

CHANGES AND CONTINUITIES IN CRIME IN URUGUAY (1878-1907)

CAMBIOS Y PERMANENCIAS DEL CRIMEN EN URUGUAY (1878 – 1907)

MUDANÇAS E PERMANÊNCIAS DO CRIME NO URUGUAI (1878-1907)

CHANGEMENTS ET CONSTANCES DU CRIME EN URUGUAY (1878-1907)

罪犯的改造与继续犯罪—乌拉圭(1878-1907)

DOI: 10.5533/1984-2503-20135208eng

Daniel Fessler¹

ABSTRACT

Crime and punishment, especially in Uruguay, constitute an object of study frequently neglected by historians. Their analysis appears to be traditionally reserved for the “legal world”. Their transformations are thus often accounted for by the law itself, depriving them of their social, political, geographical and historical elements. The present article studies the transformations which occurred during the two great outbreaks of crime (against the person and against property) in the period between 1878 and 1907, producing a strong “modernisation” of criminal legislation.

Key Words: Uruguay, Criminology, History, Crime.

RESUMEN

El delito y el castigo, especialmente en Uruguay, constituyen un objeto de estudio frecuentemente marginado por los historiadores. Su análisis aparece tradicionalmente reservado al “mundo jurídico”. Por ende, sus transformaciones suelen explicarse por el derecho mismo, privándolas de sus componentes sociales, políticos, geográficos e históricos. El presente artículo estudia las transformaciones ocurridas en los dos grandes

¹ Master's Degree in Human Sciences (Faculty of the Humanities and Educational Sciences at the University of the Republic, Uruguay). Director of the Centre for Research and Legal Studies. Email: danfessler@gmail.com

grupos de delitos (contra la persona y contra la propiedad) en el período que va de 1878 a 1907 en el que se produce una fuerte “modernización” de la normativa penal.

Palabras clave: Uruguay, Criminología, Historia, Delito.

RESUMO

O crime e a punição, especialmente no Uruguai, se constituem em um objeto de estudo frequentemente marginalizado pelos historiadores. Sua análise aparece tradicionalmente reservada ao “mundo jurídico”. Portanto, suas transformações tendem a ser explicadas pelo próprio direito, privando-as de seus componentes sociais, políticos, geográficos e históricos. O presente artigo estuda as transformações ocorridas nos dois grandes grupos de crimes (contra a pessoa e contra a propriedade) no período entre 1878 e 1907 no qual se produz uma forte “modernização” da normativa penal.

Palavras-chave: Uruguai, Criminologia, História, Delito.

RÉSUMÉ

Le crime et la punition, et plus particulièrement en Uruguay, constituent un objet d'étude le plus souvent marginalisé par les historiens. Leur analyse est traditionnellement réservée au « monde juridique ». Leurs transformations tendent donc à être expliquées par le droit lui-même, les privant ainsi de leurs composantes sociales, politiques, géographiques et historiques. Le présent article s'intéressera aux transformations en œuvre au sein des deux groupes de crimes (contre la personne et contre la propriété) entre 1878 et 1907, période durant laquelle eut lieu en Uruguay une profonde « modernisation » des normes pénales.

Mots-clés: Uruguay, Criminologie, Histoire, Délit.

提要

在乌拉圭, 关于犯罪与惩罚方面的研究在历史学界处于边缘地位。通常这方面的研究都是由“法学界”做的。所以, 这样的研究往往专于法律方面, 对社会政治地理和历史方面的因素很少提及。本论文分析重点讨论两种犯罪, 一是对人二是对财产。时间是1878至1907, 在此期间巴拉圭的刑法进行了多次“现代化”。

关键词: 乌拉圭 犯罪学 历史 违法行为。

THE URUGUAY OF PENAL “MODERNISATION”

The last quarter of the nineteenth century and the first decade of the twentieth century produced a radical transformation to the penal reality in Uruguay. The sanctioning of the Code of Criminal Procedure (1878) and the Penal Code ten years later marked the abandoning of the old legal system inherited from the days of Spanish domination. This process culminated in 1907 with the abolition of the death penalty closing a cycle closely linked to a vision of punishment which transcended the strictly punitive. It was thus that the process of developing the code, which already included civil, military and rural affairs, experimented with criminal offences during this period of rupture with the old legal system.

Profound changes occurred in Uruguay during this thirty-year period. As José Pedro Barrán highlights, the country “was ‘modernized’, that is to say, it aligned its demographic, technological, economic, political, social and cultural evolution with that of capitalist Europe, coming to form a full part of its circle of direct influence”.²

The preservation of a legal architecture considered incompatible with a republican state served as an impetus for the sanctioning of a penal code eliminating the levels of arbitrariness fundamentally produced by the lack of a precise definition of what might be considered a criminal offence. The new legislation was also to put an end to the forms of punishment hitherto perceived as unacceptably cruel.

A decree from 9 March 1877 aimed to make advances in this direction. It set out the creation of a committee of lawyers headed by Dr Laudelino Vázquez with the task of drafting a penal code bill and another for criminal proceedings, aimed at doing away with the serious procedural problems provoked by the extension of legal timeframes and the lack of guarantees. A few days later, a new decree (20 March) determined that the committee should concentrate its efforts on the procedural features. The task resulted in what would finally become the Code of Criminal Procedure, sanctioned in December 1878.

The postponement of the implementation of the Penal Code prevented this first push towards transforming the legal system from terminating with “*the obscurity and confusion which reigns in the various disconnected laws*”³. It was only in 1888 that the consolidation of the Penal Code was made a reality. As indicated in the report by the

² Barrán, José Pedro (1998). *Historia de la sensibilidad en el Uruguay*, Montevideo, EBO, Tomo II: El disciplinamiento, p. 15.

³ Izcua Barbat, Marcelino (1885). “El Ministerio Público, su rol y su origen en el juicio criminal”. In *Revista de la sociedad universitaria*. Periódico quincenal ilustrado de Ciencias, letras y artes, Montevideo, Imprenta y Encuadernación de A. Rius y cia, año II, tomo III, 15/5, p. 460.

project's drafting committee, this meant it was not just the chaos inherent to penal legislation that was brought to an end, but also "*the arbitrariness dominating criminal matters*".⁴

Characterizing Crime

Beyond the various arguments employed to characterize offences, in general terms, they are all commonly presented (according to Cesare Beccaria) as "*acts opposing public interests*"⁵ or as Von Liszt's classic definition summarizes: "*a guilty act, contrary to law*".⁶

The traditional conception derived from the classic model thus concentrates the idea of the "*physical transformation of the outside world*" highlighting the movement by the body and its contradiction with the norm.⁷

With this type of act comes the violation or threatening of a legal interest (life, physical integrity, property or public order) which must be defended. Criminal law, therefore, of all the actions possible, values and selects several which it considers negative and consequently punishes. This means that added to this definition of crime as unlawful human behavior is the demand that it is punishable,⁸ forming the binomial of crime and punishment.

It is this very condition – a fact liable to criminal punishment – that founds the need for the act considered as an offence to be rigorously defined and laid down by the law or adjusted to one of the figures outlined by the code.

