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# Containing a Contagion: Crime and Homosexuality in Post-revolutionary Mexico City

A Thesis submitted in partial satisfaction of the requirements
for the degree of Master of Arts

in

Latin American Studies (History)

by

Stephen Cook

Committee in charge:

Professor Everard Meade, Chair
Professor Roddey Reid
Professor Eric Van Young

2008

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Chair

University of California, San Diego

2008

# EPIGRAPH

La bastardía inmunda…de aquellos jóvenes inflamables, repudiados, odiosos para el porvenir y por todas las generaciones, escoria de la sociedad y mengua de los hombres honrados amantísimos de las bellezas fecundas de la mujer.

The filthy bastardy…of those young men, inflammable, repudiated, odious for the future and for all generations, scoria of society and disgrace of honorable men, ardent lovers of the fecund beauties of women.

*Eduardo Castrejón*

# TABLE OF CONTENTS

Signature Page………… iii

Epigraph………… iv

Table of Contents………… v

List of Images and Tables………… vi

Acknowledgements………… vii

Abstract………… viii

Introduction………… 1

Chapter One………… 9

Chapter Two………… 19

Chapter Three………… 35

Chapter Four………… 64

Conclusion………… 83

References………… 88

# LIST OF IMAGES AND TABLES

Image 1: Augustín Victor Casasola, Arrested Homosexuals Pose for the Camera at the police station, Mexico City, circa 1935………………………………………... 1

Table 1: Population of Mexico City, Federal District……………………………….. 72

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# ABSTRACT OF THE THESIS

Containing a Contagion: Crime and Homosexuality in Post-revolutionary Mexico City

by

Stephen Cook

Master of Arts in Latin American Studies (History)

University of California, San Diego, 2008

Professor Everard Meade, Chair

Primarily based upon archival resources at the Archivo Histórico del Distrito Federal (AHDF) and the Archivo General de la Nación (AGN) in Mexico City, this thesis is a social and cultural history of the criminalization and punishment of homosexuality during the 1920s and 1930s in Mexico City. The bulk of the primary historical research is based upon two separate spheres of homosexual-related criminal cases, adult and juvenile homosexual 'criminal' cases. The Archivo Histórico houses adult crime cases

adjudicated by Mexico City's Tribunal Superior de Justicia del Distrito Federal. The AGN, meanwhile, houses juvenile cases brought to the officials at the Tribunal Administrativo para Menores, a court established in 1927 to adjudicate cases involving troubled youths and delinquents.

The criminalization of homosexuality embodied the contradictory and exclusionary nature of modernization in Mexico. More precisely, criminological discourse of turn-of-the-century Mexico, born in the name of modern science, did not aim to extend benefits of progress of the entire population. Rather, it served as an acceptable justification for the exclusion of vast segments of Mexican society from the progress of modernization. Thus, the attempt to criminalize homosexuality in Mexico City was a means for the dominant Mexican culture, itself in a constant process of social and cultural transformation (and re-transformation), to police its own boundaries and solidify notions of 'normal' masculine behavior.

# INTRODUCTION

Image 1: *Augustín Víctor Casasola*, Arrested homosexuals pose for the camera at the police station, Mexico City, circa 1935.[1]

In 1901, a group of transvestites was arrested when their private ball was raided by the Mexico City police, signaling the birth of modern Mexican homosexuality. The *baile clandestino* counted among its guests not only the approximately 19 transvestites but also their servants and various other men dressed as men, among them a certain number of curiosity seekers who had been recruited at select cantinas.[2] Without question, men dressed as women, men dancing with men threatened rigid notions of masculinity

[1] The image of the arrested homosexuals is drawn from the Casasola Archive of Mexico's National Institute of Anthropology and History. The Casasola Archive, a collection of over 760,000 negatives and prints, provides an unparalleled visual record of Mexican political life and social environments during the first half the 20th century.
[2] Robert McKee Irwin Edward J. McCaughan, and Michelle Rocío Nasser, editors. *The Famous 41: Sexuality and Social Control in Mexico, Circa 1901* (New York: Palgrave Macmillan, 2003), 34.

and male sexuality in pre-revolutionary Mexico City.[3] Though male power and male identity were central to Mexican national imagination, the importance of the case of the "Famous 41" was its ability to position Mexican society's association of homosexuality as an inherently gendered concept; for much of the 20th century, in fact, male effeminacy was synonymous with male homosexuality.

Thirty-four years after the public scandal, in 1935, the Mexican photographer and photojournalist Augustín Victor Casasola snapped a photo of arrested homosexuals in Mexico City's notorious Belem jail. The most fascinating aspect of the photo was the dramatic, effeminate, even flamboyant, poses the 'criminals' evoked for Casasola's camera.

The dichotomy of these two criminal cases—the first unfolding at the height of the Porfiriato and the second occurring well after the Mexican Revolution—raises a variety of questions regarding the criminalization of homosexuality in early 20th-century Mexico. First, how was homosexuality regulated in Mexico City's penal codes? Chapter One, "Salvaging a Silenced History," explores the fundamentally ambiguous definition of what constituted a "criminal" homosexual act in Mexico's penal codes, revealing that homosexuality, as a criminal act, was never clearly defined by Mexican legislators.

Moreover, how did the criminalization and punishment of homosexuals adhere or depart from criminological visions of Mexican homosexual identities and masculinities? For example, Robert Buffington writes that for late 19th-century and early 20th-century Mexican criminologists, "Sexual deviance of any kind was unnatural, antisocial, and

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[3] Robert McKee Irwin, *Mexican Masculinities* (Minneapolis: University of Minnesota Press, 2003), 80.

linked to innate criminality."[4] Furthermore, any kind of sexual deviance indicated the presence of criminality that threatened national efforts of political, social, and economic development.[5] Homosexuality, whether real or perceived, was seen as a trait that as Buffington writes, "undermined a nation's very existence by fostering unfruitful sexual unions in an era obsessed with national reproduction and the international 'struggle for life.'"[6]

Though the discussion of how homophobic criminological doctrine has persuasively influenced the concept of homosexuality—how it was interpreted, recorded, and subsequently criminalized by scientists, doctors, and criminologists—is dispersed throughout the paper, the bulk of these answers unfold in Chapter Two, "Containing a Contagion." The cases of Luís Sánchez Aguilar and Leocadio Torres Rodriguez, adults arrested in 1921 for engaging in a homosexual encounter, serve as a springboard into an assessment of the contradictory ways that homosexuality, widely viewed as a contagious "contagion", was criminalized and punished.[7]

Further, considering the seemingly constant conflation of "pederasty" and "homosexuality" among positivist criminologists and positivist-influenced officials, how, if at all, did the criminalization of homosexuality differ among men and boys of varying ages as the Mexican nation began a process of social and cultural reconstruction?[8]

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[4] Robert Buffington, "Los Jotos: Contested Visions of Homosexuality in Modern Mexico," in *Sex and Sexuality in Latin America*, ed., Donna J. Guy and Daniel Balderston (New York: New York University, 1997), 118.
[5] Robert Buffington, "Los Jotos," *Sex and Sexuality in Latin America*, 118.
[6] Robert Buffington, "Los Jotos," *Sex and Sexuality in Latin America*, 118.
[7] The criminological notion of "contagion" was particularly useful because it encompassed culture but also preserved the priority of biological mechanisms.
[8] Early twentieth-century criminologists and judicial officials possessed an unusually contradictory dialogue of what constituted "pederasty" and "homosexuality." For the most part, however, an act of

Whereas Chapter Two addresses adults arrested for engaging in homosexual crimes, Chapter Three, "Regenerating a Contagion," investigates the redemptive potential of juveniles arrested for homosexual-related offenses. Taken together, these two chapters propose a fascinating conclusion regarding these two spheres of criminal cases: whereas adults were resoundingly condemned as criminals, juveniles suspected of pederasty and homosexuality, though equally labeled as "contagious" to the health of Mexican society, were given the opportunity for sexual regeneration and moral rehabilitation.

Finally, what is the relationship between the emergence of homosexuality as a distinct social category and identity—crystallized in the aftermath of the public scandal of the Famous 41 that unleashed the idea of homosexuality into the public sphere—and the rapidly changing social and cultural landscape of post-revolutionary Mexican society?

Capturing this picture requires a wide lens. Crime plays a crucial role in discerning the rise of the state, and understanding the criminalization of homosexuality offers a unique vantage point of viewing the complex process of nation building that occurred after the Mexican Revolution of 1910. Post-revolutionary intellectuals debated what Mexico's new national culture would look like, and it is during this process that notions of 'masculine' manhood became inextricably linked to rising notions of the Mexican state as a 'virile' institution. Not surprisingly, the constant struggle to ward off the contamination of Mexican machismo by the ever-threatening presence of homosexuality comes to be a crucial aspect of Mexican national character.[9]

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pederasty usually involved an older (active) male having intercourse with a younger (passive) male, a theme discussed later in this paper.

[9] Robert McKee Irwin, *The Famous 41*, 15. I am by no means arguing that this was an entirely new relationship in early 20th century Mexico. It is important to note that notions of masculinity have been historically linked to national constructions of the state since before the Mexican Revolution. These

Thus, Chapter Four, "Gender, Sex, and City Space"—interlacing an appraisal of the sensational 1901 case of the Famous 41 and the homosexual underworld so luridly described by Salvador Novo in his memoirs—shifts the story of crime and homosexuality from a concentrated examination of archival cases to the more expansive depiction of the emergence of a homosexual identity in Mexico City. Equally important, the final chapter also suggests the existence of a dynamic homosocial underworld in post-revolutionary Mexico City, highlighting new avenues of future research in Mexican gay historiography.[10]

## A Note on Historiography

This principle purpose of this paper is to address the criminalization and implementation of punishment of homosexuality in Mexico City in the 1920s and 1930s. Collectively, these questions represent an effort to add to the growing bibliography of homosexual criminalization in Mexico, particularly the criminalization and implementation of punishment during the tumultuous years of early 20th century Mexico. Indeed, the historiography of crime and criminal justice history in Latin America has not reached maturity; and, not surprisingly, the amount of material devoted to the study of homosexual criminalization is particularly scant. While criminal cases brought against homosexuals were exceedingly rare during this time period, enough information is

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conflicting notions of masculinity are crucial in my assertion that attitudes regarding homosexuality were not static, but, constantly in flux.

[10] For the purposes of this paper, I will employ Eve Sedgwick's definition of "homosocial" desire. In her book *Between Men: English Literature and Male Homosocial Desire*, the author defines homosocial as "social bonds between persons of the same sex," and she defines desire as "the affective or social force, the glue…that shapes an important relationship. Homosocial bonds can take many forms because there is a "continuum between homosocial and homosexual." *Eve Sedgwick, Between Men: English Literature and Male Homosocial Desire*, (Columbia: Columbia University Press, 1985).

available regarding the arrests of those implicated in homosexual-related offenses to attempt an analysis of the link between crime and homosexuality.

Furthermore, most historical studies of crime have focused on adult crime.[11] The creation of the Tribunal para Menores in 1927 was the first official attempt at separating adult crime from juvenile crime. Thus, in addition to representing an attempt at broadening the historical discourse of homosexual crime and punishment, this study is also an effort to add to the small, but growing, historiography of juvenile crime. Crime was previously regarded by elites, in the first part of the 20th century, as a lower-class phenomenon. However, crime affected everyone regardless of social standing.

The average case file for adult and juvenile offenders contains a multitude of information, both private and public, regarding the background of the accused. Juvenile criminal cases from the Tribunal para Menores are far more detailed than adult criminal cases. Since the overarching goal of the Tribunal para Menores was the eventual rehabilitation of juvenile offenders into productive members of society, Tribunal officials collected as much information as possible. Adults, on the other hand, were resoundingly condemned as criminals and state officials viewed any attempt to rehabilitate degenerate adult offenders as futile. Juveniles, including those exhibiting signs of homosexuality and pederasty, were collectively seen as future members of the nation. Most of the juvenile cases involving homosexuality that were brought to the Tribunal, in fact, involved the forcible rape of younger boys, evidence that violent offenders were afforded the same opportunities for rehabilitation as non-violent offenders.

[11] Whereas Pablo Piccato's book *City of Suspects: Crime in Mexico City, 1900-1931* is a social and cultural history of crime in Mexico, Robert Buffington's *Criminal and Citizen in Modern Mexico* examines Mexican criminality from a legal and social perspective.

Adult cases involving homosexuality are rare and even more limited in scope than juvenile case files. Two reasons may explain the paucity of adult cases involving homosexuality in the archival records. First, it is safe to assume that the vast majority of homosexual encounters occurring in Mexico City were, by their very nature, consensual—and clandestine—affairs. Though homosexual criminal offenses were lumped with violent sexual offenses such as heterosexual rape, the nature of consensual homo-“sexual” encounters were not inherently violent.

Assuming this paradigm of “consensual homosexual encounters,” it is probable that those men who do appear in the criminal record were either 1) caught in the act of homosexuality or 2) suspected as homosexuals and accordingly apprehended by police or 3) accused of committing “indecent” acts as a result of blackmail or personal vendetta. Men committing sexual crimes such as rape and sexual assault were more likely to be arrested because of the very violent nature of the crime. It should be pointed out, however, that violence against women was legitimate, if not legal, because it maintained the man’s honor without the intervention of third parties—including the judiciary.”[12] For offenders, the police, prosecutors, and juries (all of them male), most sexual crimes did not involve violence because, they thought, intercourse always took place with the consent of the victim.[13] Thus, it was best to keep these matters confined to the private realm.

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[12] Pablo Piccato, *City of Suspects: Crime in Mexico City, 1900-1931* (Durham and London: Duke University Press, 2001), 109.
[13] Pablo Piccato, *City of Suspects*, 120.

A second explanation for the dearth of adult criminal cases relating to homosexuality addresses the issue of forced male-male rape.[14] Though most studies of male-male homosexual interactions involve studies of prisons—where homosexual encounters were a frequent occurrence—prevailing notions of honor and masculinity prevented men who were the victims of sexual coercion and abuse from contacting authorities.[15] Nevertheless, these suppositions shed light as to why adult criminal records of homosexuality and pederasty are so rare in the archives. Regardless of the dearth of sources, a collective analysis of these two types of crime cases reveals a strangely dichotomous aspect of post-revolutionary Mexican society in terms of its views of homosexuality: whereas adults implicated in homosexual activities were absolutely condemned as criminals, juveniles implicated in homosexual crimes, even in cases of surprisingly brutal and violent aggression, were viewed as capable of being rehabilitated and placed back into society.

First, however, a brief detour into the "complicated terrain" of Mexican homosexuality—and, indeed, Latin American homosexuality in general—will provide a historical context in understanding the historical ideologies of Mexican homosexuality, as well as serving to contextualize the challenges of writing a history of the relationship between crime and homosexuality in post-revolutionary Mexico City.[16]

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[14] Male-male rape, though rare, was partially addressed by the Mexican Penal Code. Article 265 of the Penal Code states that if physical or moral violation led to sexual relations without the consent of the other party, regardless of the person's sex, a penalty of one to six years would be applied. If the person was prepubescent, then the length of the prison sentence would be two to eight years in prison.

