or pass certifying employment. The Reglamento de Policía of 1839 considered vagrants not only the unemployed, beggars, and gamblers, but also alcohol-consumers and artisans disregarding work discipline. In 1855 the

discipline among Lima's urban poor and their alleged preference for idleness and vice was a constant issue in public speeches. As Paul Gootenberg has documented, developmentalist projects in nineteenth-century Peru had to grapple with the issue of labor discipline. There was a convergence between discourses on national development based on hard work and the discourses on crime and its repression. Early industrialists such as Juan Norberto Casanova thought that the obstacles for a Peruvian industrial take-off lay not in the shortage of labor, but in the difficulties for enforcing "the regime and the discipline that is proper of the factory."³¹ Once again, Manuel Atanasio Fuentes supplied the statistical confirmation for these concerns: more than 50% of all men being tried for criminal conduct were vagrants.³² **El Comercio** lamented that "the number of idle men does not decrease. Everyday and all day there are jaranas and disorder among the plebe, of which apparently the levy is not aware."³³ Manuel Pardo, the future president of Peru, demanded in 1862 more severe legislation against vagrancy, "vice of our population, obstacle for Peruvian progress, a great motive of our growing demoralization, and a probable major cause of a tendency towards disorder and revolt." Society had the right, Pardo argued, to force its inhabitants to work.³⁴ In his Memoria of 1860, the Minister of Government defined vagrancy as the "leprosy" of the social body and the origin of all vices and crimes.³⁵ In spite of demands for

boleto was made obligatory for jornaleros, artisans, and domestic servants, but it was not a solution: **El Comercio** reported that phony passes were being sold in the streets of Lima.

³¹ Juan Norberto Casanova, **Ensayo sobre la industria algodonera en el Perú**, (Lima: Imprenta de José Masías, 1849).

³² Fuentes, **Estadística General de Lima**, p. 164.

³³ **EC**, February 18, 1856.

³⁴ Manuel Pardo, "Algo sobre el código penal. Vagancia," **La Revista de Lima**, IV, 1861, pp. 103-110.

³⁵ "The plebe's orgies, always promoted by vagrants, are the source of immorality and corruption, where crimes are prepared, where infamous criminals trained the novices in their execution, and from where malefactors depart in all directions to effect their gloomy plans." Memoria, Gobierno, 1860, pp. 41-42. The Minister demanded special legislation for forcing vagrants to work.

increased harshness against vagrants, however, the 1862 Penal Code was rather lenient.³⁶ It stipulated fines against pawnbrokers accepting items from "unmistakable" vagrants, and prison terms and fines to owners of gambling houses giving them admission.³⁷

The issue was very much alive in the 1870s. Juan Copello and Luis Petriconi, the authors of an essay on Peruvian economic history argued that Peruvian progress would only be guaranteed if "popular habits of laziness and undiscipline" were eradicated.³⁸ Jurist Isaac Alzamora considered that vagrants were imminent criminals that, instead of forcefully enrolled in the army (which needed not be contaminated with the "scum" of society) or fined (because a fine would not modify a lifestyle that had become their "second nature") should be condemned to forced labor.³⁹ The problem, indeed, according to these authors, began at early ages, so the solution needed to address the issue of child vagrancy. Adolescents offering their services as loaders, for instance, were considered vagrants that, if not corrected, would later inevitably turn into criminals.⁴⁰ Demands were also made to deter religious institutions from providing relief to homeless and beggars for, it was said, charity fomented vices and "contributes to the perversion of that part of the population."⁴¹ Newspapers such as **El hijo del pueblo** or **El trabajo** were founded with the specific purpose of educating the masses into useful and profitable work. **El trabajo** (Oct. 3, 1874) was very explicit about the need to transform vagrants/criminals into workers and the means to achieve that transformation: "Let's demand the application of the

³⁶ See, for instance, the debate between Manuel Benjamín Cisneros and J. S Tejada around the penalization of vagrancy. Cisneros, "Vagancia, mendicidad, embriaguez y juego," **LGJ**, I, Nos. 67, 68, 69, 71, 72, August 7 to August 14, 1861, and the reply by J.S. Tejada in **LGJ**, I, 78, August 22, 1861.

³⁷ See Manuel A. Fuentes and M.A. De la Lama, **Diccionario de Jurisprudencia y de Legislación Peruana** (Lima: Imprenta del Estado, 1877), vol. III, p. 694.

³⁸ Copello y Petriconi, **Estudio sobre la independencia económica del Perú** (Lima: Imprenta El Nacional, 1876), p. 41.

³⁹ Isaac Alzamora, "La vagancia," **LGJ**, January 26, 1874.