In Uruguay, the 1888 legislation drafted by the committee presided by Dr Joaquín Requena was based on the content of the Spanish Code (1870) and other South American codes such as those of Peru (1862), Chile (1874) and Argentina (1877 for the province of Buenos Aires and 1886 for the country as a whole). It was divided into three parts, according to the guidelines of the other codes. The first defined the "*great principles*", the second, particular offences and their punishments and the third concerned misdemeanors.

⁴ Vázquez Acevedo, Alfredo (1893). *Concordancias i anotaciones del Código Penal de la República O. del Uruguay*, Montevideo: Sierra i Antuña, p. IX.

⁵ Beccaria, Cesare (1968). *De los delitos y de las penas*. Madrid: Alianza, p. 36.

⁶ Cairoli, Milton (2000). *El Derecho Penal Uruguayo y las nuevas tendencias dogmático penales*, Montevideo: Editorial F.C.U, Tomo I, La Ley – El Delito, p. 111.

⁷ Quintero Olivares, Gonzalo (1996). *Curso de Derecho Penal. Parte General*, Barcelona: Cedecs editorial, p. 228.

⁸ Mir Puig, Santiago (1996). *Derecho Penal. Parte general*, 4. ed., Barcelona: PPU, p. 109 y 112.

Article 1 of the Uruguayan Penal Code established this key characterization of crime by highlighting that it constitutes “*all voluntary acts or omissions punished by a provision expressed in criminal law*”.⁹

Vázquez Acevedo's comments on the Penal Code serve to verify the will to overcome the old legislation, eliminating the imprecise nature of its definitions or the possibility of retroactively considering an act unlawful. The principle of constraining punitive power is thus consecrated, reaffirming the idea of crime as a fact, requiring violations as a condition for punishment.¹⁰

The Uruguayan Penal Code, just like Italy's “Codice Zanardelli”, distinguished misdemeanors from offences to then group them in eleven categories according to the legal interests protected and which served as criteria for classification. Legal interests thus come to play a crucial role in facilitating the discovery of the nature of the type or the matching of the act to that which is described in the code. In order to comply with the so-called “protective function”, behavior which more seriously violates or threatens protected legal interests is converted to crime. The value of these interests is attributed by the legislator, meaning that it is created, and is not pre-existent in the law.¹¹ As Máximo Sozzo affirms: “*it is obvious that the “criminal law of the books” is artificial, resulting as it does from a complex process of social construction*”. Criminality must not be imagined as independent from the social and institutional processes which define and treat it as such.¹²

Far from being an objective fact, it has varied over the course of time.

Furthermore, the value attributed to the legal interest to be protected also largely determined the court's powers. According to Title III of the Code of Criminal Procedure describing “*offences in terms of their nature and importance*”, acts characterized as “minor” were reported to magistrate judges, with other unlawful acts assigned to senior bodies such as correctional or criminal courts, with the violated legal interest “assessed” accordingly.

This becomes particularly noticeable with crime against property, in which the character of the interest facilitates the assignment of its value. The correctional courts therefore had the power to deal with “*thefts of items whose value noticeably exceeded fifty*

⁹ Vázquez Acevedo, Alfredo (1893). *Op. Cit.*, p. 1.

¹⁰ Zaffaroni, Eugenio Raúl y otros (2000). *Derecho Penal. Parte General*, Buenos Aires: Ediar, p. 230.

¹¹ Muñoz Conde, Francisco y García Arán, Mercedes (1993). *Derecho Penal. Parte General*, Valencia: Tirant lo blanch, p. 240-241.

¹² Sozzo, Máximo (2008). *Inseguridad, prevención y policía*, Quito: FLACSO, p. 25. (Ciudadanía y violencias; 4)

pesos”¹³ and forgery or fraudulent losses were a matter for the professional criminal judges of first instance in the capital.

However, it may be said that to some extent crime committed against the person is “monetized”, with values also set by the jurisdiction. Therefore, while Article 52 determined that all attempted homicides “*which did not result in fatal injuries*” were to be dealt with by the District and Correctional Courts, Article 97 reserved the causes of “*homicide, murder, patricide, infanticide and poisoning*” for when the criminal courts acted in first instance.¹⁴

As a consequence, and as Hulsman affirms, offences could not be said to possess an “*optical reality*” if they were the mere product of criminal policy: “*a social control mechanism activated in a differentiated manner, creating the offence and the criminal*”.¹⁵

THE TRANSFORMATIONS OF CRIME

The Composition of an Offence

In studying the relationship between punishment and the crime committed, Beccaria warns of the variable nature of the latter “*due to the various circumstances over the centuries and locations*”.¹⁶ If the author of the work *On Crimes and Punishments* had really intended to establish a relationship between crime and punishment, he would have highlighted the changes registered by each term.

Respecting this link and not treating them as isolated phenomena, the placement of crime in society had been previously developed in the work of Rusche and Kirchheimer, which went on to exert a significant influence on future studies on transformations to criminality and punishment. The social background of the majority of offences and particularly those against property and public order becomes evident, explaining the alterations produced in it. We thus encounter variations in the composition of the offence which are fruit of incidental economic changes or profound structural modifications.

Based on the study of the population’s circumstances, in analysing Europe of the eighteenth century these German researchers maintained that crime rates underwent a pronounced growth with the impoverishment of the working classes. A relationship is

¹³ *Código de instrucción criminal anotado con la jurisprudencia nacional por el Dr. Eustaquio Tomé* (1926), Montevideo: C. García, art. 52, n. 4, p. 62.

¹⁴ *Ibidem*, p. 62 y 75.

¹⁵ Fernández, Gonzalo (1995). *Culpabilidad y teoría del delito*, Montevideo: B de F, p. 32-34.

¹⁶ Beccaria, Cesare (1968). *Op. Cit.*, p. 39.

therefore established in which a decline or improvement in quality of life results in the increase or decrease in crime and a restructuring of its composition.¹⁷

It was during the aforementioned period in Uruguay that quality of life was profoundly affected among the working classes. Economic growth registered as of 1881 produced a strong increase in immigration and stagnated in 1890, before increasing again at the end of the century to fall back towards 1914. According to the studies undertaken by Adolfo Vailant in 1879, the population of Uruguay almost reached 440,000, with around a third of the country's residents foreigners. In the capital, the number of people born in Uruguay reached 66,500, with 45,000 born abroad.

Along with a significant wave of immigration, an important urbanization process began, particularly in Montevideo, which was home to almost half of the population in 1908.¹⁸

1890 was marked by the collapse of most of Uruguay's banks and the industrial stagnation which led to the bankruptcy of over one thousand establishments and cuts to their staff. Unemployment increased, along with a sharp drop in salaries and consumption.¹⁹

In the rural sphere, the incorporation of new technology and especially the fencing in of the fields generated a significantly surplus workforce resulting in the so-called "rat towns" or displacement towards the cities. Technical breakthroughs often left behind idle workers.²⁰

These enclosures had also provoked a progressive fall in laborers' monthly salaries which in 1905 came to be reduced to almost half of what they were in 1880. Unable to turn to traditional sources of work, the rural poor ended up ensuring their survival by means of "marauding" and theft.²¹ According to the government, each "peasant" family to fall into abject poverty was not just an element lost to production and progress, but also a burden for landowners, "threatening to become a future danger to all".²²

¹⁷ Rusche, Georg; Kirchheimer, Otto (1984). *Pena y estructura social*, Bogotá: Temis, p.112-114.