[15] Carlos Roumagnac's studies of homosexuality and pederasty in Mexico City's prisons offer the best insight into the complex nature of male-male sexual relations. Historians in other regions of Latin America have addressed homosexuality in prisons. See Carlos Aguirre, *The Criminals of Lima and Their Worlds: The Prison Experience, 1850-1935* (Durham: Duke University Press, 2005).

[16] Martin Nesvig's article "The Complicated Terrain of Latin American Homosexuality" offers a theoretically concise review of the attitudes, mores, and laws regarding Latin American homosexuality.

# CHAPTER ONE

# SALVAGING A SILENCED HISTORY:

# HOMOSEXUALITY AND LEGISLATION

## A Silenced History

Criminal offenses in post-revolutionary Mexico involving homosexuality were punished according to the 1871 Penal Code, a policy of legislation that regulated crime and punishment in Mexico City for nearly sixty years.[17] It was not until the appearance of the 1929 Penal code that its predecessor was abrogated, followed shortly thereafter by the 1931 Penal Code. This tenuous definition as to what homosexuality meant to Mexicans who wrote about the topic in the early twentieth century allows it to be understood simultaneously as both a profound and established desire emanating from an individual's character and an impulse that comes from a response to environmental stimuli.[18] What becomes clear is that, as is the case in other nations, homosexuality as a criminal offense was never clearly defined by Mexican legislators.

During the beginning years of national formation, most crimes relating to homosexuality—both adult and juvenile—were punished according to the 1871 Penal Code. Juvenile offenders, legally defined as anyone under the age of eighteen, were generally adjudicated in adult courts and placed in adult correctional facilities. It was not until the establishment of Mexico City's Tribunal para Menores, a court focused on the

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[17] Because of the lack of criminal cases related to consensual sodomy, we know very little about the lives of gay people before the "medicalization" of homosexuality in the latter part of the 19th century.

[18] Robert McKee Irwin, *The Famous 41: Sexuality and Social Control in Mexico, 1901*, 182.

rehabilitation of troubled and delinquent youths, that the state officially attempted to separate adult crime from juvenile crime.

Yet, legislative silencing in the Penal Code was not solely attributed to homosexuality. The reluctance to recognize homosexuality in official legislation parallels the hesitation legislators possessed in acknowledging sexual abuses as a crime. Like offenses concerning homosexuality, the punishment of sexual crimes was based upon flexible definitions of sexual offenses. For example, rape (*violación*), statutory rape (*estupro*), and abduction (*rapto*) were felonies sanctioned in the penal code.[19] However, many offenders arrested for these violent crimes were incongruously punished.

The section of the 1871 Penal Code that was used by post-revolutionary officials to regulate homosexual behavior and other "sexual" offenses was Chapter 6, "*Delitos contra el orden de las familias, la moral pública o las buenas costumbres*" [Crimes against the order of families, public morality, or good habits]. Rape was defined as sexual intercourse with the use of violence, regardless of the age and sex of the victim. Statutory rape was "intercourse with a chaste and honest woman, whose consent is obtained through seduction or deceit." Finally, abduction was defined as seizing "control of a woman against her will, though physical or moral violence, deceit or seduction, in order to satisfy a lascivious desire or to marry her." These sexual offenses, while all loosely defined (and hence laxly enforced), were associated with specific proscribed punishments, normally a sentence of at least four years or more depending upon the perpetrator's relationship to and age of the victim.

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[19] Pablo Piccato, *City of Suspects*, 123.

In effect, penal legislation addressing homosexual criminal offenses, in addition to revealing the undefined nature of homosexuality, left the task of implementing punishment in the hands of the Mexico City's police and judicial officials. Articles 785-788 of the 1871 penal code, collectively catalogued under "*Ultrajes a la moral pública, o a las buenas costumbres*" [Affronts to public morality or to good habits] were specifically used to regulate homosexual "crimes."

Article 787 is, in fact, the closest 19th century Mexican legislators came to actually identifying homosexuality. The legal language is customarily vague. For individuals who "[perform] an immodest act in a public space, whether or not there are witnesses, or in a private place visible to the public," a punishment of arrest and a fine of 25 to 500 pesos was imposed. The penal code's definition of what acts are considered to be "immodest" is similarly indistinct: "any action that in the public eye is classified as contrary to modesty."[20] Therefore, not only is there an attempt to regulate behavior within the public sphere, the penal code specifically aims to regulate private behavior and actions according to a strict public moral code. In this way, private behaviors that were considered by officials as "immodest" and "against public morality" were unofficially sanctioned in the legislation.

One of the most intriguing aspects of articles 785-788 of the 1871 Penal Code is the omission of sodomy from the legislation.[21] As researchers have shown, the official disapproval of homosexual acts stemmed primarily from Judeo-Christian religious

[20] 1871 Penal Code.

[21] Martin Nesvig argues that Aristotelian ideas of gender, theological conceptions of sodomy, and legal distinctions that conceived sodomy as a violation of social order all made for powerful traditions that went virtually unchanged into the twentieth century in Latin America.

doctrine that condemned "offenses against nature."[22] Specifically within a Latin American context, ideologies of homosexuality were rooted in Iberian law codes and viewed the practice as a sin. Historically, therefore, religion and law were the principal authoritative discourses through which homosexuality was understood.

In his groundbreaking work *Butterflies Will Burn: Prosecuting Sodomites in Early Modern Spain and Mexico*, Federico Garza Carvajal contends that sodomy was seen as a kind of "cancer" that "infected" the body politic. Definitions of sodomy first appeared in Spanish law in the 13th century and, not surprisingly, Latin American ideologies of sodomy are rooted in Iberian law codes that contained definitions of sodomy as early as the 13th century.[23] Title 21 of the seventh Partida, for example, condemned sodomy as a crime (punishable by death), relying on the reference to Sodom and Gomorrah. Sodomy was, thus, legally defined as causing plagues, famines, and disasters.

As Cristian Berco has argued regarding Argentina, the "silencing" of sodomy in the country's 1886 Penal Code reflected a desire to prevent public discussion of the topic. According to Berco, new ideas concerning civil society and the separation of morality and law, which had been brewing since the Enlightenment, had specific effects on the legislation of various countries.[24] For instance, the Napoleonic Code in France simply did not mention sodomy as a crime, thus effectively decriminalizing it.

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[22] See Jeffrey Weeks, *Sex, Politics, and Society: The Regulation of Sexuality Since 1800* (New York: Longman, 1981), 99-100.
[23] Frederico Garza Carvajal, *Butterflies Will Burn: Prosecuting Sodomites in Early Modern Spain and Mexico* (Austin: University of Texas Press, 2003).
[24] Cristian Berco, "Silencing the Unmentionable: Non-reproductive Sex and the Creation of a Civilized Argentina, 1860-1900," *The Americas* 58:3 2002.

Though the historical legacies of sodomy in the construction of Mexican homosexuality have been well-researched by scholars, the reason for its removal from official legislation has its roots in the French occupation of Mexico in the 19th century. It was during this period of political upheaval that the Napoleonic Code was adopted, effectively silencing legislative mention of sodomy or other homosexual acts. The Napoleonic Code, enacted in France in 1810, left consensual sex between adults decriminalized, and like many of its former colonies—Quebec and the state of Louisiana in the United States, for example—the French implemented the Napoleonic Code in the places it conquered.[25] Four years after the defeat of French forces in 1867, the appearance of the 1871 Penal Code decorously preserved the Napoleonic legacy of silencing any official legislative mention of sodomy.[26]

In fact, the Mexican Military Code of 1897 did not contain any specific penalties towards sodomy. Only vague references to "intimate friendships with people enjoying a bad reputation" were considered to be worthy of vigilance on the part of the officers.[27] The new view of the law as divorced from morality together with emerging conceptualizations of civil society thus became factors in the removal of sodomy from various legal codes.

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[25] Michael Sibalais, "The Regulation of Male Homosexuality in Revolutionary and Napoleonic France, 1789-1815," in *Homosexuality in Modern France*. Jeffrey Merrick and Bryant T. Ragan, eds. (New York: Oxford University Press, 1996), 80-101.

[26] The emphasis on public crimes against order, authority, and "public morality" which relegated victimless private crimes such as consensual sodomy to the background can only be explained by taking into account the process of nation building in Mexico.

[27] *Código Militar*, vol. 1 (Mexico: n.p., 1897), 136, Artículo 626. For the case of Brazil see Peter Beattie, "Conflicting Penile Codes: Modern Masculinity and Sodomy in the Brazilian Military, 1860-1916," in Daniel Balderston and Donna J. Guy, eds., *Sex and Sexuality in Latin America* (New York: New York University Press, 1997), 65-68.

In effect, sodomy shifted from a crime punishable by death to a lawful activity between consenting adults in private.[28] As a result, the silencing of consensual sodomy in the penal code effectively decriminalized it. After independence, new philosophical ideas concerning crime and public life not only upheld the lack of prosecutions against sodomy, but also served to gradually remove the topic of homosexuality from official government discourse. Rather than evincing a permissive attitude towards sexuality, this decriminalization signaled a desire to silence the practice of sodomy by preventing its public awareness through disclosure in courts.[29]

## Salvaging a History

As Clark Taylor remarks, while one "can never really know the true history of homosexuality in Mexico," both the ambiguity and dearth of sources "allows for a creative interpretation and reconstruction of Mexican homosexual relations."[30] Herein lies the fundamental problem of attempting any history from the perspective of gay people in Mexico. The lack of narratives by gay men, the issues of "filtration" of sources through those who wrote about the "objects" of crime and sin, and the overall scarcity of material contribute to this dilemma.[31] After all, only those who actually participated in homosexual acts can accurately report on what exactly occurred and who played which

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[28] Cristian Berco, "Silencing the Unmentionable: Non-reproductive Sex and the Creation of a Civilized Argentina, 1860-1900," *The Americas*, 419.
[29] Cristian Berco, "Silencing the Unmentionable," 419. Perhaps the best way of conceptualizing this silence is to apply Ann Twinam's framework of honor in terms of the public realm; honor, she argues, is a process determined and negotiated in the public sphere. Ann Twinam, *Public Lives, Private Secrets: Gender, Honor, Sexuality and Illegitimacy in Colonial Spanish America* (Stanford: Stanford University Press, 1999).
[30] Clark L. Taylor, "Legends, Syncretism, and Continuing Echoes of Homosexuality from Pre-Columbian and Colonial Mexico," in *Latin American Homosexualities*, ed. Stephen O. Murray (Albuquerque: University of New Mexico Press, 1995), 97.
[31] Martin Nesvig, "The Lure of the Perverse: Moral Negotiations of Pederasty in Porfirian Mexico," *Mexican Studies* 16:1 (Winter 2000): 1.

role. Precisely because there is such limited documentation of actual social behavior and sources that expose the cultural worlds of homosexuals in Latin America, scholars have understandably been inclined to use theoretical models in analyzing the history of homosexuality.

According to historian Martin Nesvig, long-cherished assumptions of patriarchy and male-dominated sexuality have guided the historiography of Latin American homosexuality. Specifically within Mexico, he pinpoints two theoretical models that scholars use for studying homosexuality. First, the honor-shame paradigm of Latin American and Mediterranean society suggests that sexuality is a key component of the system of honor and shame.[32] More specifically, to take the "passive role" and "become female" is to lose one's honor. The problem, however, for the subject of homosexuality is that the honor-shame paradigm does not always fit neatly onto a discussion of male-male sexual interaction. Consequently, "numerous scholars have taken the male-female, honor-shame paradigm as a strict corollary for the active-'male'-penetrator and passive-'female'-penetrated axis of male-male sexual encounters."[33]

The second theoretical model used for studying homosexuality in Mexico is the infamous *hijos de la chingada* mythology offered by Octavio Paz. Published in 1950, his essay *El Laberinto de soledad* draws upon the story of La Malinche, who 'foresook' her people by choosing Cortès and the Spaniards. Paz contends that male homosexuality in Mexico operates according to a system in which passive partners are denounced and active partners are "tolerated." Whereas the active partner is rendered "male," the

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[32] See the work of Julian Pitt-Rivers, *The Fate of Shechem, or The Politics of Sex: Essays in the Anthropology of the Mediterranean* (Cambridge: Cambridge University Press, 1977).
[33] Martin Nesvig, "The Complicated Terrain of Latin American Homosexuality," *Hispanic American Historical Review* vol. 81, 690.

receptive (penetrated) partner is considered to be subservient and plays the role of the "female." Thus, sexual penetration becomes a metaphor for conquest and domination. Passive partners are accordingly denounced, whereas active partners are "tolerated" as long as they satisfy their male nature through the penetration of a passive body. Collectively, these models assume that Latin American homosexuality is based on a rigid male-female, active-passive, dominant-submissive dichotomy. According to Paz's analysis of homosexual, to be the receptor in male-male intercourse is equivalent to defeat, degradation, and disgrace.

These theoretical models do not fit neatly into an analysis of the relationship between crime and homosexuality in post-revolutionary Mexico. Robert McKee Irwin has affirmed "the existence of autochthonous homosexuality was not denied in Mexico as vehemently as it was in other Latin American countries during this era [the 1930s]."[34] Male homosexual practices, he argues, were positioned within the overall discourse of gender: "although [Octavio] Paz and others have assumed passive homosexuality to be somehow equated with male effeminacy, this well-defined male homosexuality—which, defined by gender identification in sex roles, posed minimum threat to the hegemonic ideology of gender—was apparently acceptable as something that may not have been sanctioned and perhaps needed to be eradicated but did exist."[35]

The final section of Chapter Four, "Gender, Sex, and City Space," cursorily examines the memoirs of Salvador Novo to illustrate this ambiguity. A post-revolutionary intellectual who openly discussed his homosexuality, Novo held

[34] Robert McKee Irwin, *Mexican Masculinities*, 40.
[35] Robert McKee Irwin, *Mexican Masculinities*, 40.

considerable favor within the Mexican government. As Brian Gollnick writes, "The impact of Novo's sexuality, like that of his writing, derives not from its marginality, but from its unsettling closeness to the center of things."[36]

Recent studies on prison culture have also influenced the re-conceptualization of same sex behavior. Martin Nesvig writes that "groundbreaking work like Wayne Wooden and Jay Parker's *Men Behind Bars*, written about 1970s and 1980s North American prisons, did not see same sex interaction as homosexual but as male-female coupling."[37] Conversely, early 20$^{th}$-century Mexican inmates followed an honor-shame paradigm when relating to sexual relations.[38] For women, honor remained intact as long as they remained virginal until marriage or at least until a promise of marriage.

Men's honor, however, was an entirely different matter. It is generally agreed that sexual prowess was a big part of the honor-shame equation. Men related being penetrated with being servile while penetrating meant dominance. Criminal records, however, suggest that "male" homosexual partners were not necessarily freed from social stigmatization and legal condemnation, evidence, perhaps, that some scholars appropriate these models too literally in the study of homosexuality in Mexico.