⁴⁰ **El Nacional**, March 16, 1877. See also Manuel A. Fuentes, "Vagancia de menores," **LGJ**, February 20, 1874. Fuentes demanded the creation of a correctional prison for minors.

⁴¹ "Una caridad mal entendida," **El Nacional**, March 9, 1877.

vagrancy law; we must send to military or industrial schools all that crowd of adolescents that hang around hotel counters or pool saloons, and who seem to have no occupation other than going through elementary education in vagrancy, secondary instruction in vice, and, later, graduating in political and social crime. Regarding adults, let's demand that the police raids, with the whip at hand, the Chinese lupanares and the high-class garitos [gambling houses], thus disinfecting our society from filthy gamblers smelling opium or rum, and white-glove gamblers smelling cognac and absinthe, or saturated with cosmetics and fragrances." The new Reglamento de Policía of 1877 stretched the definition of vagrants to include habitués of casinos and taverns or artisans skipping work for more than 7 days, ordering their forced enrollment in the army or the navy or their use in public works.⁴²

V

This vigorous emphasis on vagrancy and crime was not entirely gratuitous. Since the early 1870s, Peruvian society was ravaged by a series of social, economic, and political calamities that intensified social conflict and unrest. The urban riots of 1872 associated with the Gutierrez brothers' attempted coup, the assassination of former president Manuel Pardo in 1876, the severe economic crisis that followed the "fictitious prosperity" of the guano age, and, especially, the deplorable effects of the War of the Pacific, including the Chilean occupation of the capital, all these deepened the sense of frustration and crisis among the Lima population.⁴³ Events such as the escape of famous criminal Chacaliaza from the penitentiary in 1876 kept concern with crime very much alive. In fact, repeated demands for restoring the death penalty were justified on grounds of the penitentiary of Lima's failure to reform criminals and eliminate crime.⁴⁴ The

⁴² Idem, pp. 555-556.

⁴³ On the 1872 riots, see Margarita Giesecke, **Masas urbanas y rebelión en la historia. Golpe de estado, Lima 1872** (Lima: CEDHIP, 1978); on the economic crisis, Heraclio Bonilla, "La crisis de 1872," in **Guano y burguesía en el Perú**, pp. 169-190.

⁴⁴ See, for example, the letter from Minister of Justice José Eusebio Sánchez to the secretary of the Senate in October 1874, in which he favored the maintenance of the death penalty as a deterrent against "perverse" criminals for whom an "insecure prison" will not be enough. "The state of ignorance that still affects a great part of our people, and the ferocious instincts hold by some of them, allow us to witness crimes of such magnitude that produce horror and panic; their perpetrators are a constant menace to society, and neither our defective prisons nor leniency in the

Chilean occupation of the capital between 1881 and 1883, immediately preceded by violent riots, further dislocated Lima's society.⁴⁵ The sense of ruin, decay, and impotence ran deep during and after the war. As Bonilla has emphasized, the war destroyed the institutional and political means of control that the civilista oligarchy had built, thus forcing an "institutional reordering of society." It took a decade for Peruvians to begin the reconstruction of their society.

Within this scenario, observers turned their attention to the city and its malaises. Frustration with the awareness that Lima's society was not "civilized" enough to match the European models was transferred, in the context of a dramatic crisis, into a series of highly negative images of the city and its poorest inhabitants. Because the city was represented as a "social organism" and its problems as "social diseases," criminality translated into a social pathology, criminals or vagrants were parasites, and crime control and repression became "hygienic" policies. "Moral abatement" was blamed on the criminal tendencies and/or the racial make up of the lower classes.⁴⁶ Preoccupation with urban decay, overcrowding, and the miserable living conditions of the urban poor was always accompanied by a feeling of danger and moral repugnance.⁴⁷ Lima was a "lair of vagrants." All over the city--in marketplaces,

application of sentences are enough to restrain them." "Documentos referentes a la abolición de la pena de muerte proyectada por el congreso," **LGJ**, II, 89, October 20, 1874. This opinion was subscribed by the Supreme Court. **LGJ**, II, 90, October 21, 1874.

⁴⁵ Bonilla, "El problema nacional y colonial del Perú en el contexto de la Guerra del Pacífico," in **Guano y Burguesía**, pp. 213-260. See also Margarita Guerra, **La ocupación de Lima (1881-1883). El gobierno de García Calderón** (Lima: Pontificia Universidad Católica del Perú, 1991).