¹⁸ Millot, Julio; Bertino, Magdalena (1996). *Historia económica del Uruguay*, Montevideo: FCU, Tomo II: 1860 – 1910, p. 36-38.

¹⁹ Quijano, Carlos (1995). *La economía uruguaya entre 1880 y 1965*, Montevideo: Cámara de Representantes, v. 7, p. 40 y Jacob, Raúl (1981). *Breve historia de la industria en Uruguay*, Montevideo: FCU, p. 66.

²⁰ Barrán, José P. y Nahum, Benjamín (1972). *Historia rural del Uruguay Moderno*, Montevideo: EBO, Tomo IV: Historia social de las revoluciones de 1897 y 1904, p. 23.

²¹ Barrán, José P. y Nahum, Benjamín (2002). *Historia Política e Historia Económica*, Montevideo: EBO, p. 10-12.

²² *Memoria presentada a la Honorable Asamblea General por el Ministerio Secretario de Estado en el Departamento de Gobierno Don Francisco Bauzá correspondiente al ejercicio de 1892*, Montevideo: Imprenta à vapor de "La Nación", p. L, 15/6.

Therefore, according to initial indications, the fluctuations between prosperity and the crisis undergone in Uruguay must have been accompanied by variations in crime levels. According to Eduardo Acevedo's classic study, 1890 experienced the highest overall crime rates.²³

The figures presented for the *Exposition Universelle* in Paris by the Directorate-General for Statistics for 1887 to 1889 demonstrated that over 10,000 suspects had been detained at the police headquarters of Uruguay's 19 departments.

In 1889, 9,008 men and 1,071 women were detained at police stations, with 6,120 of those in Montevideo and 3,959 in the interior of the country, without this data distinguishing cities' rural environments. A study on nationality recorded that almost 60% of them were foreigners, dominated by Italians (1,793), Spaniards (1,520), Argentines (763) and Brazilians (516). This proportionality was maintained for the number of those admitted to the Correctional Facility and the Penitentiary²⁴.

1890 recorded a strong growth in the number of those detained in police headquarters across the capital and rural areas, with 7,449 in 1886 and 10,100 in 1889 jumping to 12,855. In 1890, almost 70% of detentions occurred in Montevideo, with less than 10% of these women.

The five-year period from 1891 to 1895 saw crime progress with intervention by the police headquarters. Except for the decrease in 1893, detentions at police stations continued to rise steadily.

Table 1.1 Detentions at Police Stations 1891 - 1895

Year	Detentions
1891	10,783
1892	11,661
1893	10,251
1894	11,308
1895	13,256

Source: Dirección de Estadística General. *Anuario Estadístico de la República Oriental del Uruguay*.

²³ Acevedo, Eduardo (1934). *Anales históricos del Uruguay*, Montevideo: Barreiro y Ramos, Tomo IV, p. 596.

²⁴ Roustan, Honore (1889). "La República O. del Uruguay en la Exposición Universal de París de 1889". In *Revista de la Asociación Rural*, Montevideo, año XVIII, n. 10, 31/5.

Montevideo Central Prison was the main location for those detained. With over 8,000 people in 1890 and 1895, the number of men became overwhelming. Of the 8,314 detained in 1890, men accounted for 7,476, while in 1895 of the total 8,385, 7,110 were men and 1,275 women.

In terms of nationality over the five-year period, foreigners dominate, except for in 1895 in which Uruguayans accounted for 4,772, compared to 3,613 from outside the country.²⁵

However, according to the National Statistics Department, an analysis of the relationship between the population and crime shows the emergence of a decrease in illegal acts: *“Crime is falling in Uruguay and its decrease is particularly remarkable in terms of the population. In 1892 there was one criminal for every 1,682 inhabitants, while in 1894 it was one for every 3,181”*.²⁶

The study on the relationship between the Uruguayan population and the number of people detained in police headquarters and stations across the country as a whole reveals a steady decline in the number of offences committed. The rate per 1,000 inhabitants between 1891 and 1905 seems to confirm this.

Table 1.2. Relationship between population and the number detained at police headquarter stations across Uruguay as a whole between 1891 and 1905

Year	Detentions	Population	Rate
1891	10,783	707,346	15.24
1895	13,256	784,557	16.9
1900	10,196	914,744	11.15
1905	9,401	1,054,684	8.91

Sources: Dirección de Estadística General. *Anuario Estadístico de la República Oriental del Uruguay*. Narancio y Capurro Calamet (1939).²⁷

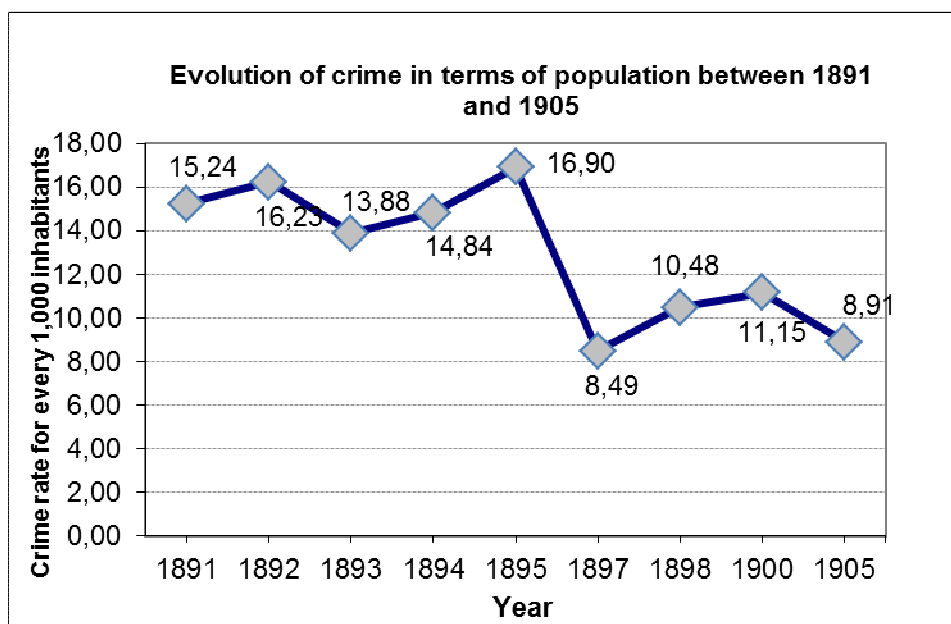
This decline was only affected during the critical years of 1892 and 1895 when the crime rate per 1000 rose to 16.23 and 16.90, respectively, and then drastically decreased in the years to come.

²⁵ Ibidem.

²⁶ Alonso Criado, Matías (1883 y 1896). *Retrospectivo económico y financiero de “El Siglo”*, Montevideo: Imprenta à Vapor de “El Siglo”, p. LXXXIV a LXXXVII.

²⁷ Narancio, Edmundo M.; Capurro Calamet, Federico (1939). *Historia y análisis estadístico de la población del Uruguay*, Montevideo, Peña y Cia., p. 97.

Graph 1.1



Sources: Dirección de Estadística General. *Anuario Estadístico de la República Oriental del Uruguay*. Narancio y Capurro Calamet (1939).