Sexual liaisons between same-sex individuals troubled early 20$^{th}$ century criminologists throughout the world as they confused pederasty with homosexuality. However, pederasty and homosexuality must be seen as two distinct entities. Pederasty is characterized by the exertion of male aggressiveness of the dominant male (usually older

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[36] Brian Gollnick, "Silent Idylls, Double Lives: Sex and the City in Salvador Novo's *La estatua de sal*," *Mexican Studies* 21:1 (Winter 2005): 232.
[37] Martin Nesvig, "The Lure of the Perverse: Moral Negotiations of Pederasty in Porfirian Mexico," *Mexican Studies* 16:1 (Winter 2000): 6.
[38] Martin Nesvig, "Lure of the Perverse," *Mexican Studies, 6.*

in age) onto a passive or weaker male (usually younger in age).[39] Sexual intercourse does occur, but the active male is not viewed as homosexual. Homosexuality, on the other hand, is usually viewed as a consensual relationship between two men of similar ages.[40]

Recent trends in Latin American historiography have seen a change from "top-down" history to an examination of those in the lower classes. Yet, studies of crime and criminality, especially focusing on homosexual criminality, in Mexico remain limited. Nevertheless, the criminal cases of Luis Sanchez Aguilar and Leocadio Torres Rodriguez—arrested by the police in the winter of 1921 after engaging in a homosexual encounter—offer invaluable insight into the often contradictory ways that homosexuality was criminalized and how homosexuals and homosexual acts were punished.

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[39] Martin Nesvig, "Lure of the Perverse," *Mexican Studies, 5.*
[40] For more information on this idea, see James Green, *Beyond Carnival: Male Homosexuality in Twentieth Century Brazil* (Chicago: University of Chicago Press, 1999).

# CHAPTER TWO

# CONTAINING A CONTAGION:

# THE CASES OF LUIS SANCHEZ AGUILAR AND LEOCADIO TORRES RODRIGUEZ

## The Criminal Case

On January 11th, 1921, Luis Sanchez Aguilar and Leocadio Torres Rodriguez were arrested for "*cohabitar con otro hombre*"—living with another man.[41] Upon being taken to the General Police Inspection, Aguilar and Rodriguez waited to be photographed.

The case of Aguilar and Sanchez provides a useful illustration of the judicial process of 'criminals' arrested for homosexual-related crimes. Cases of the arrests of homosexuals in post-revolutionary Mexico are exceedingly rare, but there is sufficient evidence in the archives to build upon several aforementioned themes regarding the link between crime and homosexuality. More specifically, criminal records of adults arrested for homosexual-related acts, as in the case of Aguilar and Rodriguez, reveal two interrelated attitudes regarding homosexual criminalization: first, judicial officials appear to be heavily influenced by positivist criminological classifications of homosexuality and pederasty; and second, those accused of homosexuality were accordingly condemned as criminals and given no chance for future regeneration into society. Quite the contrary,

[41] Both men's records contain this typed phrase on the expediente's front cover. In addition, at the time of their arrest, both men appeared to have no prior criminal record—"*no tuve ingresos anteriores*."
Archivo Histórico, caja 12, expediente 295, Luis Sánchez Aguilar
Archivo Histórico, caja 12, expediente 295, Leocadio Torres Rodríguez

the records are colored by judicial interpretation of homosexuality as both a disease and moral debility.

The booking photographs, for one, are very telling. Below Luís Sánchez Aguilar's black-and-white booking photographs, judicial officials remarked that "[he] exhibits signs of pederasty."[42] Perhaps this demarcation of Aguilar as a "pederast" represents the official's association of the act of pederasty with age; indeed, pederasty usually involved an older (active) male having sexual intercourse with a younger (passive) male. An examination of Rodriguez's photographs reveals that, quite likely, both men were arrested either during or briefly after a sexual encounter. Shirtless under a pair of overalls, the younger Rodriguez seems have had little time getting dressed before being brought to medical inspection headquarters. Rodriguez was described as having "alcoholic breath" and exhibiting "tracks of sperm stains on [his] penis."[43]

After being photographed and physically examined, Leocadio Torres Rodriguez and Luís Sánchez Aguilar were taken to the penitentiary where they awaited their sentence. Two days later, on January 13th, 1921, both men were charged with "*delitos en contra la moral y las buenas costumbres*." The 5th Correctional Court, the presiding judicial court that year, issued collective sentences of "11 months in prison, starting from the date of arrest," in addition to a "fine of 200 pesos or 2 more months in prison."[44]

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[42] Archivo Histórico, caja 12, expediente 295, Luís Sánchez Aguilar.

[43] Archivo Histórico, caja 12, expediente 298, Leocadio Torres Rodríguez.

[44] Archivo Histórico, caja 12, expediente 295, Luís Sánchez Aguilar.

Archivo Histórico, caja 12, expediente 295, Leocadio Torres Rodríguez.

As has already been highlighted, judicial officials themselves, rather than official legislation, were the arbiters of implementing punishment for homosexual-related offenses. As such, they were forced to ambiguously execute punishment because no official qualification of what constituted a homosexual crime existed in the 1871 Penal Code.[45]

Not all cases involving men charged with "delitos en contra la moral" were given equal punishments. Interestingly, Avelino Perez Uribe and Vicente Martinez Cazares—arrested for "crimes against public morality" a little over a year before the arrests of Aguilar and Sanchez—were given curiously unequal punishments. Arrested on September 2nd, 1920, Uribe was sentenced to 8 months and fine of 100 pesos; Cazares, meanwhile, was given a sentence of 5 months and a fine of 75 pesos.[46] No explanation in either of the men's case files addresses this discrepancy of uneven sentencing. Perhaps social class, status, and level of education are sources of such inconsistencies, but the narrow nature of their respective files renders a conjecture difficult. Regardless, Cazares was released from prison on March 26, 1921 "in virtue of having extinguished his sentence."[47]

These same issues of status and class, however, may have played a role in the better-documented case of Aguilar and Rodriguez. Twenty-three year old Leocadio Rodriguez was a *zapatero*, indicating that he possessed a learned skill, most likely as an

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[45] For the most part, the 1871 Penal Code regulated criminal offenses in Mexico for nearly Sixty years, a crucial theme analyzed in Chapter One, "Silencing Homosexuality.

[46] Archivo Histórico, caja, expediente, Vicente Martínez Cazares.

[47] Archivo Histórico, caja, expediente, Vicente Martínez Cazares.

apprentic; thirty-year old Luis Aguilar, on the other hand, was illiterate. Upon his initial arrest, Leocadio was granted "*libertad en bajo caucion*" and essentially given temporary parole, indicating that he may have had the financial resources of accessing to a lawyer; Aguilar, however, was summarily taken to the penitentiary.

Moreover, archival records reveal that Aguilar and Rodriguez both appealed their convictions of "crimes against public morality." Whereas the younger Rodriguez filed his complaint against his arrest directly to the Tribunal Superior de Justicia, Aguilar sent a letter to the Director of the Penitentiary. Nevertheless, both appeals were resoundingly denied. The Tribunal Superior de Justicia outright declared Rodríguez a "criminal" and reconfirmed its original sentence: "Leocadio Torres Rodríguez es criminalmente, responsable como autor del delito de ultrajes a la moral publica o a las buenas costumbres por el que ha sido procesado y de que lo acuso el Ministerio Publico."[48]

Luis Sanchez Aguilar's request for an appeal (and immediate rejection), sent on the 23rd of April, 1922, must be addressed in conjunction with his escape from the penitentiary.[49] Indeed, Aguilar's criminal file narrates a fascinating chain of events that further exposes the official view of homosexuals as a social contagion. On March 16th, Aguilar, working in the penitentiary's kitchen, escaped in a vehicle "sent with food for Belem jail."[50] Two days later, on the 18th, the Director of the Federal Penitentiary wrote an official memorandum "communicating the escape of the convict Luis Sanchez

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[48] Archivo Histórico, caja 12, expediente 298, Leocadio Torres Rodríguez.

[49] Luís Sánchez Aguilar was illiterate and had someone else write a letter to the Director of the penitentiary; in fact, he could not even sign his own name. His appeal to the Director was written nearly a full year after his escape, eventual capture, and subsequent reinstatement in jail.

[50] Archivo Histórico, caja 12, expediente 295, Luís Sánchez Aguilar.

Aguilar."[51] Aguilar's status as an escaped convict—"*el reo prófugo*"—sparked an official exchange between the penitentiary and the Gabinete Antropométrico. Inspired by Cesare Lombroso's criminal anthropology, the Gabinete Antropométrico assumed the responsibility of generating an escaped convict file based upon physical descriptions and characteristics.[52]

The case of Aguilar and Sanchez can also be interpreted according to the broader mentality of the development of a homo-social world in Mexico City. Despite the lack of sources detailing the existence of a homosexual subculture, evidence suggests that the development of an urban Mexico City gay experience paralleled the growth pattern of other urban homosexual subcultures. In 19th-century Mexico, the industrial capitalist conditions in the large urban areas, most notably the capital, provided the environment for a homosexual identity to emerge. As John D'Emilio claims, urbanization—by disrupting structures of authority, weakening the family, and offering the anonymity of the modern metropolis—is a precondition of the emergence of the "homosexual" as an identity, state of being, and social world from the mid-nineteenth century onwards.[53]

In Mexico City, industrialization and urbanization weakened the social system, providing the space for homosexuality to develop. For instance, the existence of a free labor system and the expansion of commodity production made it possible for individuals to free themselves from dependency on the family in order to develop an autonomous personal life that was independent and disconnected from how one organized the

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[51] Archivo Histórico, caja 12, expediente 295, Luís Sánchez Aguilar.
[52] The famous 19th-century Italian criminologist Cesare Lombroso coined the phrase "born" criminal, asserting that there existed a link between biology (physical characteristics) and criminality. Lombroso's impact on Mexican positivism is discussed later in this chapter.
[53] John D, Emilio, *Sexual Politics, Sexual Communities: The Making of a Homosexual Minority in the United States, 1940-1970* (Chicago: University of Chicago Press, 1983), 12.

production of goods necessary for survival."[54] As young single men migrated to urban areas seeking employment, the rise of wage labor allowed men to free themselves from the family, giving them the opportunity to act upon their repressed homosexual desire. The promises of economic freedom and social mobility enticed droves of young single men to seek employment in industrializing urban areas, particularly the Federal District. There, countless mining camps, cattle ranches, and bustling commercial and manufacturing centers offered individuals new social spaces and a certain anonymity that allowed them to look outside the confines of heterosexuality.[55]

Respectively, the case files of Aguilar and Sanchez support the assertion that young, single men were coming from various regions of Mexico to capital. For example, both men came from northern Mexico: Aguilar came to the capital from Guadalajara; Rodriguez was originally from Leon, Guanajuato. Mexico City's reputation as a bourgeoning metropolis surely proved tantalizing for young men in post-revolutionary Mexico. Since 1895, the date of the first national census, the population of Mexico City had not only grown at a faster pace than the national total, but also faster than other cities in the country.[56]

Furthermore, not only do the cases of Luís Sánchez Aguilar and Leocadio Torres Rodriguez provide insight into the criminalization and implementation of punishment of homosexuality in post-revolutionary Mexico, but also they are unique in that they are testaments to an emerging (and contradictory) post-revolutionary ideology concerning

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[54] John D'Emilio, "Capitalism and Gay Identity" in *The Lesbian and Gay Studies Reader,* eds. Henry Abelove, Michele Aina Barale, and David M. Halpern (London: Routledge Press, 1993).
[55] Víctor Manuel Macías-González, "A Note on Homosexuality in Porfirian and Postrevolutionary Northern Mexico," *Journal of the Southwest*, vol. 43 (2001), 543-544.
[56] See Table 1 on page 72 of Chapter Four, "Gender, Sex, and City Space" for a breakdown of population data for the first half 20th-century Mexico City.

homosexuality. Post-revolutionary criminologists shared Porfirian concerns about public order and capitalist economic development, but with one important difference. Ideologically linked to the idea of an inclusive (if not democratic) state, their agenda stressed the redemptive possibilities of the new regime and thus doubly condemned congenital (probably unredeemable) states like homosexuality.[57] In other words, whereas post-revolutionary officials viewed criminals as potentially redeemable for the benefit of the nation, homosexuals, by contrast, were seen as non-reproductive sexual degenerates that threatened the moral economy of the state.

Positivism and positivist discourse were the official instruments of Porfirian social control. At the same time, criminological rhetoric of the científicos "confined criminality to the world of the city's lower classes, thus adding a social qualification to the biological theory."[58] As a result, the very notion of homosexuality became a corruptor not only of biology but also of the modern state because it violated the natural order that was the very basis of society. A glimpse into the origins and ideologies of criminological discourse that positioned homosexuality as both a depraved and dangerous sexual disease and 'criminal' contagion provides a solid basis for differentiating between adult and juvenile homosexual-related crimes.

## Criminalizing Homosexuality

The "Order and Progress" regime of Porfirio Diaz (1876-1911), known to Mexicans as the Porfiriato, with its politically influential cadre (camarilla) of científicos

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[57] Robert Buffington, *Criminal and Citizen in Modern Mexico*, 137.
[58] Pablo Piccato, *City of Suspects*, 66.

(scientists), aspired to be the quintessential positivist technocracy.[59] Porfirian Mexico was heavily marked, at the level of intellectuals and policy makers, by positivism and the ideology of progress. And Diaz's advisors placed the blame for social ills—alcoholism, vagrancy, gambling, homosexuality, pornography, illiteracy, abandoned children, overcrowded prisons, begging, indolence, and a deplorably high murder rate—squarely on the shoulders of the "vice-ridden" urban working classes.[60] Naturally, the *científicos,* as the arbiters of legislation, paved the way for positivism to play a "crucial role in shifting the discussion from crime and the criminal act to criminality and the criminal state."[61] Thus, in the criminological imagination, sexual deviance indicated criminality, which in turn threatened national, political, economic, and social development.[62]

For late-nineteenth- and early-twentieth century Mexican criminologists, sexual deviance of any kind was unnatural, antisocial, and linked to innate criminality; criminals constituted an identifiable class with distinct traits that included atavistic homosexual tendencies.[63] The emerging category of homosexuality, therefore, became increasingly linked to criminality, providing the foundation for the cultivation and growth of homophobic criminological ideologies. The perceived need to study the aberrant social condition was, in modest terms, urgent.

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[59] Carlos Aguirre and Robert Buffington, *Reconstructing Criminality in Latin America*, 113.
[60] Allen Wells and Gilbert M. Joseph, *Summer of Discontent, Seasons of Upheaval: Elite Politics and Rural Insurgency in Yucatan, 1876-1915* (Stanford: Stanford University Press, 1996), 124. Yet, even though positivist officials attempted to change the character and morality of the city's lower classes, these tougher laws were only sporadically enforced.
[61] For this paper, I will employ the following definition of positivism: As a set of social ideas, positivism argued that society was a developing organism, not a collection of individuals, and that the only effective way of studying society was through history. The key to scientific management of society was to develop elites that could provide the leadership for social regeneration.
[62] Robert Buffington, *Criminal and Citizen in Modern Mexico*, 130.
[63] Robert Buffington, *Criminal and Citizen in Modern Mexico*, 135.