⁴⁶ Paulino Fuentes Castro demanded energetic measures against vagrancy as one of the means for overcoming moral prostration (**EDJ**, April 15, 1890). An article entitled "Causes of Peruvian ruin," blamed downfall not on foreign war or the amputation of the territory, but from "ethnic bastardy." (**EC**, September 12, 1893). The author, Paul Groussac, was a French writer living in Argentina. See also "La insalubridad de Lima," **EC**, May 24, 1898, and "Lo que es hoy Lima y lo que será mañana," **EC**, May 21, 1898 to June 18, 1898, by traveler D.P.L., a gruesome portrait of the city and particularly its slums.

⁴⁷ "Pescante grande" and "Pescante chico," two **casonas** located a few blocks from the Santo Domingo convent, in downtown Lima, were used as prototypes of the living conditions of the urban poor. Filthy and dirty, they seemed to host "many unemployed and suspicious people," which made them a "great shame and a great danger for Lima. Nothing could be more dreadful, repugnant, and horrible." See "Una casa de vecindad en Lima. Los grandes focos de infección. 'Pescante grande' y 'Pescante chico'," **EC**, March 13, 1908.

boulevards, bridges, the riverfront, and new construction sites--"we can see hundreds of jammed vagrants, mostly Chinese or newly-arrived Indians, but also bullies, petty-thieves, gamblers, drunkards, all the social scum made up of residual men without habits of labor, without high and noble aspirations, and with their sentiments of dignity reduced to zero."⁴⁸

Specific areas of the city were depicted as inhabited by dangerous and criminal groups, and the image of "cities inside the city" gained preeminence. The entire population of neighborhoods such as La Palma, Viterbo, Tajamar, Desamparados and others close to the Rímac district was presented as being made up of drunkards, thieves, and prostitutes--the lumpen of Lima.⁴⁹ Inquiries on Lima's callejones or tugurios--generally well-intentioned incursions by hygienists and physicians--always emphasized the potential for crime existing in those environments. Callejones (tenement houses) were deemed scenarios of "immorality and crime."⁵⁰ The case of the "barrio chino" (Chinatown) is particularly eloquent. "Does anybody know the city of the Chinese?," asked Dr. Vidrieras, author of a series of articles entitled "The pus of Lima." There, the writer reports, "hygiene has been proscribed, morality has been annulled, and all the vices keep the beast [i.e. the Chinese population] with its drives unbridled." He had entered that place, to which not even the police had access, with both "wonder and repugnance."⁵¹ Hygienists such as Rómulo Eyzaguirre, preoccupied with tuberculosis in Lima, presented the barrio chino, the outskirts of the city, the army, and prisons and hospitals as infected loci. His depiction of the "accomplices" of tuberculosis--misery, unemployment, vagrancy, poor living conditions--was, indeed, almost identical to descriptions of the causes of criminality.⁵²

⁴⁸ "La vagancia en Lima," **EC**, July 8, 1908.

⁴⁹ "Algo sobre sociología local. La baja hampa. Un ratero incorregible. Su reingreso a la escuela correccional. Una opinión sobre su tratamiento," **EC**, December 22, 1905.

⁵⁰ Juan Antonio Portella, "La higiene en las casas de vecindad. Necesidad de construir casas higiénicas para obreros." Bachelor Thesis, University of San Marcos, Medical School, 1903.

⁵¹ Dr. Vidrieras, "La podre de Lima. La ciudad de los chinos," **EDJ**, II, 462, December 1, 1891. A similar portrait of other areas of the city such as working-class bordellos followed. Dr. Vidrieras, "La podre de Lima. Las casas de obreros," **EDJ**, II, 466, December 5, 1891. On the barrio chino, see especially Humberto Rodríguez Pastor, "La calle del Capón, el Callejón Otayza, y el barrio chino," in Panfichi and Portocarrero, eds. **Mundos interiores**, pp. 397-430.

⁵² Rómulo Eyzaguirre, "La tuberculosis pulmonar en Lima. Tratamiento higiénico-sanitario,"

Prominent attention was given to alcoholism both as a corrupting practice and as an agent of disease and crime. While much of what was said in previous decades about vagrancy in fact included alcoholism as its inevitable companion, it was in the turn-of-the-century period that it was given serious attention. Anti-alcoholic leagues were founded in Lima and Callao between 1895 and 1899, followed by the "Anti-alcoholic propaganda league" (1903) and the "National temperance society" (1912).⁵³ In August 1896, a governmental commission was formed for drafting a new anti-alcoholic law. An essay contest on the same topic was announced by the Lima city council.⁵⁴ On January 2, 1903, an Anti-Alcoholic Conference was summoned by the government. Statistics presented at this event delineated the magnitude of the problem: 27 million liters of alcohol were consumed every year in Peru. In Lima, an average of 14 liters per person per year were reportedly ingested.⁵⁵ More than one thousand sites for expending alcohol were counted in Lima alone.⁵⁶ Proposals for combating alcohol consumption included an increase in taxes on alcohol production and sales,⁵⁷ the collection and distribution of habitual drinkers' names so to prohibit shoppers to sell alcohol to them, or the incarceration of all drunkards found in the

Anales de la Universidad Mayor de San Marcos de Lima, Vol. XXV, 1898, pp. 149-256.