Despite population growth, the figure for 1895 was not reached again during the rest of the century, when the average of 10,000 detentions remained steady, except in 1897 (7,047) and 1898 (8,932) in which a sharp drop was recorded.²⁸

In any case, when studying variations in crime rates, it seems pertinent to bear in mind that they may be related to “exogenous” factors, such as changes in the police’s effectiveness for combating criminal activity or the national state of affairs. For example, the 1897 revolution served as a possible factor in the decrease in the number of those detained, although there is reason to believe in an increase in the so-called “unrecorded” crime rates. On the other hand, the Montevideo daily newspaper “El Siglo” reported the political factor as a cause of the increase in those detained due to the political activity in the period prior to the elections of 1894. These detentions had resulted in the growth in the number of convictions made during 1895.²⁹

If we separate those detained in police headquarters – which by definition are characterised by a scope which does not distinguish offences from misdemeanours nor

²⁸ Dirección de estadística general. *Anuario Estadístico de la República Oriental del Uruguay*, Montevideo.

²⁹ *El Siglo* (1899), Montevideo, 19/5. Editorial.

suspects from those convicted – from those dealt with in legal institutions and in the prison system, criminality “is not frightening”.³⁰

It is worth remembering that administrative decisions related to prison policies or overpopulation itself may have caused distortions in the figures for those detained. In this context, the acceleration of trial timeframes aspired for by the administration of justice may also have generated a “real jump in the number of prisoners”.³¹

Therefore, when analyzing prisoner numbers, we must keep in mind the radical transformation at the heart of the system at the inauguration of the Penitentiary in 1888 which, among other factors, meant that prisoners were divided between this location and the former Correctional Facility.

Table 1.3 Prison Admissions 1892-1900

Year	Correctional Facility	Penitentiary	Total
1892	829	433	1,262
1895	912	156	1,068
1899	1,006	88	1,094
1900	920	74	994

Source: Dirección de Estadística General. *Anuario Estadístico de la República Oriental del Uruguay*.

If we include in this figure around 1,100 prisoners admitted to the Correctional Facility in 1889, the numbers seem to stabilize for the entire decade, regardless of the aforementioned demographic variations and the serious crisis in 1890.

In 1902 and 1903, the Correctional Facility returned to the average of admitting 1,000 prisoners, to later rise again to 1,442 in 1904 and fall to 997 in 1905. The classification according to social background validated the strong Montevideo presence which reached 90% in 1902.³²

A breakdown of the admissions facilitates the highlighting of the three elements which sustained the construction of the image of the criminal: criminality as an act which is predominantly urban (especially in Montevideo); male, and with a strong percentage of foreigners in accordance with their important presence in Uruguayan society.

³⁰ Alonso Criado, M. (1883 y 1896). Op. Cit.

³¹ Ibidem.

³² Ibidem.

Crime among women seems to have been concentrated in a “specialised” space fundamentally linked to a narrow fringe of unlawful acts against property. In terms of crime against the person, there was a marked presence of injuries and fights, and classifications related to the “inspection” of illegitimate births.

On Crime against the Person and Crime against Property

Added to this variation in the number of offences was the modification in the proportionality of the type of crime.

The most conspicuous of these was the alteration in the relationship between the two large groups of crime: against property and against the person. During this period, the primacy of the latter over the former was affected, in accordance with the traditionally most accepted positions.

Fructuoso Coste claims in his doctoral thesis of 1894 on statistics and criminal law that both civilization and “barbarity” possess their “own criminality” demonstrated by historical studies. With violent crime belonging to an era in which men fought nature, a civilized society no longer “violated the lives of its fellows”, without having property as an incentive, which is why the majority of offences were committed against it:

*The heinous crime, violence and violent crime of former times have been replaced, so as to speak, with theft, embezzlement, fraud, forgery and another series of offences which, without negating their character, at least demonstrate the great difference between the crime of barbaric times and that of the present.*³³

In a 1903 study on the prison system, Dionisio Ramos Suárez confirmed this evolutionist vision which pushed the predominance of one type of crime over another, linking it to levels of civilization: “Crime against property grows and spreads everywhere, and by means of fraud, tends to substitute violent crime, which is the work of violence”.³⁴

Coste and Ramos Suárez highlight the complexity of the phenomenon. In his work “Statistics’ Contribution to the Study of Criminal Law”, Coste made a series of recommendations worth mentioning here. First is the need to consider the difference between convicted crime and reported crime when quantifying the offences committed.

³³ Coste, Fructuoso (1894). *Contribución de la estadística al estudio del derecho penal*. Tesis presentada para optar al grado de doctor en jurisprudencia, Montevideo: Imprenta artística de Dornaleche y Reyes, p. 27-28.

³⁴ Ramos Suarez, Dionisio (1903). *Exposición y crítica de nuestro sistema penitenciario*, Montevideo: Tip. uruguaya de M. Martínez, p. 135.

The difference between offences committed and the persons accused should also be recognized, given the phenomenon of recurrence and, to a lesser extent, the pluri-participation when establishing conclusions on the data provided.

Statistical studies, in both their handling and their criticisms, are far from being disinterested and were a key tool in the consideration of the problem of crime and security.

Thus, beyond the cause for the development of these studies, their consideration and employment had a strong political element, evidenced in the censuring or defense of the government and particularly the police, and in the debates on the abolition of the death penalty: *“Given their ductile passivity and their inertia however, the figures may be taken in any direction desired”*.³⁵

Dr José P. Massera, representative of the *Colorado* political party in Montevideo as of 1905 and an active defender of the abolitionist cause, questioned the way in which *“criminal statistics”* were carried out in a series of editorials to appear in the daily newspaper *“El Día”*.³⁶ Judging them as scant and poorly compiled, Massera claimed that the figures did not just lack a *“scientific basis”* but also did not reflect reality, especially due to the difficulties encountered in the data provided by the various agencies. According to Massera, the *“flaws in the current arrangement”* made it impossible to respond with certainty to key questions such as on the number of suspects and those convicted or on the offences reported and trialed:

*These two important questions together show us crime in Uruguay according to a subjective feature, as they refer to the number of people trialed and those who were punished for their criminal activity. However, the effective number of offences reported and trialed over the year...reveals to us the movement of criminality according to an objective feature, which is no less important, in informing us of the number of offences reported and trialed.*³⁷

In supporting the defense of and the attack on the suppression of capital punishment in the state of crime against the person and the violence involved, the statistics came to feature a decisive importance as an *“objective”* sustainer of the positions.

Fructuoso Coste's final warning is key because here part of the differences seem to shift when we study the transformations in criminality:

³⁵ Figari, Pedro (1905). *La pena de muerte*, Montevideo: *“El Siglo Ilustrado”*, p. 2.

³⁶ Published between 28 and 31 May 1903.

³⁷ *“La estadística criminal”* (1903). In *El Día*, 28/5.

*A real grouping of the types of criminal according to criminal law, expressing the motives (passion, desire for gain), and with the division in the two main categories: crime against the person (including those attempted against authorities and public order), and crime against property.*³⁸

This criterion was widely accepted by the traditional doctrine which classified offences in large nuclei, as stated in the titles of the codes. The latter will definitively not do anything more than represent the legal interests that the codifiers aim to protect.³⁹

The 1889 Penal Code fundamentally dedicated Book II to the description and classification of crime. Assuming this general rule, its ninth title grouped crime against the person (articles 317 to 338) and its eleventh title, crime against property (articles 369 to 397).