During the nineteenth century, however, a new medical approach emerged that tackled the controversial subject of homosexuality. Medical and scientific discourses about homosexuality, from their inception, were situated in relation to cultural anxieties about protecting and managing modern democratic societies from disturbing incursions, inversions, and perversions.[64] The desire to discipline and regenerate society through scientific means was at the heart of criminology as an emerging science in Europe and the United States in the last decades of the nineteenth century.[65] After the 1880's, "medical experts began to see [homosexuality] as an aberrant and deficient male identity, a case of the male body gone wrong through disease or congenital deformity".[66]

Starting in the last two decades of the nineteenth century, local, federal, and nongovernmental institutions gathered quantitative information about the economy and population.[67] By proclaiming that homosexuality was an urgent medical problem, positivist scientists and medical doctors positioned themselves as the principal authorities on the subject. While medical experts debated whether homosexuality was innate or acquired, the terms of their early debates were circumscribed to a great degree around *how*, not if, the body gave rise to homosexual desire and sexual inversion. In other words, the fundamental difference between heterosexuals and homosexuals was rooted in the body, and doctors became increasingly entrusted as rational and objective authorities. Rather than attempting to extend the benefits of society to all sectors of Mexico City's

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[64] Jennifer Terry, *An American Obsession: Science, Medicine, and Homosexuality in Modern Society* (Chicago: University of Chicago Press, 1999), 71.
[65] Pablo Piccato, *City of Suspects*, 50.
[66] Gail Bederman, *Manliness and Civilization: A Cultural History of Gender and Race in the United States, 1880-1917* (Chicago: University of Chicago Press, 1995), 15.
[67] Pablo Piccato, *City of Suspects,* 52.

population, positivist criminology and the scientific "medicalization" of homosexuality provided justification for the exclusion of homosexuals from Mexican society.

In the late 19th-century, positivist criminology—the scientific categorization and classification of criminals—became a central tenet among the increasing numbers of Mexican criminologists. A number of scientific works appeared that focused on Mexican criminality: Martínez Baca y Vergara's *Estudios de antropología criminal* (1892); Macedo's *La criminalidad en Mexico* (1897); Julio Guerrero's *La génesis del crimen en México* (1901); and Luís Lara y Pardo's *La prostitucion en Mexico* (1908). Classic liberal criminology, according to Robert Buffington, "assumed that criminal behavior was a rational choice and punished the crime in order to discourage the criminal."[68] This type of classical criminology was dominant during the late 19th and early 20th centuries, but the Mexican Revolution fostered an environment that popularized positivist criminology, infiltrating positivist discourse deep into scientific dialogue. Unlike classical liberal criminology, "positivist criminology insisted that most criminal behavior was irrational, even abnormal, and sought to defend 'decent' society from sociopathic criminals with punishments directed at criminal 'types' rather than their crimes per se."[69]

Perhaps the most influential theorist on the development of Mexican positivism was the famous Italian criminologist Cesare Lombroso. Lombroso's work heavily emphasized the identification of abnormalities in the human anatomy. According to Lombroso, "these peculiarities of the hair, iris, ears, nose, teeth, etc," helped identify

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[68] Robert Buffington, "Periodization and its Discontents: The Social Construction of Crime and Criminality in Modern Mexico" (Paper presented at the Reforming the Administration of Justice in Mexico conference, Center for U.S.-Mexican Studies, May 15-17, 2003), 5.
[69] Robert Buffington, "Periodization and its Discontents: The Social Construction of Crime and Criminality in Modern Mexico", 5.

different types of criminals.[70] Distinguishing between a biological explanation for the existence of homosexuality and an environmental one, Lombroso remarked that "Homo-sexual offenders whose crime has been occasioned by residence in barracks, or colleges, or by a forced celibacy, plainly will not lapse when the cause has been removed. It will be sufficient in their case to inflict a conditional punishment, for they are not to be confused with the homo-sexual offenders who are born such, and who manifest their evil propensities from childhood without being determined by special causes. These should be confined from their youth, for they are a source of contagion and cause a great number of occasional criminals."[71]

For Lombroso, crime was not a choice but rather criminals were, as he famously coined, "born criminal." The idea that criminality was inherited serves as a fundamental tenet in the implementation of positivist criminology in early 20th century Mexico. Criminality became a favorite theme of social reform because the scientific discipline built around it provided plausible explanations of popular vices, and penitentiary institutions gave authorities a suitable instrument to regenerate people.[72] The distinction between 'criminal' and 'citizen' became, as Robert Buffington claims, "the fundamental dichotomy within modern Mexican society."[73] The archival cases for adults arrested for homosexual offenses in the Archivo Histórico support Lombroso's ideological link between physical characteristics and crime. Luís Sánchez Aguilar, arrested for

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[70] Cesare Lombroso, *Crime, its causes and remedies*, translated by Henry P. Horton, (Montclair, N.J.: Patterson Smith, 1968), xviii – xix.
[71] Cesare Lombroso, *Crime, its causes and remedies*, 418.
[72] Pablo Piccato, *City of Suspects*, 8.
[73] Robert Buffington, *Criminal and Citizen in Modern Mexico*, (Lincoln: University of Nebraska Press, 2000), 137.

"*cohabitar con otro hombre*" on January 11th, 1921, was identified as "exhibiting signs of pederasty" on the basis of mere physical descriptions.[74]

During the Porfirian period, criminological definitions of homosexuals oscillated between biological explanations and empirical observations. The most important and prolific criminologist during the Porfiriato was Carlos Roumagnac. His well-known works *Crimines Sexuales y Pasiones* and *Los Criminales en México* are compilations of case studies and interviews of prisoners in Mexico City's Belem prison.[75] Roumagnac's biological explanations for immorality and degeneracy are evidenced in his perception of crime as analogous to a virus: "What epidemic is more dangerous than that against which we do not—as we do for others—have hygienic measures to combat it and for which quarantines would be useless, because we carry it inside our very selves, infiltrated in our blood for years and years, and which we will transmit to out descendents, bequeathing to them, perhaps without realizing it but not without fault, the virus which sooner or later has to fertilize the loathsome buds of crime and delinquency?"[76]

Roumagnac appears to be captivated by the existence of homosexuality in Mexico City's prisons. He recounts, for example, what he calls "the parade of sexual degenerates" that occurs in the Belem prison.[77] Certain prisoners who have been isolated from the rest for being acknowledged as known homosexuals pass "in front of the other prisoners, without bashfulness or embarrassment, on the contrary, making a display of

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[74] Archivo Histórico, caja 12 expediente 295, Luís Sánchez Aguilar.
[75] These criminological discourses were written just a few years after the tantalizing case of the Famous 41.
[76] Carlos Roumagnac, *Los criminales en México*, (México: Tipografía El Fénix, 1904), 10.
[77] Carlos Roumagnac, "*el desfile de degenerados sexuales*".

effeminate voices and mannerisms, and frequently carrying or pretending to carry rag dolls in their arms, making allusions to their recent birthings."[78]

Roumagnac's most famous work, *Los Criminales en Mexico*, involved a series of interviews with inmates, which would have a profound influence on the conceptualization of pederasty by authorities.[79] His main theories regarded any sort of sexual deviant behavior, particularly homosexuality both a biological and moral corruption. In these interviews, Roumagnac attempted to use ethnographic, biological, and anthropological approaches to define his theories.[80] While in some cases he concluded the sources of an individual's pederast inclinations to be the result of biological or physiological disease, in other cases he saw the inmate's environment to be the cause of contagion.

Further, Roumagnac's investigations of pederasts in Belem jail expose the existence of both "active" and "passive" homosexuals. He uncovered that the men within the prison's walls even possessed their own vocabulary to refer to different roles played by participants in different acts: *caballos* were passive pederasts; *mayates* were active ones. In *Los criminales en Mexico*, Roumagnac states that "Although I will have to occupy myself at various times in this essay with cases of sexual inversion and perversion, I think it opportune to mention in bold strokes, for now, some of the customs in which that respect are observed in our prison of Belem…In the departments of men,

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[78] Carlos Roumagnac, "delante de los demas detenidos, sin rubor ni verguenza, haciendo, por el contrario, alarde d voces y modales afeminados, prodigandose apodos mujeriles, y muchas veces cargando en brazos munecas d trapo o fingiendo cargarlos, y haciendo alusiones a sus parto recientes".
[79] In his *Crímines sexuales y pasionales*, Roumagnac writes, "pederasty has a multitude of followers among us, as in all parts of the world". Carlos Roumagnac, *Crímenes Sexuales y Pasionales: Estudio de Psicología Morbosa*, (México: Librería de Ch. Bouret, 1906-10).
[80] Martin Nesvig, "The Lure of the Perverse," *Mexican Studies*, 4.

the pederasts are divided into *caballos* and *mayates*…The first are passive and the second, active."[81]

Roumagnac included five case histories in a chapter on "juvenile criminals," and in each interview he asked his young subjects about sexual practices outside and inside the prison.[82] Roumagnac discovered that Roumagnac's investigation of adult male homosexuality suggests that it followed a pattern similar to homosexuality among youths, with one significant difference: overt homosexual behavior was accepted practice (within certain bounds), especially within the poorly supervised confines of Belén.[83]

*Criminalia*, the professional journal for Mexican criminologists, contains studies on homosexuality and crime. An examination of two articles from *Criminalia* reveals that positivist anxiety and fear over the "atavistic tendencies" of homosexuals continued to be discussed in official scientific discourse well after the publication of Roumagnac's renowned investigations of homosexuality in Mexico's prisons. In 1934, an article appeared on the "Antisocial character of homosexuals" by Dr. Alfonso Millán, a medical doctor of a Mexico City insane asylum, the Manicomio General de la Casteñada.[84] Dr. Millán concludes that homosexuals assumed the negative traits of both sexes: "from the man [*macho*] he has a somewhat aggressive, hostile, and vain spirit, while from the woman, the gossipy scheming, the subtle intrigue of the eighteenth-century salon, and traitorous coquetry."[85]

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[81] Carlos Roumagnac, *Los Criminales en México*, 76-78.
[82] Robert Buffington, *Criminal and Citizen in Modern Mexico*, 132.
[83] Robert, Buffington, *Criminal and Citizen in Modern Mexico*, 132.
[84] Alfonso Millán, "Carácter antisocial de los homosexuals," *Criminalia* 2 (diciembre 1934): 53-59.
[85] Alfonso Millán, "Carácter antisocial de los homosexuals," 53-59.

The doctor's description of homosexuals as both "aggressive, hostile" as well as possessing the negative traits of women appear to be heavily influenced by Freudian theories on sexuality. In 1905, Sigmund Freud's *Three Essays on the Theory of Sexuality* was published, arguing that sexuality is a process independent of an individual's sex. Freud believed that most men were born "normal" (in other words, heterosexual) and that male inverts inherited some type of female mental characteristic that made them sexually attracted to members of their own sex.[86] Freud's ideas are further evidenced in Millán's suggestion that these traits resulted in a "physchology…that seems more prejudicial than the mere physical practices themselves."[87] The doctor finally concluded that active homosexuals were, in fact, "as or more dangerous" than their passive counterparts because they were more aggressive and more difficult to identify, a unique departure from pervading opinion that observes passive homosexuals as more inclined to bear the brunt of social stigmatization.

Indeed, psychoanalytic discourse continued to fuel homophobia and conceptions of homosexuality in post-revolutionary Mexico. Carlos Monsiváis notes that a Mexicanized Freudian psychoanalysis was taken up by the state as a partial replacement for Roman Catholic dogma, giving a scientific basis for traditional systems of control.[88]

A year later, a 1935 article on "Homosexuality and the dangerous state" appeared in *Criminalia* by Millán's Peruvian colleague, Dr. Susana Solano. Solano observed that "other peculiarities like being lazy, indolent, and egotistical augment [the homosexual's] dangerousness" and that "a certain pathological affinity between the insane, criminals,

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[86] Sigmund Freud, *Three Essays on the Theory of Sexuality*, edited and translated by James Strachey, (New York: Basic Books, 2000).
[87] Alfonso Millán, "Carácter antisocial de los homosexuals," 53-59.
[88] Robert McKee Irwin, *Mexican Masculinities*, 153.

and homosexuals is proven."[89] Written approximately thirty years after Carlos Roumagnac's criminological discourses on the nature of crime in Mexico, these articles expose the lasting impact of Porfirian positivist discourse in post-revolutionary Mexico. Roumagnac's ruminations on the criminal nature of homosexuality became solidified as criminological doctrine in post-Porfirian Mexico.

Until similar files can be located in the archives, the criminal case of Luis Sanchez Aguilar and Leocadio Torres Rodriguez remains the best example of the how suspected homosexuals were punished in post-revolutionary Mexico City. Conclusively, positivist rhetoric and classification were the guiding principles of implementing punishment in the absence of official legislation, as illustrated in Chapter One, "Salvaging a Silenced Homosexuality." After all, when applied to the control of anomalies, criminology's classifications were not aimed at constructing a more homogenous and egalitarian society, but at reinforcing the signs of social difference that constituted the foundation of the classifications themselves. In an ironic departure from this logic, however, juveniles suspected of pederasty and homosexuality, though equally labeled as 'contagious' to the health of Mexican society, were given the opportunity for sexual regeneration and moral rehabilitation.[90]

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[89] Susana Solano, "El homosexualismo y el estado peligroso," *Criminalia* 2 (junio 1935): 148-150.
[90] For post-revolutionary officials, adolescence was probably understood as a transitional age; also, perhaps homosexual sex might have been tolerated within the framework of male adolescent sexual experimentation.

# CHAPTER THREE

# REGENERATING A CONTAGION:

# JUVENILES AND HOMOSEXUALITY

## Background

The inauguration of the Tribunal para Menores in 1927, a court established to adjudicate criminal cases of troubled and delinquent urban youth, represented the first official attempt of separating the adult and juvenile criminal worlds. With children viewed as both the future and potential of the nation, the post-revolutionary period in Mexico City was a period of invigorated state attempt to treat and readapt young offenders into healthy and productive citizens. Specialists, officials, and social workers explained juvenile delinquency as an over-determined phenomenon, "the product of poverty, disrupted families, crowded homes, promiscuity…and, in general, 'urbanism'—an 'artificial' state that breaks down the ties between the generations.[91]

In January of 1927, the Tribunal para Menores was established in Mexico City and was primarily based upon the first U.S. juvenile court, established in Chicago, Illinois at the end of the nineteenth century.[92] The goal of this new court was to reduce and ultimately eliminate the growing number of juvenile offenders in the city. In March of 1928, a law was published that called for the state to involve itself in the elimination of juvenile delinquency. The state needed to examine physical and mental disturbances of

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[91] Pablo Piccato, "A Historical Perspective on Crime in Twentieth-Century Mexico City" (Paper presented at the Reforming the Administration of Justice in Mexico conference, Center for U.S.-Mexican Studies, May 15-17, 2004), 17.