⁵³ See the very interesting data offered by Ruperto Algorta, secretary of the Society, as appendix to O. F. Stoddard, **Manual científico de temperancia** (Lima: Imprenta Americana, 1923).

⁵⁴ M.J. Delfín, "Asilos para bebedores," Bachelor Thesis, University of San Marcos, Medical School, 1909, pp. 3-4.

⁵⁵ Graña, "El congreso nacional anti-alcohólico y la exposición de aplicaciones industriales del alcohol," **EC**, January 2, 1903.

⁵⁶ **EC**, February 13, 1903.

⁵⁷ A similar proposal had been discussed in the Senate in October 1887. Most of the debate centered on Indian drinking, which was depicted as either a symptom of a larger moral disease affecting Peruvian society as a whole, or as the result of 300 years of colonial exploitation. Senator Candamo, future President of Peru, argued that Indians--unlike the elites--turned to alcohol because "almost completely alien to the advantages of civilization, subject to very few necessities, and animated by so few aspirations," they only found amusement in drinking. **Congreso Ordinario de 1887. Diario de los Debates de la H. Cámara de Senadores** (Lima: 1887).

streets.⁵⁸ Debates did not fail to establish the conventional link between alcoholism and crime, an argument that was now supported by criminal statistics.⁵⁹ This common wisdom was underlined by the Minister of Economy in his inaugural speech: society, he said, "has the right to repudiate the alcoholic in the same way it repudiates the criminal." More than an individual problem, alcoholism was, he argued, a social question, for its most negative effects were to be suffered by the alcoholic's offspring: alcoholism produced "degenerated, imbecile, feeble-minded, epileptic, impulsive, weak, amoral, and perverted children."

VI

Between the late 1850s and the early 1900s, then, the image of crime as the result of plebeian lifestyles (alcoholism, vagrancy, idleness, and so forth) was consolidated. Crime had become a social disease threatening the future of the Peruvian nation. Criminal behavior was the almost inevitable outcome of lower class Amoralism. If society was a social organism, criminals became parasites, and policies geared toward their extermination were a matter of hygiene. Since the late 1880s, the new science of the criminal, criminology (known as criminal anthropology in its early stages) began to influence views about crime and promised scientific interpretations of crime. A new language began to be used. Dr. Vidrieras, in his above-mentioned report about the Chinese, told us that he found "abnormal physiognomies, which could enrich Lombroso's files." In his message to the Congreso Anti-Alcohólico, the Minister of Economy stated that alcohol was at the origin of "Lombroso's malefactors, arsonists, suicides, and born criminals."⁶⁰ A new ideological framework for addressing the issue of crime, associated with the name of Cesare Lombroso, was being introduced by the end of the nineteenth century:

⁵⁸ In response to this last proposal Vicente H. Delgado replied that, if approved, two million people would go to jail, for Indians were always drunk when not at work. *EC*, April 25, 1903.

⁵⁹ Graña presented criminals statistics to support the idea that "alcoholism means crime, misery, dishonor, and death." In a period of six years (1895-1901), out of a total of 59,224 individuals arrested in the Intendencia de Lima, 14,408 (24.3%) were captured under the influence of alcohol, and 27,547 (46.5%) were accused of crimes committed under the same condition. Similar arguments were made by A. Castañeda y Alvarez, "El alcoholismo en Lima bajo el punto de vista médico-social," Bachelor Thesis, University of San Marcos, Medical School, 1897. According to the author, "degenerated" criminals began their "careers" in the tavern and completed them in the penitentiary or the mental asylum.

⁶⁰ *EC*, January 3, 1903.

"scientific" or positivist criminology. But despite the alleged novelty of this approach, the legacy of pre-existing views about crime and criminals would prove to be persistent: the positivist, scientific view of crime reproduced, rather than overcame, images of crime and criminals based on lifestyles, cultural values, manners, and the like.⁶¹

⁶¹ On this, see Carlos Aguirre, *Crime, Race, and Morals: The Development of Criminology in Peru, 1890-1930*, forthcoming, **Crime, History, Societies**.