With respect to this criterion for grouping, if we return to the figures for those detained at police headquarters and stations, the sustained and strong presence of crime against the person may be observed in terms of crime committed against property in what may also be termed as the early years of the economic crisis.

Table 1.4 Detentions at police headquarters and stations according to type of crime 1886-1905

Year	Crime against property	Crime against the person	Population
1886	1,216	3,797	707,346
1890	1,811	4,192	718,307
1891	1,981	3,591	738,288
1892	1,808	3,569	762,222
1895	1,317	4,437	784,577
1900	1,067	3,658	852,294
1905	1,346	2,529	1,054,684

Sources: Dirección de Estadística General. *Anuario Estadístico de la República Oriental del Uruguay*. Narancio y Capurro Calamet (1939).

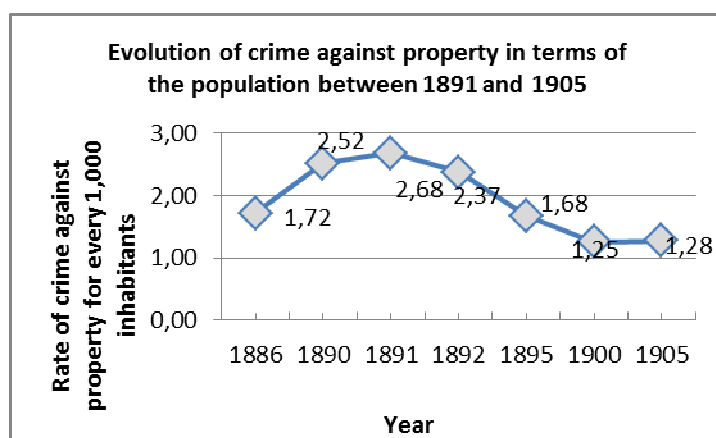
The rate of crime against property seems to have remained stable and been subject to less levels of change. During the period under study, it hovered at around 1,000 detentions, only recording alterations when we take the first three years of the crisis into account, to return to the average when the economy began to recover.

³⁸ Coste, F. (1894). *Op. Cit.*, p. 21-22.

³⁹ Rico, José María (1981). *Crimen y justicia en América Latina*, 2. ed., México: Siglo XXI, p. 89.

The study on the rate per thousand inhabitants within this group of offences confirmed this growth between the years of 1890 and 1892, rising from 1.72 per 1,000 to 2.68, to begin to drop as of 1895 and reaching its lowest level as of the year 1900. The report by the National Penitentiary Council presented in 1899 to the executive powers and the administration of justice recovered this “*exceptional respect which exists here for others’ property*” revealing the “*social and moral advances*” Uruguay had made, placing the country below nations such as Italy, France, Germany and England.⁴⁰

Graph 1.2

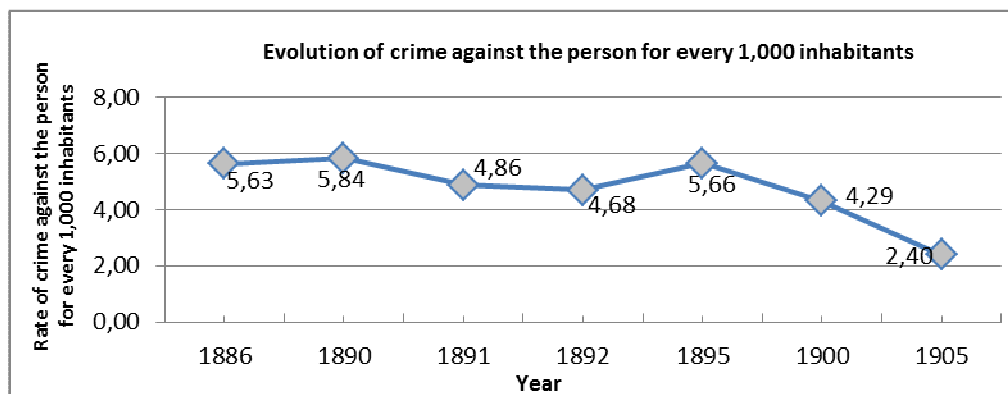


Sources: Dirección de Estadística General. *Anuario Estadístico de la República Oriental del Uruguay*. Narancio y Capurro Calamet (1939).

In parallel, crime against property averaged 5.50 per 1,000 inhabitants between 1885 and 1895, to begin to fall as of 1900. The curve begins to fall in the opposite direction to that for crime against property between 1890 and 1892, in which the rate falls to an average of 4.8 per 1,000 inhabitants. As of 1895, it resumes the historic levels to begin a permanent decrease throughout the period.

⁴⁰ “Notas de la semana. Criminalidade comparada” (1889). In *El Día*, 22/5.

Graph 1.3



Sources: Dirección de Estadística General. *Anuario Estadístico de la República Oriental del Uruguay*. Narancio y Capurro Calamet (1939).

The characteristics of detentions at police stations do however make it reasonable to suppose that the curves may have behaved differently under the hypothesis that the offences had been taken as a group, instead of just those reported or in which a detention occurred.

Several offences dominated the overall figures due to their own nature and notoriety. “Scandals” and “fights”, for example, provided over 20% and 15% of detentions in 1886, respectively.

If instead of detentions at police stations we consider only prosecutions, we only register the cases of such a magnitude that they were processed by the court for a decision by a judge. Continuing with the year 1886, we discover that 310 people accused of crime against the person and only 69 people accused of crime against property were dealt with by both criminal courts, with 28 and 5 convicted, respectively.⁴¹

Bearing in mind the jurisdiction defined by the Code of Criminal Procedure in which crime against the person was awarded a predominant focus, the presence of violence is notable.⁴² A study of several letters according to the alphabetical ordering by surname in the record book reflects a significant number of detentions “*due to death*” at the court.

⁴¹ Dirección de Estadística General (1886). *Anuario Estadístico de la República Oriental del Uruguay*, Montevideo, p. 450.

⁴² Article 97, n. 1, establishes who is responsible for cases of homicide, murder, patricide, infanticide and poisoning, n. 4 adds to it with serious or mortal injuries. In *Código de instrucción criminal*, p. 75.

Table 1.5 Detentions “due to death” at the Criminal Court of the First Rotation

Letter	1880-81	1882	1883	1884	1885	1886	1887	1888	1889	1890	1891	1892	1893	1894
A	7	4	3	4	6	2	3	6	3	3	6	4	7	1
Total entries	23	25	7	8	15	6	14	20	9	18	21	9	11	6
F	5	-	2	3	2	4	6	-	6	3	6	5	5	1
Total entries	25	5	8	9	9	7	19	-	18	8	18	10	12	3
G	10	2	6	3	5	4	-	5	3	7	8	9	4	1
Total entries	33	16	15	7	15	10	14	16	15	25	20	19	16	5
R	4	7	4	4	6	4	8	4	3	2	-	9	8	-
Total entries	27	18	5	7	21	11	27	16	14	17	22	18	16	4

Source: A.G.N. (1895). *Índice General del Juzgado del Crimen de 1er Turno*.⁴³

If the data emerging from the index of the Criminal Court of the First Rotation does not permit the realization of a series, it does produce clear indications of the importance of violent crime. These would increase if we took attempted homicides into account, along with injuries and fights.