[92] Genia Marín Hernández, "Historia de las Instituciones de Tratamiento para Menores Infractores del D.F." Comision Nacional de Derechos Humanos (1991), 21. A Tribunal for minors was originally established in 1923 in San Luis Potosí but was eventually moved to Mexico City.

interned minors but more importantly they needed to take into account deficient family environment and the social characteristics of the minor.[93] Furthermore, interned minors were expected to stay for at least 15 days, in one of the various correctional schools, in order to be properly observed before punishments were given.[94]

In every case of cases of juveniles accused of homosexuality and/or pederasty came from backgrounds that Tribunal officials deemed unstable. Post-revolutionary juvenile offenders benefited from well-meaning but largely ineffective welfare and educational institutions. As a result, the Tribunal focused on re-establishing parental influence as well as morals by interning the minors for various periods of time in correctional schools. They would be monitored and examined closely in the hope that the Tribunal was providing minors with adequate measures for rehabilitation.

Cases brought to the Tribunal involved a variety of crimes, ranging from homicide to petty theft. However, severe crimes like homicide, prostitution, and rape received the most attention and concern from the Tribunal and its bevy of social workers. Although rare in comparison to other kinds of criminal cases, incidents involving pederasty and homosexuality among young boys were surprisingly frequent.[95] These cases tested the redemptive principles espoused by Tribunal authorities.

Collectively, the cases of juveniles arrested for homosexual-related offenses triggered fear within the Tribunal and among its social workers. For example, the negative characterizations of these minors as biological and social contagions reflected

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[93] Genia Marín Hernández, "Historia de las Instituciones de Tratamiento para Menores Infractores del D.F." Comision Nacional de Derechos Humanos (1991), 21.
[94] Genia Marín Hernández, "Historia de las Instituciones de Tratamiento para Menores Infractores del D.F." Comision Nacional de Derechos Humanos (1991), 22.
[95] I found 6 cases involving pederasty and homosexuality were found in the Tribunal's files, which cover the years between 1927 and 1932.

homophobic ideologies of Mexican criminology. Not only are the social workers' written records replete with homophobic criminological doctrine, but they are also riddled in contradictions. Finally, narratives of these cases unfold in relation to the three most important factors that the Tribunal considered when determining a juvenile's punishment and potential for rehabilitation: family environment, education, and sexual behavior or history.

One final note: throughout this chapter, the phrase "homosexual-related offenses" is used quite liberally, a term that requires a more explicit definition because of the complicated nature of examining the relationship between crime and homosexuality in post-revolutionary Mexico City. First, historical analyses of the link between crime and homosexuality are very few in Mexican historiography primarily because of the dearth of criminal records of men arrested for homosexuality. Further, the flexible definitions that authorities and institutions used to interpret homosexuality in both adult and juvenile cases make it difficult to compare not only between the two different spheres of cases, but even among cases involving the same age group.

Like the cases of adults arrested for homosexual offenses, institutional officials, rather than official legislation, were the arbiters of punishment, primarily because no official definition of what constituted a homosexual crime existed. Social workers utilized a wide range of terms to describe both the cause and motive of their crimes: "*pederastía pasiva*," "*faltas a la moral*," "*faltas sexuales*," "*homosexualidad*" and "*perversión de menores*" were used frequently among the juveniles' case files. The term "homosexual-related offenses" was coined, therefore, in attempt to harness the often

ambiguous classifications used in social workers' assessments of a case involving a homosexual or pederast act.[96]

Whereas adults suspected of homosexuality, such as Luís Sánchez Aguilar and Leocadio Torres Rodriguez, appear to have been seen by officials as unnecessary social infections, juveniles, on the other hand, posed a unique set of challenges for Tribunal officials. Charged with reshaping the youth of Mexico's future, Tribunal authorities suffered a particularly challenging moral struggle in its dealings with pederast and homosexual offenders. The case of fifteen-year old Armando Alvarado, accused of raping five-year old Esteban Jasso, was seen by Tribunal officials as a case of pederasty and homosexuality.

## "en su inmoralidad, es activo y pasivo": The Case of Armando Alvarado

According to the young victim, Armando offered him 10 cents to meet him behind a grocery store. There, according to officials in Armando's Tribunal case file, "the bigger boy [Armando], by his strength, forced the boy to accept his advances until he [Armando] satisfied his sexual appetite, contrary to nature."[97]

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[96] Reiterating what has been examined in Chapter One, pederasty is characterized by the exertion of male aggressiveness of the dominant male (usually older in age) onto a passive or weaker male (usually younger in age). Most of the cases taken from the Tribunal para Menores mirror this behavior, involving an older and more dominant boy violently raping a physically weaker, younger male. However, two cases do not reflect this pattern, those of Manuel Sanchez Ontiveros and Ricardo Reveles Guerrero. Whereas Manuel was viewed by officials as a willing victim of the "degenerate propositions" of an older man, Ricardo's case ostensibly omitted any mention of the victim's age. The remaining two cases of Ricardo Reveles Guerrero and Ezequiel Damian Alonso, charged with "faltas a la moral" and "faltas sexuales" respectively, are examples of less severe "homo"-sexual crimes that still managed to stir up anxiety inside the Tribunal.

[97] Archivo General de la Nación, caja 9, expediente 4058, Armando Alvarado, 5.

On March 4, 1931, a week after the incident, a damning assessment of Armando's sexual behavior appeared in an official memorandum from the Casa de Observación. The Director observed that Armando—"active and passive in his immorality"—"must be constantly watched," for he "is effected and inclined towards immoral acts." In fact, Armando was observed as having touched the faces of several other boys "with his filthy hands", and is in "grave danger of infecting them…with the gonorrhea from which he currently suffers."[98]

Authorities explicitly identify Armando as a dangerous sexual degenerate within the walls of the Casa de Observación. Another official correspondence commented on the boy's "very ostensible vice": quite frequently, and even under the surveillance of guards and professors, Armando would "look for other boys in order to execute immoral acts."[99] Three days later, the Tribunal attributed the source of Armando's "evil and repugnant" sexual perversion to "his strong sexual temperament."[100] Shortly thereafter, the Director of the Psychological Department urged officials to instruct Armando in "maximas morales"[101]

The punishment for Armando was placement in the Correctional School for Boys.[102] The Tribunal felt that a change in the boy's environment would modify his pederast inclinations. Indeed, placement in the Correctional School for Boys was seen as

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[98] AGN, CTMI, caja 9, expediente 4058, Armando Alvarado, 31.

[99] AGN, CTMI, caja 9, expediente 4058, Armando Alvarado, 26.

[100] AGN, CTMI, caja 9, expediente 4058, Armando Alvarado, 9.

[101] AGN, CTMI, caja 9, expediente 4058, Armando Alvarado, 24.

[102] Casa de Orientación para Varones; Tlalpan, D.F.

the best punishment for pederasts because officials viewed that a change in scenery would cure him of his immoral conduct.

Despite the Tribunal's prudent efforts in cataloging the nature and extent of Armando's depraved behavior, officials nonetheless viewed him as capable of being morally and sexually regenerated. Rather than continuing to highlight Armando's "evil and repugnant" behavior, officials abruptly switch to benevolent characterizations in their attempt to associate Armando as a future member of society. At first characterizing him as a "hypocrite," a "liar," and "not very nice," authorities note: "on the other hand", Armando is "hardworking," "compliant," and "obedient"—all the necessary traits and social characteristics the Tribunal reasoned essential to the rehabilitation of wayward youths, including those exhibiting pederast and homosexual tendencies. [103] More importantly, authorities associated these qualities as corresponding to productive, healthy elements of society. Thus, the Tribunal's ambiguous view of Armando's social character is symbolic of the institution's moral struggle in reconciling the problem of homosexuality. The challenge for authorities, then, was preserving and cultivating the health of a budding nation in the shadow of "evil," "repugnant," and "immoral" sexual inversions.

Ultimately, Armando, with his conduct "notably improved," was released into the custody of his older brother, Hector, in June of 1932.[104] Though heavily influenced by homophobic ideologies and despite the disturbing nature of the crime, the Tribunal

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[103] AGN, CTMI, caja 9, expediente 4058, Armando Alvarado, 29.

[104] AGN, CTMI, caja 9, expediente 4058, Armando Alvarado, 32. The secretary for the Correctional School for Boys writes: "Ha observado desde su ingreso al plantel, buena conducta."

nevertheless afforded Armando a chance to amend his sexual perversions and deviant behavior. Armando's case, like all cases brought before the Tribunal para Menores, reveals that officials universally examined three specific factors when implementing punishment: family environment, education, and sexual behavior. Ironically, these factors simultaneously influenced the ways in which social workers interpreted and recorded these cases.

For example, any perceived absence of structure in a child's family environment was aggressively examined and subsequently viewed as a chief contributor to a child's immoral behaviors. The case of José Romo not only illustrates the profound importance officials placed upon a solid family environment, but the case's narrative powerfully affirms that positivist criminological discourse on race, degeneration, and heredity directly shaped the Tribunal's perception of—and treatment of—homosexuality as a "social contagion."

## "la família es completamente desorganizada": The Case of José Romo

The following narrative of 17-year old José Romo's crime is recreated through the testimony of Maria Guadalupe Flores, a young mother who accused the teenager of raping her 6-year old son. Pieced together from her lengthy testimony before Tribunal administrators, the mother's vivid account of the events secured the boy's sentence: on April 16th, 1928, José Romo was charged with "*faltas a la moral*" and "*perverción de menores*."[105]

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[105] AGN, CTMI, caja 2, expediente 1757, José Romo Salinas, 3.

At around 4 o'clock in the afternoon, Maria Guadalupe Flores became concerned when her son, 6-year old Tomás, had not returned home. After questioning her other children about his whereabouts, she hastily set off in the direction in which he had purportedly left. Senora Flores soon encountered a woman who had told her that she had chased a young man, José Romo, who she had seen forcibly "pulling" her son. [106]

Eventually Senora Flores came across her son's attacker, interrogating if he had seen Tomás, but José responded that he was off somewhere "throwing pebbles at the birds."[107] Tomás, meanwhile, was huddled in fear inside a brick oven, having been ordered by José to hide and remain quiet. Later that day, Tomás crawled out of the oven and returned to his house, but his mother noticed that he "could not sit very well."[108] A medical examination later revealed that Tomás had been raped, resulting in an anal rupture "about a centimeter in length from the introduction of a foreign body."[109]

The violent nature of the crime and the young mother's damning testimony were not the only elements of the case that alarmed Tribunal officials. Particularly disconcerting was the fact that José was a repeat offender, having "violated another boy the same age as Tomás."[110] In addition, issues of heredity, degeneration, and even race further heightened the Tribunal's anxiety over the case, ultimately exposing that

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[106] AGN, CTMI, caja 2, expediente 1757, José Romo Salinas, 1. In José Romo's case file, social workers record the following: "otro muchacho se lo había llevado a jalones".

[107] AGN, CTMI, caja 2, expediente 1757, José Romo Salinas, 1.

[108] AGN, CTMI, caja 2, expediente 1757, José Romo Salinas, 1.

[109] AGN, CTMI, caja 2, expediente 1757, José Romo Salinas, 5.

[110] AGN, CTMI, caja 2, expediente 1757, José Romo Salinas, 5.

criminological perceptions of these social factors significant directly influenced the Tribunal's own perception of a juvenile's family environment.

Family Environment was critically important for social workers at the Tribunal. Parents composed the foundation of the family environment which, along with class, comprised the core of a child's social formation.[111] The cases of juveniles arrested for homosexual-related offenses, like other crimes in the Tribunal, recorded the observations of social workers who collectively believed that good family environments reared good children. Conversely, bad environments brought bad children to the Mexican state. Thus, "bad" perceptions of a particular child's family environment inevitably influenced a juvenile's punishment. An analysis of the language used to describe and qualify both the physical and social aspects of José's family life expose the importance the Tribunal placed upon a solid, moral family environment.

Social workers evaluating José's case concluded that chaos and disorder were rampant in José's family life: "the family is completely disorganized."[112] On August 18th, 1928, the Tribunal reviewed José's case, stating that his parents "are not preoccupied with [José's] education" and "only dedicate themselves to work."[113] However, there is a hidden irony in the Tribunal's decision to infer and record José's family's "dedication" to work as a wholly negative trait. If one of the definitive goals of the Tribunal was the regeneration of juvenile delinquents into "productive" citizens, surely José's previous work as a *jornalero*—day laborer—before his incarceration

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[111] Pablo Piccato, *City of Suspects*, 2001, 68.

[112] AGN, CTMI, caja, expediente, José Romo Salinas, 10.

[113] AGN, CTMI, caja, expediente, José Romo Salinas, 10.

constituted a productive citizen. On April 25th, 1928, the Head of Investigation declared that "his parents are not interested in the minor" and have come "not one time to ask for him." Finally, he concluded that Jose's "abandonment" and his parent's "drunkenness" have injured him in "large measure."[114]

Tribunal officials, like their criminological influences, viewed everything as transmissible from parents to children: physiognomy, tastes, abilities, weaknesses, and customs. Carlos Roumagnac, for example, stressed a social explanation of deviance. In his study of "criminal anthropology," he hesitated over whether to follow the theories of crime that espoused external or those that stressed internal causes—causes in the environment or within the individuals psyche. He chose to limit the "internal" causes of crime to the "influence of race," transmitted by heredity.[115] Collectively, criminologists "constructed a discourse about social diseases that conceptually isolated them from the 'good' or 'high' parts of Mexican society, thus renewing the links between class and morality."[116]

Mexican criminology also viewed crime and alcoholism as inextricably linked. On April 19th, 1928, three days after the date of the offense, medical officials at the Tribunal recorded that both of José's parents were alcoholics, indicating that the young teenager was inherently predisposed to alcoholism. The notion of degeneration was used more frequently than heredity because of its double meaning: (a) degeneration alluded to the moral condition of criminals, prostitutes, and beggars, and (b) it described the effects

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[114] AGN, CTMI, caja, expediente, José Romo Salinas, 6.

[115] Roumagnac, *Los criminales*, 15-27; 59-60.

[116] Pablo Piccato, *City of Suspects*, 58.

of alcohol consumption and low morality on heredity.[117] The discourse about social diseases placed degeneration at the center of its explanation because it linked the individual, family, and national levels of observation.

Armed with the belief that alcoholics transmitted degeneracy to their descendants, the Tribunal was convinced that José's family structure contributed to his deplorable condition. Indeed, every section of the Tribunal provided negative assessment of José; for example, on May 3rd, 1928, the Psychological Investigation Section described José as "antagonistic," "subordinate," and, "illiterate."[118] On May 16th, the Casa de Observación released information regarding José's character that was consistent with the antisocial nature associated with homosexuals: José very rarely "chats" with his peers and does not "take part in their conversations" and "games."[119]

The Medical Investigation Section's notation of José's race as "i*ndígena*" is also important because race mixture played an important role in Mexican criminality. [120] The notation suggests that social workers may have attributed Jose's homosexual deviance to his race, plausible because of an already established criminological link between criminality and lower-class mestizo culture. Without question, Mexican criminologists established the scientific basis for social difference, and race "was a useful instrument to

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[117] Pablo Piccato, *City of Suspects*, 68.