If the “gap” between the number of those detained at police headquarters and those registered at courts provides an early indicator of the magnitude of the offences under study, this seems to be confirmed in the final figures for those convicted. Bearing in mind the handling of these two different levels of the reality known as “arrests” (referring to those detained by police) and “convictions”, (referring to convictions handed down in courts), both indicate a period characterized by a significant presence of crime against the person.

In studying prison admissions as part of his plea in favor of the abolition of the death penalty, Dr Pedro Figari analyzed the levels of violence registered in the period between 1893 and 1903.

Analyzing the number of admissions according to official publications thus establishes a homicide rate for every 100,000 inhabitants.

⁴³ For the letter “F”, 1887 and 1888 are considered as one entry. The selection reflects letters representing a significant number of admissions..

Table 1.6 Rate of homicides for every 100,000 inhabitants 1893 – 1902

Year	Homicides	Average
1893	119	15.9
1894	114	14.68
1895	78	9.83
1896	50	6.1
1897	147	17.48
1898	139	16.09
1899	107	11.97
1900	71	7.58
1901	123	12.76
1902	103	10.4

Source: Figari⁴⁴

In completing his work, Figari divided the period from 1887 to 1900 into two “seven-year periods” in order to compare it with population growth in Uruguay.

The analysis established that while for 1887-1893, there were 790 admissions with 1.15% of these for homicides, the 922 admissions from 1894 to 1900 mark a decrease to 1.07% for every 1,000 inhabitants. A growth in admissions due to injury was however recorded, with 1,452 for the first period corresponding to a 2.13% rise compared to the 2.19% recorded in 1882 for the second “seven-year period”.⁴⁵

It is interesting to note where the main studies located Uruguay on the crime map, according to the zones dividing Europe showing the number of cases of crime against the person. Justified by motives of climate, civilization and race, these elements provided a basis for the proclivity of a crime which produced in “*Mediterranean people*” a strong inclination towards violent crime, unlike the case among the “*Celtic race*”.⁴⁶

Setting homicides apart, Figari placed Uruguay significantly lower than the figures for the “*Mediterranean people*”, which he linked for confirmation, registering almost half of the prisoners in Italy and lower still than the Spanish. Furthermore, considering the nationality of those convicted of homicide in Uruguay between 1893 and 1902, the figure representing foreigners exceeded 50% of cases: “*if we take into account that according to official data, the foreign population oscillates at around 10 to 12%, it becomes very clear*

⁴⁴ Figari, Pedro (1905). Op. Cit., p. 14.

⁴⁵ Ibidem, p. 28-29.

⁴⁶ Figari, Pedro (1903). “Conferencia dictada en el Ateneo de Montevideo”. In *Revista de Derecho, Jurisprudencia y Administración*, Montevideo, año 10, n. 8, 31/12, p. 148-149.

*that foreigners' contribution to violent crime in Uruguay is much higher than those of our compatriots".*⁴⁷

The handling of the statistics and the weight attributed to crime against the person carried out by Dr Irureta Goyena was radically different, in highlighting that the data "was in no way flattering" and that the price "we pay the Minotaur of crime significantly exceeds all of the figures known for Europe".⁴⁸ Unlike Figari's claims, the anti-abolitionist and future drafter of the Penal Code (1934) established that Uruguay's crime rates were triple those recorded in Italy, four times higher than those of Spain and eleven times greater than those of France.⁴⁹

A turn-of-the-century editorial in "La Nación" newspaper resumed the racial argument as an explanation for the daily presence of violent acts. A comparison of the admissions to the Penitentiary with the total number of offences established that violent crime accounted for the following percentages, "63% in 1892; 56% in 1893; 68% in 1894; 49% in 1895; 52% in 1896 and 44% in 1897".⁵⁰

Despite the irregular nature of the data from the medium itself, the newspaper accepted the idea of the growth in violence. It therefore took into account the increase in the information existing on crime, which ensured that acts could not disappear as in the past, "when they were ignored outside of the area in which they were produced".⁵¹

In any case, when analyzing figures and the composition of the offences, it seems pertinent to be aware of the importance, in both qualitative and quantitative terms, of the interest affected and the physical environment in which the act considered unlawful was developed.

Crime and its Magnitudes: "Petty Theft" and Violations

A visualization of statistics – by definition – does not distinguish the size of an offence. Thus a consideration of each unlawful act as a set of many different types may not faithfully represent the seriousness of a certain problem.

⁴⁷ Figari, P. (1905). Op. Cit., p. 45-46.

⁴⁸ Irureta Goyena, José (s.d). *La pena de muerte*, Montevideo: "El Siglo Ilustrado", p. 11-12.

⁴⁹ Ibidem.

⁵⁰ "Criminalidad y alcoholismo" (1899). In *La Nación*, 19/10.

⁵¹ Ibidem.

In his *Exposure and Criticism of Our Prison System* (1903), Dionisio Ramos Suárez, despite concentrating on the variety of the unlawful acts committed against property, showed that the problem of the nature of the interest affected transcended it, also compromising crime against the person.

A consideration of the statistics facilitates an understanding of part of the problem in observing how the large groups of offences are transformed and grow, but normally it complicates a differentiation between the magnitudes of the offences included.

This led authors such as Beatriz Ruibal to particularly question data permitting the identification of a strong presence of crime against the person. Ruibal indicates that these offences may be placed into context by separating homicides from other less violent acts (a distinction which is also valid for crime against property in which force is or is not employed).⁵² Sharing this criterion, we understand that it is equally applicable for considering crime against property, whose weight also undergoes variations according to the importance of the interest violated. This means that data taken in groups does not allow us to observe that, just as fights and minor injuries accumulate as crime against the person, “petty theft” has the same effect on crime against property.

Acts with a scope which is not considered serious are also often absent from the reports filed by the criminal courts, as the practice meant that a significant volume of the cases were judged within the police sphere without the corresponding transference to the courts. If we also consider the conspicuous drop in the number of those entering the criminal justice system, for example, for the year 1889, of the 566 causes initiated in the Criminal Correctional Court, 474 were concluded by means of the filing of what might also provide information on the seriousness of the act investigated.⁵³

Despite this preliminary selection of those being trialed by the court, petty crime against property is of considerable importance, as noted by the court reports.

In the daily press, some bodies such as “La Tribuna Popular” continued reporting on the issue of crime, offering clues on the small number of thefts, for example, in presenting these offences under the label of “*petty theft*” or even “*little thefts*”, in a clear allusion to the value of the good. Commodities thus appear (a pair of shoes⁵⁴, a knife⁵⁵, pieces of fabric⁵⁶, a poncho⁵⁷) or small sums of money indicating the magnitude of the theft.

⁵² Ruibal, Beatriz Celina (1993). *Ideología y control social. Buenos Aires 1880 – 1920*, Buenos Aires: Centro Editor de América Latina, p. 19-20.

⁵³ Dirección de Estadística General (1889). *Anuario estadístico de la República Oriental del Uruguay*, Montevideo, p. 559.