[118] AGN, CTMI, caja 2, expediente 1757, José Romo Salinas, 7.

[119] AGN, CTMI, caja 2, expediente 1757, José Romo Salinas, 8.

[120] AGN, CTMI, caja 2, expediente 1757, José Romo Salinas, 6.

deal with degeneration at a social level because racial categories worked as an extension of the organic conceptions of society and politics."[121]

In 1901, Julio Guerrero published *La génesis del crimen en México*, a work that was based on a Social-Darwinistic explanation of criminality. Guerrero particularly condemned race miscegenation, which produced "children with two heads, Siamese twins, idiots, macrocephalics, albinos, offspring with hairlips, feet without toes, hands with six fingers, tuberculars, syphilitics, scrofulars, dwarves and hunchbacks."[122] During this period in the rise of Mexican criminology, the majority of criminologists accepted a link between physical deformities and criminality. Guererro assumed a racial link as well, positioning lower-class mestizo culture as an object to be feared.

Interestingly, José Romo's case contains a photograph of his mother, María Salinas, attached to a letter requesting permission to visit her son. Considering the criminological link between race and criminality, the heavily indigenous features of his mother may have influenced her son's lengthy incarceration, evidenced by his mother's prolonged struggle to free her son from the Tribunal. Her concern for her son is manifested soon after his incarceration in the Correctional School for Boys in Tlalpan on May 8th. On June 1st, 1928, a few months after her son's initial arrest, an official memorandum from the school's Director was issued that authorized Jose's mother's

[121] Pablo Piccato, *City of Suspects*, 69.
[122] Julio Guerrero, *La génesis del crimen en México: Ensayo de psiquiatría social* (México: Imprenta de la Vda de Ch. Bouret, 1901), 131.

request to visit her son during his treatment: "La senora Maria Salinas may visit monthly her son the minor José Romo."[123]

José was interred in the Correctional School for over one year. Nearly one year after her son's crime, on March 25th, 1929, María Salinas sent a letter to the President of the Tribunal imploring for her son's freedom.[124] The next month, on April 5th, 1929, an official memorandum addressed to José's mother refused to release the minor. No reasons for the rejection are given; a small heading reads: "*Que no es possible conceder la externación del menor José Romo*."[125]

Finally, on July 19th, 1929, the Protection and Vigilance Section of the Tribunal issued a release statement for José. The Tribunal was hesitant in releasing José for multiple reasons: "the minor will be in an environment of poverty"; "because the family is little organized"; and, finally, "the parents intoxicate themselves with frequency."[126] The Tribunal also expressed that "in reality the family needs [José's] economic help." The document concluded that because of his age and that the "[Tribunal's] environment, between boys" who could very well be influenced by his "damaging immoralities," José's release would be accepted.[127] Like all of the cases of juveniles brought before the

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[123] AGN, CTMI, caja 2, expediente 1757, José Romo Salinas. It is reasonable to believe that Jose's mother requested to see her son some time before the memorandum was issued. The bureaucratic nature of the Tribunal often meant personal requests took weeks, if not months, to be processed.

[124] The letter was written with the help of a lawyer, J. Lozano Garza.

[125] AGN, CTMI, caja 2, expediente 1757, José Romo Salinas, 22.

[126] AGN, CTMI, caja 2, expediente 1757, José Romo Salinas, 24.

[127] AGN, CTMI, caja 2, expediente 1757, José Romo Salinas, 24.

Tribunal for homosexual-related offenses, José was released in good faith to his family, in the hope that they would assume the responsibility of "preparing him for the future."[128]

Similar to family environment, the Tribunal viewed education as the responsibility of parents. The case of Manuel Sánchez Ontiveros illustrates the seemingly boundless faith that Tribunal authorities extended towards wayward youth's families in the hopes of correcting their children's moral, sexual, and intellectual progress.

The post-revolutionary Mexican state incorporated the major task of integrating the nation by providing skills and values that were necessary for modernization. Following the revolution, there was a feeling that within the federal government that educational reform, an issue that stemmed from the Revolution, could help the government in securing the popular support as well as exercising control over the Mexican population.[129] Mary Kay Vaughan argues that the new members of the Secretary of Public Education (SEP) "tended to consider the schools a panacea for backwardness and poverty; it stressed the disciplinary and skill-upgrading aspects of schooling."[130] As a result of this ideology, the government agency, the Tribunal para Menores, contained many workers, especially social workers, who professed the importance of education within their social reports delivered to the Tribunal.

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[128] There is an interesting discrepancy in José Romo's case. The document issued by the Protection and Vigilance Section of the Tribunal records José's age as 15 years old. As the case progresses, his age remains consistent. One hypothesis may explain this discrepancy: At the time of his arrest, José's age was 17. By the time of his release, he would have been 18 years old, legally considered to be an adult. Tribunal officials may have wanted to alleviate their concerns of José's potential for rehabilitation by lowering his age. Another scenario could be that José's parents knowingly changed their son's age in the hope of having him released.

[129] Mary Kay Vaughan, *The State, Education, and Social Class in Mexico, 1880-1928*, (Dekalb: Northern Illinois University Press, 1982), 163.

[130] Mary Kay Vaughan, *The State, Education, and Class in Mexico*, 163.

## The Case of Manuel Sánchez Ontiveros

Manuel Sánchez Ontiveros left his house on Avenida Cosala in Colonia Vallejo only on rare occasions. A severe case of childhood rickets left the boy weak and crippled. Nonetheless, on April 16th, 1928, his family sent him to buy 10 kilos of corn on Calle de Lerdo. Not far from the house, Mexico City police caught 18-year old Manuel on the banks of the Consulado River "kissing" an adult, Pedro Juárez Hidalgo, a man who lived in his neighborhood.[131]

The Tribunal's narrative of the incident paints Manuel as a willing victim of the "degenerate propositions" of the older man.[132] Authorities claim the Pedro had asked Manuel to help him carry some bottles of paint to his house. [133] However, when they approached the river, both men "sat down and gave free rein" to their "*morbosidades*."[134] After being taken to the General Police Inspection to be interrogated, officials reported that Manuel defended himself with "evasions and lies, confessing finally to his crime." "For this reason," the report continues, "the minor is guilty, therefore, of committing this crime." Medical examiners later concluded that Manuel was suffering from *"pederastía pasiva*."[135]

Manuel's case truly tested the redemptive principles of Tribunal authorities for multiple reasons. First, at 18-years old, Manuel's age immediately alarmed Tribunal

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[131] AGN, CTMI, caja 2, expediente 1778, Manuel Sánchez Ontiveros, 3.

[132] AGN, CTMI, caja 2, expediente 1778, Manuel Sánchez Ontiveros, 3.

[133] While the documents do not mention Pedro's age, he is clearly identified as an adult.

[134] AGN, CTMI, caja 2, expediente 1778, Manuel Sánchez Ontiveros, 3.

[135] AGN, CTMI, caja 2, expediente 1778, Manuel Sánchez Ontiveros, 4.

officials, generating a sense of urgency among social workers to treat Manuel's immoral behavior. In fact, social workers knew their window of opportunity in regenerating Manuel was limited, evidenced from the Tribunal's desire to authenticate his age. But family interviews conducted only confirmed the social workers' fear: "without question, all of his family members assure that he was born in 1910."[136]

Manuel's sexual history further disturbed the Tribunal. In his social profile, social workers describe Manuel as "excessively lascivious."[137] Accordingly, Manuel "does not waste the occasion" to engage in indiscretions with "members of both sexes." The minor confessed to having had sexual contact with two minors of the male sex, Antonio and Ezequiel, and of having had sexual contact with his cousins, Paz and Rosa, 9 and 11-years old respectively. Particularly troubling, officials document Manuel's confession of "having the daily custom, and sometimes two times per day, of masturbation."[138]

Another reason why Manuel's case challenged the regenerative goals of the Tribunal is because social workers were confronted with what they abundantly described as a physically deformed and mentally deficient child. Doctors and social workers at the Tribunal were obsessed with equating mental deficiency with juvenile delinquency. In 1934, for example, Roberto Solis Quiroga published an article in *Criminalia* entitled

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[136] AGN, CTMI, caja 2, expediente 1778, Manuel Sánchez Ontiveros, Curiously, despite the family's assurances of Manuel's age, several documents in Manuel's case file record his age as less than 18-years old, in one case as low as 12-years old. On May 11th, 1928, Manuel underwent a physiological evaluation. Officials record his physical age as 15, whereas his mental age is calculated at 7 years, 4 months. Manuel's age may have been a factor contributing to his swift release from the Correctional School (he was interred for little over a month), but, like other cases, there is no clear reason for the discrepancy in ages.

[137] AGN, CTMI, caja 2, expediente 1778, Manuel Sánchez Ontiveros, 3.

[138] AGN, CTMI, caja 2, expediente 1778, Manuel Sánchez Ontiveros, 3.

"Mental Deficiency and Juvenile Delinquency," stating that "it is possible to affirm that 70 per cent…of children and youths" that have been brought before the Tribunal para Menores have a mental deficiency.[139] That same year, Luís Garrido published an article in *Criminalia* stating that "the study of the statistics concerning the mental and moral state of minor subjects in the jurisdiction of the Tribunal, demonstrate that only one third can be included in the sector of normal" mental development.[140] He further wrote, "the rest present manifestations of mental debility with instability, alterations of character" and have "alcoholic descendants."[141]

Manuel's psychological evaluation, for example, was particularly negative. Social workers recorded that Manuel's "psychological reactions," "his character," "his spiritual being," and "in particular his manner of expressing himself" are suggestive of "*la vida animal*."[142] In addition, social workers concluded that Manuel's "moral deficiency" and inadequacy of living environment caused him to commit crimes of a "sexual nature." They even argue that, considering the precariousness of his surroundings, "it would not be difficult for [Manuel] to change into a parasite or anti-social being"[143]

In order to correct Manuel's degeneracy, social workers concluded that Manuel needed moral guidance and a proper education. After all, in addition to providing the

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[139] Roberto Solis Quiroga, "Mental Deficiency and Juvenile Delinquency," *Criminalia* 2 (diciembre 1934): 53-59.

[140] Luis Garrido *Criminalia,* 245.

[141] Luis Garrido *Criminalia,* 245.

[142] AGN, CTMI, caja 2, expediente 1778, Manuel Sánchez Ontiveros, 14.

[143] AGN, CTMI, caja 2, expediente 1778, Manuel Sánchez Ontiveros, 14.

minor with a stable environment, the Tribunal para Menores viewed education as a vital component for the growth of the minor. Providing adequate education afforded the minor the opportunity to become a successful member of society. However, despite the fact that Manuel's family "[seemed] to have a great interest in educating him," social workers had reservations about the family's abilities to improve his moral and mental development. The language of the Tribunal's diagnosis of Manuel is vividly pejorative of his family's structure and of the boy's immorality: "[Manuel] is guilty of the committed crime; [he] realized what he did was wrong and tried to cover it up with lies; but there are two extenuating circumstances: his mental inadequacy and the constant wickedness in which he lives [are], factors that, in my conception, have contributed powerfully to the development of his lasciviousness.[144]

Social workers also conclude that Manuel's family has failed to provide a proper environment for their son. According to his social profile report, also influencing the development of his "morbid habits" was "the lack of vigilance from his family members, who, because of their actions and ignorance, have failed to take care of themselves to such a point that they ignore the prior immoral acts of the boy." Despite these objections, social workers have faith in the family's potential to change their ways and be set in the "right direction."[145]

Just as the previous case of José Romo illustrates, imitation and heredity were factors that, in the Tribunal's view, affected a juvenile's potential for rehabilitation. Within the family home, children witnessed firsthand the models for their future

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[144] AGN, CTMI, caja 2, expediente 1778, Manuel Sánchez Ontiveros, 4-5.

[145] AGN, CTMI, caja 2, expediente 1778, Manuel Sánchez Ontiveros, 4-5.

behavior. However, as Pablo Piccato asserts, "education, the científico's favorite instrument of cultural modernization" was an "ineffective weapon to reform the 'dangerous classes.'"[146]

Therefore, the Tribunal's negative descriptions of Manuel's family environment and its decision to entrust his family with his education is both contradictory and unproductive. In other words, the legacy of criminologists did not end with the fall of the Porfiriato. They bequeathed many of their instruments and premises to the project of regeneration of the Mexican people appropriated by the revolutionary state.[147] Manuel truly lived in an enclosed environment; in fact, because of his physical handicap, Manuel rarely left his house. His social profile records that "his life reduces him to be enclosed in his house in constant idleness."[148]

Ultimately, social workers believed that Manuel's living environment greatly jeopardized his potential for regeneration and that his family was incapable of educating the boy on their own. The primary condition of Manuel's release from the Tribunal stipulated that he would work at the house of a lawyer, José N. Marín, who would help in the "manual education of the minor."[149] Despite the extraordinary psychological, biological, and environmental limitations that the Tribunal believed contributed to the development of Manuel's "lascivious" state, officials were hopeful that adolescent would

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[146] Pablo Piccato, *City of Suspects*, 68.

[147] Pablo Piccato, *City of Suspects*, 71.

[148] AGN, CTMI, caja 2, expediente 1778, Manuel Sánchez Ontiveros,

[149] AGN, CTMI, caja 2, expediente 1778, Manuel Sánchez Ontiveros,

be regenerated. On May 23rd, 1928, a little over a month after the date of criminal incident, the Tribunal released the boy to his family.

Just as the Tribunal felt responsible for the educational development of minors, officials also felt the need to correct improper sexual behavior. Indeed, sexual promiscuity and behavior was a major concern for post-revolutionary officials. An increase in the number of people affected with syphilis during the 1920s prompted hygienists and other members of public agencies to address the issue. While public officials had worried about the spread of sexually transmitted diseases since the 19th century, health officials were worried that the growing number of people infected with the disease would "reflect the Mexican peoples' promiscuity and foreshadowed the nation's economic ruin."[150] In order to combat perpetuation of sexually transmitted diseases, hygiene officials focused on the Mexican youth as a way to reduce further outbreaks. The hope by officials was that if the youths were targeted early enough, the spread of disease would be somewhat contained as sexually active youths would avoid promiscuity and maybe sex altogether.[151]

The inherently sexual, and oftentimes violent, nature of the cases of juveniles arrested for homosexual-related offenses truly disturbed social workers. The case of Cosme Andrade Lascano, arrested in the summer of 1927 for raping a 5-year old boy, was charged with "*faltas a la moral*."[152]

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[150] Katherine Elaine Bliss, *Compromised Positions: Prostitution, Public Health, and Gender Politics in Revolutionary Mexico City* (University Park: The Pennsylvania State University Press, 2001), 99.

[151] Katherine Bliss, *Compromised Positions*, 104-105.

[152] AGN, CTMI, caja 1, expediente, 492 Cosme Andrade Lascano,

## The Case of Cosme Andrade Lascano

In the daylight hours on July 3rd, 1927, in an open street in Colonia Obrera, Cosme Andrade Lascano was caught in the act of raping five-year old Pedro Pablo Gómez. A witness to the crime, another boy who was playing in front of his uncle's house, testified that Cosme dashed from the scene when confronted; the innocent spectator observed young Pedro with his "pants dropped" and sympathetically told him to pull them up.[153]

Fourteen-year old Cosme Andrade Lascano's immediate inclination was to deny the charges of "faltas a la moral" during his initial interrogation before Tribunal officials.[154] However, despite the adolescent's declaration of innocence, the medical examinations of both Cosme and his young victim were overwhelmingly incriminating: Cosme exhibited signs of an "erection and recent ejaculation" while five-year old Pedro suffered forced "blood trauma" and possessed stains "of a liquid that is probably semen."[155]

Social workers concluded that Cosme's "life of leisure and vagrancy" contributed in large part to his delinquency. Despite the fact that his family appeared to be "moral" and his "mother takes interest in her son," they believed that his home environment lacked the "energy and control" necessary to guide him morally.[156] Tribunal officials

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[153] AGN, CTMI, caja 1, expediente 492, Cosme Andrade Lascano, 3.

[154] AGN, CTMI, caja 1, expediente 492, Cosme Andrade Lascano, 3.

[155] AGN, CTMI, caja 1, expediente 492, Cosme Andrade Lascano, 3.

[156] AGN, CTMI, caja 1, expediente 492, Cosme Andrade Lascano, 5.

thought that a positive environment was the key for a successful rehabilitation and sent him to be observed in the Correctional School for Boys.

On August 1st, 1927, the Casa de Observación released information regarding Cosme's character, overwhelmingly portraying him as antisocial existence within its walls. The Director recorded that Comse was "little communicative" and "does not like to play with his peers."[157] Further, the few times that he does interact with other boys, his manner was "somewhat brusque" and full of "crude words." Curiously, Cosme's only redeeming quality (*su única cualidad*) concerns his hygiene: "[Cosme] is tidy in his appearance and clothes."[158]

Though the brutal nature of the rape is undeniable, the Tribunal believed it was ultimately responsible for restoring Cosme's lapsed morals. One way to ensure a successful rehabilitation was to focus on the juvenile's personal work history, a crucial factor for two reasons: first, interviews conducted with employers and co-workers provided social workers with more behavioral data to construct a character portrait; and, more important, a juvenile's work history was directly linked to the Tribunal's perception of an offender's potential productivity.

Three months before his condemnation by the Tribunal, Cosme began working at a local movie theater, Cine Fausto. Social workers recorded that while Cosme was, in fact, known by his fellow employees, he rarely interacted with them and never developed

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[157] AGN, CTMI, caja 1, expediente 492, Cosme Andrade Lascano, 13. These sentiments are again stressed in a September 14th letter approving his release.

[158] AGN, CTMI, caja 1, expediente 492, Cosme Andrade Lascano, 9.

a friendship with any of them.[159] Cosme's antisocial character is further highlighted: "Every evening he would go to the theater and while he wouldn't offer to do anything, he would watch films. He likes primarily cowboy movies, because they are emotional."[160] Social workers further recorded that Cosme had "little friends," and though his fellow employees knew of him, he never established lasting friendships.

Of all the cases of juveniles arrested for homosexual-related acts in the Tribunal's archives, Cosme's case is unique because it raises the controversial issue of censorship. An average case file contains a multitude of information, both public and private, on every child brought before the Tribunal. More specifically, information highlighting family environment, educational history, family illnesses, writing samples, as well as observations recorded by social workers allows historians to glimpse into the past of how these offenders were viewed and treated by state officials. However, a curious discrepancy appears in Cosme's file: in one section of his social and physical profile, the adolescent's disposition was recorded first by social workers as "cordial," but this description was subsequently edited by a typewriter and replaced with a far more disapproving characteristic, "*antagonistica*."[161]

While it is impossible to uncover the facts behind this alteration—perhaps it was a mere clerical error—it is reasonable to hypothesize that social workers decided to color Cosme's Tribunal profile with character data more consistent with criminological conceptions of homosexuals. Criminologists in post-revolutionary Mexico viewed

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[159] AGN, CTMI, caja 1, expediente 492, Cosme Andrade Lascano,

[160] AGN, CTMI, caja 1, expediente 492, Cosme Andrade Lascano,

[161] AGN, CTMI, caja 1, expediente 492, Cosme Andrade Lascano,

homosexuality not only as highly immoral, but also as a depraved social condition that violated the very basis of society. In other words, to allow Cosme's record to contain positive characterizations would have undermined the Tribunal's moral philosophy regarding homosexuals and contrasted with institutional views of homosexuals. Thus, it is feasible to conclude that such a correction, perhaps intentional, was meant as a justification for the Tribunal's efforts to rehabilitate offenders affected by "wicked" and "lascivious" as homosexual-related cases.

Ultimately, Tribunal officials released Cosme into the custody of his mother in September of 1927, charging her with watching her son with "greater vigilance" and keeping the Tribunal informed of his conduct.[162] Like Cosme's case, other cases of juveniles arrested for homosexual-related offenses suggest that the language employed by social workers needs to be carefully examined. The final two cases of Ricardo Reveles Guerrero and Ezequiel Damian Alonso demonstrate how Tribunal officials purposefully manipulated the language of a criminal case's narrative in order to heighten the sense of urgency in regenerating "lascivious," "degenerate," and "repugnant" young boys.

## Shaping a Contagion:<br>The Cases of Ricardo Reveles Guerrero and Ezequiel Damian Alonso

The scene of the crime was the Cine Montecarlo. On April 12th, 1927, inside the darkened theater, fifteen-year old Ricardo Reveles Guerrero engaged in some kind of public sexual indiscretion. According to the General Police Inspection report, he was

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[162] Cosme's mother took it upon herself to ensure her son's employment after his release, a factor that surely contributed in the Tribunal's decision to release the boy. Little over a week after her son was interred in the Correctional School for Boys, Cosme's mother secured a letter of employment from El Fenix, a panadería, stating that Cosme could work in the establishment.

caught "touching the sexual parts" of another theatergoer, Juan Garcia, a resident of avenida de la República de Cuba.[163]

On April 21st, 1927, more than a week after being detained by the police, the Tribunal para Menores charged the young Ricardo with "faltas a la moral." Yet, the Tribunal's account of the crime is far more benign than the initial police report. There is no mention of a sexual act being committed; rather, social workers describe Ricardo's crime in terms of what could have happened had he not been apprehended. The language used to describe the details of Ricardo's crime is, therefore, significant because it stresses the nascent nature of Ricardo's condition: he was caught "in the moments of committing immoral acts with another individual." In other words, in the eyes of the Tribunal, Ricardo was apprehended not a moment too soon, providing its workers with ample opportunity to rectify his "sexual complication" before it worsened.[164]

The case of Ezequiel Damian Alonso is another example of how the Tribunal constructed cases to justify the 'correctional' treatment of sexual deviants. On March 28th, 1928, Ezequiel accepted Juan Cruz Vargas's invitation to enter an empty house with a 5-year old boy, Arturo Gutierrez, "without knowing what was going to happen." Once inside the building, Juan told Ezequiel to "close the door." Moments later, at 1:20 in the afternoon, Arturo's entered empty house and encountered a disturbing scene: the oldest boy, Juan, was seen inserting "[his] virile member" into his son. Later that day, 9-year old Ezequiel Damian Alonso and 13-year old Juan Vargas were taken to the General

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[163] AGN, CTMI, caja 1, expediente 233, Ricardo Reveles Guerrero, 1.

[164] AGN, CTMI, caja 1, expediente 233, Ricardo Reveles Guerrero, .

Police Inspection. Weeks after the crime, on April 12th, Ezequiel was sent to the Tribunal para Menores, charged with "*faltas sexuales*."[165]

The above narrative is extracted from Ezequiel's social profile. In addition to containing biographic, family, and educational information regarding offenders, each juvenile's social profile also included a brief section in which the Tribunal presented the causes—"*causas determinantes de ingreso*"—for a minor's sexual transgression. Typically, this section also contained a brief narrative of the crime written by social workers. These vignettes are important because they further reveal the highly prescriptive nature of how Tribunal officials recorded homosexual-related crimes.

More specifically, the language employed by Tribunal officials stresses both the temporal significance as well as the severity of the criminal sexual act. Just as in the case of Ricardo Reveles Guerrero, authorities have narrated the events in a way that heightens the potential magnitude of the sexual crime. Officials recorded that Juan was discovered the moment "he was going to ejaculate."[166] In the Tribunal's view, had it not been for the fortuitous discovery by the victim's father, the sexual crime committed by the older boy could have been far more abominable. In effect, the linguistic positioning of the events adds a sense of urgency in addressing the crime and regenerating the degeneracy of the minor.

Unlike other cases, however, Ezequiel was never sent to the Correctional School for Boys to receive treatment. When first arrested, Ezequiel denied the accusations.

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[165] AGN, CTMI, caja 2, expediente 1715, Ezequiel Damian Alonso, 3.

[166] AGN, CTMI, caja 2, expediente 1715, Ezequiel Damian Alonso,

Equally important, officials noted that the older boy, Juan Vargas, "confessed to be the only one guilty," establishing, with certainty, his innocence.[167] Indeed, Ezequiel's case file is relatively short primarily because the Tribunal determined that he was innocent of the crime, ultimately releasing the boy into the custody of his mother.[168]

## Conclusion: Criminals or Citizens?

Chapters Two and Three, in addition to offering insight into how homosexuals and homosexual acts were criminalized and punished, propose that positivist literature of the criminal nature of homosexuality—infiltrated into Mexican society vis-à-vis medical doctors, criminologists, politicians, and journalists—serves as the primary method of social control of homosexuality both before and after the Mexican Revolution. But not only was positivist criminological discourse temporally constant throughout the period in question; in fact, it was solidified in the national rhetoric of an increasingly secular, institutional, and industrial neo-Porfirian society in the hope of "securing" the nation.[169] Even while Mexico's dominant institutions and regulatory discourse continued to condemn homosexuals as criminals and deviant sexual degenerates, the differences between adult and juvenile criminal cases expose the state's conflicting view on homosexuality as well as its ostensibly unequal, and arbitrary, treatment of homosexual acts.

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[167] AGN, CTMI, caja 2, expediente 1715, Ezequiel Damian Alonso,

[168] A case file for Juan Vargas could not be located in the archival files.

[169] According to Joanne Hershfield, "The post-revolutionary nation and the new Mexican citizen were formed through a set of discourses, stereotypes, and memories of national identity that circulated in public through official mandates and productions as well as through popular culture, the mass media, and interpersonal relations." "Securing the Nation" in *The Eagle and the Virgin: Nation and Cultural Revolution in Mexico, 1920-1940*, ed. Mary K. Vaughan and Stephen E. Lewis, (Durham: Duke University Press, 2006), 259.

Regardless of how homosexuality was criminalized, the influence of criminological doctrine revealed that the idea of homosexuality had been irrevocably unleashed into the public sphere. Notions of homosexuality came to be crucial in defining masculinity during the first half of the twentieth century in Mexico, and many stereotypes that became prominent in those years continue to exert influence today, even in scholarly discourse. As Robert McKee Irwin claims, the case of the "Famous 41" marked a historic shift in Mexico's popular imagination, irrevocably subverting social and cultural norms and challenging established links between gender and sexuality. Thus, an appraisal of the criminal scandal of the "Famous 41"—and, particularly, the ensuing public outrage and anxiety the festive ball caused—remains a pivotal event in an analysis of the link between crime and homosexuality in Mexico.

Still, the scandalized case of the Famous 41 is but one part of the story of the rise of homosexuality as a distinct identity in post-revolutionary Mexico City. Scholars of 'Queer' history in Mexico have tended to focus on a series of scandalous events—such as the ball of the "Famous 41"—and in doing so have failed to apply to Mexican gay, lesbian, and transgender studies the numerous approaches in the historiography of the urban gay experience in the United States and Western Europe.[170] True, scholars of Mexican history have shown that the rapid urbanization and modernization of Mexican society had a tremendous impact on men, women, the family, and gender relations. However, little research has focused on the connection between Mexico's rapidly industrializing urban areas and the emergence of a homosexual identity. Like other

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[170] Victor M. Macias Gonzalez, "A Note on Homosexuality in Porfirian and Postrevolutionary Northern Mexico," *Journal of the Southwest*, 543-548. Also, see George Chauncey's *Gay New York*.

industrializing, capitalistic urban centers during this period, Mexico City's rapid industrial change appears to have had a profound effect on the evolving status of homosexuality as a social category and its position within the rapidly modernizing socio-spatial landscape.

Chapter Four, "Gender, Sex, and Public Space," uncovers the close relationship between the city and the rise of homosexuality as an identity. Just as the Porfirian literature that scandalized the ball of the "Famous 41" is useful in showing how the concept of homosexuality was unleashed into the public sphere, the writings of one of Mexico's most important intellectuals, Salvador Novo, points to the existence of a dynamic homosexual underworld in post-revolutionary Mexico City. At a very young age, "Salvador Novo had begun his gay life in streets of Mexico City."[171] A history of the link between crime and homosexuality is, therefore, a history and the city and its environs.

[171] Salvador A. Oropesa, *The Contemporáneos Group: Rewriting Mexico in the Thirties and Forties* (Austin: University of Texas Press, 2003), 25.

# CHAPTER FOUR:

# GENDER, SEX, AND CITY SPACE:

# FROM THE "BAILE NEFANDO" TO SALVADOR NOVO

> la bastardía inmunda…de aquellos jóvenes inflammables, repudiados, odiosos para el porvenir y por todas las generaciones, escoria de la sociedad y mengua de los hombres honrados amantísimos de las bellezas fecundas de la mujer.[172]

A mere five years after the widely and wildly publicized scandal of the "Famous 41," the arrested 'criminals' of the transsexual ball again took center stage in Eduardo Castrejón's novel *Los 41*. Operating under the premise that the sexual degeneration of homosexuality would eventually lead inevitably to moral, physical, and criminal physical degeneration, the mere fact of the novel's publishing attests to the continued moral outrage of the Mexican public as well as the event's lasting popular resonance.

Certainly, the case of the arrested partygoers on calle La Paz in 1901 is a defining moment of state anxiety over homosexuality. Carlos Monsivaís and Robert McKee Irwin have argued persuasively that the 41 scandal of 1901 marked the birth of modern Mexican homosexuality—that the "shocking" public revelation of flagrant transvestism and elite hanky-panky (which may or may not have included the president's nephew) produced the nation's first homosexual panic.[173] In fact, the number forty-one continues to signify homosexuality in Mexico today. Throughout the twentieth-century,

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[172] Eduardo A. Castrejón, *Los 41* (México: Tipografía Popular, 1906), 13. [the filthy bastardy…of those young men, inflammable, repudiated, odious for the future and for all generations, scoria of society and disgrace of honorable men, ardent lovers of the fecund beauties of women.]
[173] Robert Buffington, *Criminal and Citizen in Modern Mexico*, 194.