⁵⁴ “Raterías” (1901). In *La Tribuna Popular*, Montevideo, 10/6.

These minor unlawful acts seem to be basically linked to two factors: opportunity, a product of the ease of appropriating the good and the author's "state of necessity". This latter element did also not avoid newspaper coverage which humanized the delinquent in such situations, drawing the reader's attention to this aspect. To give one example, this is the case of a mother who stole "five flowers left on tombstones" in Mercedes public cemetery: "Encarnación Figueroa...sold the flowers to some people, finally declaring that she had done it in order to feed her children".⁵⁸

However, this "crime by the miserable",⁵⁹ of low-value goods was not just perpetrated by people from working-class sectors, but also targeted them. If the statistics focus on the author of the acts, discarding information on the victims, the trial proceedings provide us with data on the victims:

*I inform you that Mr Antonio Silbestre appeared today in this office, as he realized that last night he had been robbed of a closed cart containing tinsmithery goods and items of clothing, a slim double-barreled pistol and a notebook.*⁶⁰

For the case of crime against the person, the Report by the Police Headquarters of the Capital for the years of 1895 and 1896 distinguished the seriousness of the deed in recording the figures for those detained. The specification of the offence, mandated by the very statute whereby a description of the injury is required, illustrates the weight each one carried. In analyzing the period from July 1895 to June 1896, we see that:

Table 1.7 Figures of those detained by police for crime against the person at the Police Headquarters of the Capital

	Minor injuries	Serious injuries	Homicides
July 1895	164	5	2
August	114	5	3
September	106	7	-
October	106	3	3
November	110	2	1
December	130	5	5
January 1896	112	7	1
February	136	4	-
March	75	5	1
April	102	8	1
May	95	7	4
June	111	7	1

Source: *Memoria de la jefatura política y de policía de la capital 1895 – 1896*⁶¹

⁵⁵ "Raterías" (1902). In *La Tribuna Popular*, Montevideo, 19/2.

⁵⁶ "Robito" (1905). In *La Tribuna Popular*, Montevideo, 1/5.

⁵⁷ "Sustracción de un poncho" (1906). In *La Democracia*, 21/6.

⁵⁸ "Robando flores de los panteones" (1903). In *La Tribuna Popular*, Montevideo, 5/5.

⁵⁹ Granados, Mónica (1988-89). "Historia de los sistemas punitivos de la Costa Rica del siglo XIX: la Historia como rescate de la identidad despedazada". In *Revista del ILANUD*, San José de Costa Rica, años 9-10, n. 23-24, p. 105.

⁶⁰ A.G.N. (1895). *Juzgado del crimen de 1er turno*; "Sumario instruido á Blas Schisttino y Blas Volpi por presunciones de incendio y robo de un carro y mercaderías de Antonio Silvestre" L. 4 f. 392 Arch. n. 162, 30/4/1895. Police report directed to the Justice of the Peace for Nico Pérez.

It is thus that the number detained at police stations seems to validate the need to bear in mind the importance of this type of minor offence. First, it therefore seems crucial to make the early distinction established by the Penal Code itself between misdemeanors and offences. Thus, for example, if we consider those detained at the police headquarters and stations in the capital on an isolated basis for the period running from January to November 1903, misdemeanors are 2.5 times more prevalent than offences. The sum of unlawful acts such as disputes (932), scandals (703), infringements (652), drunkenness (531), defying authority (444) and the use of arms (308) dominated.

Among the offences, those committed against property (theft, embezzlement and forgery) accounted for a total of 541 while those committed against the person (normally injuries, concussion, aggression with arms and in much fewer cases, homicide, its variations, and in its attempted form) accounted for 977 cases.⁶²

Second, after “isolating” misdemeanors, the breakdown of the type of crime according to the magnitude of the interest violated seems to show the predominance of minor unlawful acts. This becomes very clear in statistical studies on violent crime, and is more difficult to determine for crime against property, where the value of the interest affected is not established. In any case, both the press and the court reports provide significant data allowing us to suppose that this phenomenon also affected unlawful acts against property.

Similarly, the variation in the proportionality of the two large groups of crime may be in response to a period of transition, which also most likely exerted a different effect on the rural sphere (although with an important presence of cattle theft) and the urban sphere (and within these, of a varying extent for cities in the interior and that of Montevideo).

FINAL REFLECTIONS

There is a general view which is widely accepted on the transformation in the types of crime. Based on the great changes produced during the industrial revolution, crime against the person tended to drop in comparison to offences carried out against property. An analysis of several European societies in the eighteenth and nineteenth centuries

⁶¹ *Memoria de la jefatura política y de policía de la capital 1895 – 1896* (1896), Montevideo: Imprenta à vapor de La Nación, p. XXXVII.

⁶² “Crónica Policial” (1904). In *La Tribuna Popular*, Montevideo, 1/1.

allows us to study a rise in the latter, which was often related to a decline in living conditions among a large sector of the population. A second pattern is thus often established: the impoverishment suffered by working-class sectors directly results in an increase in this type of unlawful acts.

This trend also affected Spain, as well as England, France and Germany. Transformations, however, had occurred in a fashion which was slower and more drawn out. By the mid-nineteenth century, the two large types of crime were still distributed in halves which did not verify the predominance of the crime against property. Although these registered a gradual advance, they did not come to predominate, conserving a strong presence of crime against the person. This development clearly distinguished Spain from its more industrialized European neighbors. Admissions to Spanish prisons for unlawful acts against property at the beginning of the twentieth century still represented “a mere” fifty per cent, maintaining a high percentage of admissions for crime against the person.

Some of these elements are worth considering in terms of peripheral societies. The data emerging from our investigation seems to reveal criminal behavior which is closer to the “Spanish model” than that of the more industrially-developed European countries. Far from the radical transformation registered in the latter, in Uruguay a progressive modification was produced in the relationship between crime against the person and against property.

It is thus possible to confirm that in the period under study, a shift in the relationship between both groups of unlawful acts occurred, which in the long term marked a slight trend towards the predominance of crime against property. The volume of crime against the person, which remained steady until the end of the nineteenth century, began to decline as of the 1890s. Similarly, this type of crime also maintained an importance that, in contemporary thought, was at odds with the levels of “civilization” Uruguay had achieved.

A comparative analysis between police detentions and the data for the judicial sphere verifies this strong presence of crime against the person, in which the high rate of homicides is highlighted with an annual rate of 100. In any case, the statistics reveal a decline in terms of the growth in the number of inhabitants. Another comparison, this time with European countries, places Uruguay below the average for “Mediterranean” countries to which it was linked due to origins and traditions.

Second, the increase in crime against property between 1890 and 1892 seems to confirm the positions which link the population’s impoverishment with the increase in this type of unlawful acts. The period undergoes growth as of the crisis in 1890, to then begin

to decline from 1895 to the beginning of the twentieth century. In parallel, the number of cases of crime against the person for 1905 is lower than that observed during these decades.

Third, the data emerging from the inspection agencies seems to confirm the trend during these years for a general decline in criminal activity. Although this does not indicate a constant drop, the figures decrease if we compare the number of unlawful acts with the number of inhabitants. Similarly, it seems relevant that this hypothesis is in conflict with the study of new sources or the expansion of those already carried out. Particularly important is the realization of studies which investigate in depth the acts which are fewer in number, which by their very nature, in spite of being more frequent, generally do not end up in being handled by the court and are resolved in police units. As a consequence, confusing the obstacles to understanding an important sector of illegal acts in their inexistence would mean altering the reality of crime which was probably of the most everyday kind. Of course, "*petty theft*" and occasional theft would provide data on survival strategies for the working-class sectors excluded from the labor market, with casual work or admissions which make the resolution of their vital needs particularly complicated. We might also speak of the difficulty of access, or the desire to access, a series of interests which transformations to Montevideo society began to provide. We must also remember that some professions typical of the working-class sectors, such as that of domestic services, were closely linked to owners and the "temptation" of the interests. In this respect, reports by homeowners are frequent, as are the mentions of organizations set up to burgle homes.

The study of the police bodies, characterized by a more open report (and by an editor who was not so socially distant from those accused) would undoubtedly furnish data fundamental to a better comprehension of this reality. For the moment, its information is limited to press reports which employed an alarming tone in referring to the rise in this type of crime and to the installation of the phenomenon of "criminality" as a problem.

Finally, it is particularly important to know more on the incorporation of women and children into this crime phenomenon. Both sectors gradually begin to become visible as a problem which should be the object of focused attention. While women were associated with particular types of crime, minors increasingly became seen as a source of the rise in crime. Despite society's growing demand for the instrumentation of specific control mechanisms for both sectors and especially that of children, it remains a question which has so far been neglected by studies.

The historical opinion on the question of crime certainly adds to the reflection on a subject which defines the society in which we live and fundamentally, in which we desire to live.

References

Acevedo, Eduardo (1934). *Anales históricos del Uruguay*, Montevideo: Barreiro y Ramos, Tomo IV.

Alonso Criado, Matías (1883 y 1896). *Retrospectivo económico y financiero de “El Siglo”*, Montevideo: Imprenta á Vapor de “El Siglo”.

Archivo General de la Nación (1895). *Juzgado del Crimen 1er Turno*.

Barrán, José Pedro (1998). *Historia de la sensibilidad en el Uruguay*, Montevideo: EBO, Tomo II: El disciplinamiento 1860 – 1920.

Barrán, José Pedro; Nahum, Benjamín (2002). *Historia Política e Historia Económica*, Montevideo: EBO.

_____. (1972). *Historia rural del Uruguay Moderno*, Montevideo: EBO, T. IV: Historia social de las revoluciones de 1897 y 1904.

Beccaria, Cesare (1968). *De los delitos y de las penas*, Madrid: Alianza.

Cairolí, Milton (2000). *El Derecho Penal Uruguayo y las nuevas tendencias dogmático penales*, Montevideo: Editorial F.C.U, Tomo I: La Ley – El Delito.

Coste, Fructuoso (1894). *Contribución de la estadística al estudio del derecho penal*. Tesis presentada para optar al grado de doctor en jurisprudencia, Montevideo: Imprenta artística de Dornaleche y Reyes.

Dirección de Estadística General (1880, 1886, 1890, 1891, 1892, 1895, 1896, 1899, 1900, 1904, 1905 y 1906). *Anuario Estadístico de la República Oriental del Uruguay*, Montevideo.

Fernández, Gonzalo (1995). *Culpabilidad y teoría del delito*, Montevideo: B de F.

Figari, Pedro (1905). *La pena de muerte*, Montevideo: “El Siglo Ilustrado”.

_____. (1903). “Conferencia en el Ateneo de Montevideo”. In *Revista de Derecho, Jurisprudencia y Administración*, Montevideo, año 10, n. 8, 31/12.

Granados, Mónica (1988-89). “Historia de los sistemas punitivos de la Costa Rica del siglo XIX: la Historia como rescate de la identidad despedazada”. In *Revista del ILANUD*, San José de Costa Rica, años 9–10, n. 23 – 24.

Irureta Goyena, José (s.d). *La pena de muerte*, Montevideo: “El Siglo Ilustrado”.

Izcua Barbat, Marcelino (1885). "El Ministerio Público, su rol y su origen en el juicio criminal". In *Revista de la Sociedad Universitaria*, Montevideo: Imprenta y Encuadernación de A. Rius y cia, Año II, Tomo III, 15/5.

Jacob, Raúl (1981). *Breve historia de la industria en Uruguay*, Montevideo: FCU.

Memoria presentada a la Honorable Asamblea General por el Ministerio Secretario de Estado en el Departamento de Gobierno Don Francisco Bauzá correspondiente al ejercicio de 1892 (1893), Montevideo: Imprenta à vapor de "La Nación".

Memoria de la Jefatura Política y de Policía de la Capital (1895-1896) (1896), Montevideo: Imprenta à vapor de La Nación.

Millot, Julio; Bertino, Magdalena (1996). *Historia económica del Uruguay*, Montevideo: FCU, Tomo II 1860 – 1910.

Mir Puig, Santiago (1996). *Derecho Penal. Parte general*, 4. ed., Barcelona: PPU.

Muñoz Conde, Francisco; García Arán, Mercedes (1993). *Derecho Penal. Parte General*, Valencia: Tirant lo blanch.

Narancio, Edmundo M., Capurro Calamet, Federico (1939). *Historia y análisis estadístico de la población del Uruguay*, Montevideo: Peña y Cia.

Quijano, Carlos (1995). *La economía uruguaya entre 1880 y 1965*, Montevideo: Cámara de Representantes, v. VII.

Quintero Olivares, Gonzalo (1996). *Curso de Derecho Penal. Parte General*, Barcelona: Cedecs editorial.

Ramos Suarez, Dionisio (1903). *Exposición y crítica de nuestro sistema penitenciario*, Montevideo: Tip. uruguaya de M. Martínez.

Rico, José María (1981). *Crimen y justicia en América Latina*, 2. ed., México: Siglo XXI.

Roustan, Honore (1889). "La República O. del Uruguay en la Exposición Universal de París de 1889". In *Revista de la Asociación Rural*, Montevideo, año XVIII, n. 10, 31/5.

Ruibal, Beatriz Celina (1993). *Ideología y control social. Buenos Aires 1880 – 1920*, Buenos Aires: Centro Editor de América Latina.

Rusche, Georg; Kirchheimer, Otto (1984). *Pena y estructura social*, Bogotá: Temis.

Sozzo, Máximo (2008). *Inseguridad, prevención y policía*, Quito, FLACSO. (Ciudadanía y violencias; 4).

Tomé, Eustaquio (1926). *Código de instrucción criminal anotado con todas las leyes, decretos y acordadas vigentes y con la jurisprudencia nacional*, Montevideo: C. García.

Vásquez Acevedo, Alfredo (1893). *Concordancias i anotaciones del Código Penal de la República O. del Uruguay*, Montevideo: Sierra i Antuña.

Zaffaroni, Eugenio Raúl y otros (2000). *Derecho Penal. Parte General*, Buenos Aires: Ediar.

Prensa

El Día (1889 y 1903), Montevideo.

El Siglo (1899), Montevideo.

La Democracia (1906).

La Nación (1899).

La Tribuna Popular (1901, 1902, 1903, 1904, 1905), Montevideo.

Received for publication on January, 2013.

Approved for publication on February, 2013.