"politicians and violent homophobes have used the term to excuse and perform some extraordinarily violent acts; more recently, others have inverted the signifier in order to perform gay community and liberation."[174] Perhaps the most significant and lasting impact of case of the "Famous 41" was its ability to position Mexican society's association of homosexuality as an inherently gendered concept: effeminacy quickly came to be associated with transvestitism and homosexuality to the point that male effeminacy was, for much of the twentieth-century, largely considered synonymous with male homosexuality in Mexico.

In the aftermath of this notoriously publicized event, *scandal* was the word of the day. The topic was so distressing that an accurate rendering of the facts was impossible. As Carlos Monsivaís points out, instead of the unbiased descriptions of behaviors, desires, attitudes, or attributes that historians might hope to find, the only clear conception to emerge was a stereotype: From then until recent times in popular culture a gay has been a transvestite, and there has been only one kind of homosexual: the effeminate.

The period's periodical representations of the scandal exposed a widespread sense of anxiety over the issue of homosexuality. *El Popular*, for example, a newspaper known for its sensationalism, expressed its repugnance towards the scandal: "We offer to publish in *El Popular* all details relating to the subject, as well as to frankly state what people are involved, as it is high time to prevent such indecent scenes from recurring."[175] The paper proclaims that its harsh commentaries are directed to those who "…utterly

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[174] Pete Sigal, review of "The Famous 41: Sexuality and Social Control in Mexico, c. 1901" by Robert McKee Irwin. *American Historical Review* 109:4 (2004), 1277.
[175] Robert McKee Irwin, *The Famous 41: Sexuality and Social Control in Mexico*, *1901*, 25.

lacking in shame, have stooped to dressing as women and dancing with other equally shameless men, many of whom have been described as effeminate, and have been known as such at Police headquarters since the era of Don Velázquez."[176] Another article from *El Popular* again voiced these sentiments: "As many of these individuals belong to well-known families of good social standing, there have been abundant influences to get the district governor to mete out a less severe punishment; but that vigorous official has shown himself to be inflexible."[177]

Naturally, *Imparcial*, a semi-official Porfirian newspaper, refuted the widespread public opinion that some attendees of the scandalous ball were members of distinguished families: "The truth is that at the aforementioned excessively immoral and scandalous party there was found only to be a group of over 40 men, well known for their depraved customs and who more than once have figured in similar scandals.[178] Perhaps this illustrates a state attempt to distance itself from any association to the "shocking" transvestite ball. After all, Porfirian cultural, political, and economic class hegemony, ideologically bolstered by positivist discourse, necessarily confined homosexuality as existing outside of their sphere of power.[179]

The artisans and operatives of Porfirian Mexico had imbibed patriotism in their schools, political clubs, and mutual aid societies.[180] Civic festivals, street theaters, and

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[176] Robert McKee Irwin, *The Famous 41: Sexuality and Social Control in Mexico*, 1901, 25.
[177] Robert McKee Irwin, *The Famous 41: Sexuality and Social Control in Mexico*, 1901, 25.
[178] Robert McKee Irwin, *The Famous 41: Sexuality and Social Control in Mexico*, 1901, 25.
[179] There is speculation concerning a relative of Porfirio Diaz, a nephew or son-in-law, was implicated in the scandal, quietly released from jail, and forgotten in the press.
[180] Michael Snodgrass, "'We Are All Mexicans Here': Workers, Patriotism, and Union Struggles in Monterrey" in *The Eagle and the Virgin*, ed. Mary K. Vaughan and Stephen E. Lewis, (Durham: Duke University Press, 2006), 315.

the penny press furthered their identification with the nation.[181] Yet, these symbols that aimed for collective national imagination were simultaneously symbols of conflict. For example, an examination of the penny press, a satiric working-class publication, reveals competing ideologies of homophobia among the Porfirian bourgeoisie and Mexico City's working classes. The penny press juxtaposed images of respectable, manly working class men engaged in productive activities against images of effete bourgeois elites. In essence, the penny press became a locus of contestation against bourgeois social domination.

Bourgeois notions of homophobia acted primarily as an internal policing mechanism, ensuring elite social prominence by relegating ideas of 'criminal' homosexuality to those outside their circle.[182] Working-class homophobia, by contrast, sought to subvert bourgeois hegemony by calling into question these ideological claims to class superiority.[183] Public opinion scorned the luxurious lifestyle of fops because they blurred traditional gender boundaries and represented a sterile or unproductive—and, thus, unmasculine—use of capital that violated the values of frugality, modesty, decorum, and capital accumulation that the regime advocated. Examined together during the Porfiriato, the editors of the working-class penny press and the *científicos* of positivist legislation were opposing actors of social control that manipulated the language of masculinity for their own purposes. The editors challenged "effeminate" elite privilege.

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[181] Michael Snodgrass, "'We are All Mexicans Here,'" in *The Eagle and the Virgin*, 315.
[182] The competing ideologies of homophobia found in the example of Mexico City's penny press are strikingly similar to Gail Bedermen's conclusion that questions of manhood and masculinity in early 20th century America were contested across class lines, between an effeminized middle-class and a manly working-class. She observes in *Manliness and Civilization* a "fear that middle class men as a sex had grown decadent. Working class…men, with their strikes and their 'primitive' customs, seemed to possess a virility and vitality which white decadent middle-class men had lost."
[183] Robert Buffington, *Criminal and Citizen in Modern Mexico*, 212.

The *científicos*, meanwhile, sustained Porfirian excess through scientific terminology, evidenced through their belief that homosexuals were products of an identifiable class that was not inherent to the upper or middle classes but to the lower "criminal" classes.

By the 1920s, Porfirian sexual angst had turned into an underlying obsession of national cultural discourse.[184] This is not to impetuously attribute a major social revolution to sexual anxiety over homosexuality. Rather, the criminalization of homosexuality came to embody the contradictory and exclusionary nature of modernization in Mexico. Criminological discourse of turn-of-the-century Mexico, born in the name of modern science, did not aim to extend the benefits of progress to the entire population. More precisely, it served as an acceptable justification for the exclusion of vast segments of Mexican society from the progress of modernization. In illusory fashion, the attempt to the criminalize the "contagion" of homosexuality was a means for the dominant Mexican culture, itself in a constant process of social and cultural transformation (and re-transformation), to police its own boundaries and solidify notions of 'normal' masculine behavior.

The criminalization of homosexuality, however, was far from a fixed enterprise. As the narrative has illustrated to this point, one of the defining features of "criminal" homosexuality was a consistent lack of precision in how the concept was interpreted. By definition, the criminal act of homosexuality was ambiguous primarily because the criminal offense of homosexuality was never clearly defined by Mexican legislators. As a result, criminological classifications of homosexuality became the guiding principles of punishment. Post-revolutionary criminal records further highlight this contradiction:

[184] Robert McKee Irwin, *The Famous 41: Sexuality and Social Control in Mexico, 1901*, 15.

adults were viewed as deviant criminals; juveniles were viewed as future members of the nation. Perhaps the grandest example, however, of the ambiguous and contradictory nature of the criminalization of homosexuality in post-revolutionary Mexico City was the state's willingness to include homosexual intellectuals as part of its inner circle. Salvador Novo's brazen tales of his young adult life in 1920s Mexico City lend credence to the belief that a dynamic homosexual subculture flourished in the capital.

## Tracing a Homosexual Underworld: Salvador Novo and City Space

Salvador Novo, today considered one of post-revolutionary Mexico's most important intellectuals, was part of an elite group of writers and philosophers known as the Contemporáneos. Predominately homosexual, this group of intellectuals rose to prominence in Mexican society with the institutionalization of the Mexican Revolution, and "although they were intermittently persecuted for their sexuality and cosmopolitan perspectives, they nevertheless enjoyed state favor."[185]

The Contemporáneos, widely known for their unorthodox lifestyles, were called "fags" and "pederasts." Salvador Novo himself was "ridiculed in paintings by such artists as Diego Rivera and José Clemente Orozco, derided by rival writers such as those of the Estridentista group, maligned by literary critics, and persecuted politically by enemies in a series of campaigns to rid the government (which employed him over the years in a variety of bureaucratic posts) of immoral and effeminate 'hermaphrodites.'"[186] Some of the Contemporáneos who had minor positions in the state government lost them because of those who opposed them. The most common insult besides "exotic" was

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[185] Claire F. Fox, "Comparative Literary Studies of the Americas" *American Literature* 76:4 (2004): 879.
[186] Robert McKee Irwin, *The Famous 41: Sexuality and Social Control in Mexico*, 1901, 25.

"effeminate"; later on, the Estridentista writer Manuel Maples Arce, a parliament member during the Cardenas administration, said in the House of Representatives: "[This is] the comedy of the fags and the cynicism of the pederasts shielded under the new publicity of Proust and Gide."[187]

Throughout his life, Novo was nothing if not provocative. In the 1920s and 1930s, the greatest of his provocations was the openness in which he treated his homosexuality; even at the end of his life, "Novo continued to provoke and became a *persona non grata* among the intellectual left for his closeness with the Mexican government."[188] Perhaps best known as a poet, Novo was also a prolific journalist, essayist, and, above all, an acerbic observer of elite and popular Mexican culture. The re-publication of Novo's journalism through a state-funded publishing house may signal renewed recognition for his role in documenting life in Mexico City during the first half of the twentieth century.[189]

Novo's works—the most illuminating being his now published autobiography *La estatua de sal*—are revelations of a gay life in Mexico City.[190] They are also testaments of the failure of homophobic criminological doctrine to contain what criminologists considered to be one of Mexico's worst social ills: the "contagion" of homosexuality. Written in 1946, these memoirs are a coming-of-age narrative and a fascinating record of

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[187] Guillermo Sheridan, "México, los 'Contemporáneos' y el nacionalismo" *Vuelta* 87 (1984): 132. Novo's representation of urban life in Mexico City during this time period reflects the influences of André Gide and Marcel Proust. For example, both Frenchmen wrote about the poetic content of the new urban life of the beginning of the 20th century. As Salvador A. Oropesa states, these authors are influential because Novo learned from them "to recount urban life and the closet."

[188] Brian Gollnick, "Silent Idylls, Double Lives: Sex and the City in Salvador *Novo's La estatua* de sal," *Mexican Studies*, 232.

[189] Brian Gollnick, "Silent Idylls, Double Lives: Sex and the City in Salvador *Novo's La estatua* de sal," *Mexican Studies*, 232.

[190] The title of Salvador Novo's memoir, *La estatua de sal*, refers to the Genesis tale of Lot, whose wife is turned into a pillar of salt after looking back at Sodom.

the literary scene in the first years after the Revolution. Though parts of Novo's memoirs were published in both Mexico and the United States in the late 1970s, it was not until 1998 that Mexico's National Council for Culture and the Arts published the entire document.

Novo's role in the story of crime and homosexuality in post-revolutionary Mexico City was, naturally, that of a privileged observer. Not only do his works paint a picture of the social conditions necessary for the emergence of a homosexual identity within Mexico City—mainly urbanization and the expansion of commodity production—his memoirs vividly depict the existence of a dynamic homosexual urban life that, as Brian Gollnick claims, "contributed to Novo's [own] process of identity formation in complex ways that draw together his sexual awakening with other aspects of modern culture."[191]

First, however, a gaze into the rapidly changing socio-spatial landscape of post-revolutionary Mexico City—marked by the frantic pace in which the city's social reformers scrambled to regulate social spaces—will contextualize Novo's vivid imagery of a homosexual urban life and provide a foundation for speculating on the nature of his role in the larger narrative of the criminalization of homosexuality.

The post-revolutionary population of Mexico City mushroomed. In the years following the Mexican Revolution, people began migrating to Mexico City to escape the violence occurring in other parts of Mexico. Approximately 108,000 people were driven from the provinces and into the capital. The years between 1921 and 1930 saw an

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[191] Brian Gollnick, "Silent Idylls, Double Lives: Sex and the City in Salvador *Novo's La estatua de sal*," 231.

extraordinary population boom with an increase in urban population of over 400,000 since 1921. By 1930, over 1.2 million people lived in Mexico City; 93% of those lived in the city limits and were considered "urbanites," while the remaining 7% lived in rural areas. The following graph highlights Mexico City's population growth during the first half of the 20th century.

Table 1: Population of Mexico City, Federal District Estados Unidos Mexicanos[192]

| Year | Mexico City | Federal District |
|---|---|---|
| 1895 | 329,774 | 474,860 |
| 1900 | 344,721 | 541,516 |
| 1910 | 471,066 | 720,753 |
| 1921 | 615,327 | 906,063 |
| 1930 | 1,029,068 | 1,229,576 |
| 1940 | 1,802,679 | 1,757,530 |

As Mexico City expanded, urban reformers' alarm over the extent and complexity of the problems associated with social diseases in the city inspired a desire to study and assess their causes. Further, the *científicos* and legislators of the Porfiriato possessed an unwavering belief in the universal benefits of modernity. For these men of 'progress,' the goal of modernity, would begin in the nation's urban centers and would address not only the physical appearance of the city (and countryside) but also the sociological makeup of the Mexican citizen.[193]

[192] Estadísticas históricas *de México*, based on figures of the national census.
[193] Allen Wells and Gilbert M. Joseph, *Summer of Discontent, Seasons of Upheaval* (Stanford: Stanford University Press, 1996).

The influx of people was comprised of members of the rural lower classes who were looking for work in the urbanized city. As more and more migrants were moving to the Federal District's bustling metropolis in search of work, the desire to restrict aberrant social behaviors and address rising crime rates became a priority for the city's agents of social control, most notably the police and official legislators. In addition, increasing crime rates were the result of increasing urbanization and the growth of a city that was never designed to accommodate an extremely large population. For example, Piccato Piccato asserts that the lower classes in Mexico City countered the elites' preconceived notions of who was considered to be "criminal." He argues that the lower classes countered the legislation that targeted them by engaging in criminal activities not only in lower class sections of the city, but also in upper class sections.

The overcrowded and chaotic space of Mexico City offered young, single men new social spaces to engage in homosexual encounters. In fact, many homosocial spaces such as schools, baths, sports clubs, and hospitality establishments catered to or fostered a nascent gay community. Overlapping social worlds took hold in parks, streets, and urinals; public baths and furnished rooms became sites of social contact. Across the city, men met in these places, brought together by the desire for sex and sociability. As Victor Macias Gonzalez points out, the same spaces that other scholars have analyzed to explore the way in which Porfirian elites sought to instill novel practices such as time management, hygiene, the work ethic, and temperance upon the large floating working-

class population, should also be analyzed to understand how northern Mexicans experienced same-sex love.[194]

In addition to a bourgeoning urban population, the firmly established link between crime and homosexuality prompted urban authorities to toughen its surveillance of social spaces for deviant, immoral, and transgressive public behavior, particularly homosexual activity. In 1882, for example, the Consejo Superior de Salubridad warned of the potential and "dangerous" immorality that people could confront in social spaces such as public bathhouses, gymnasiums, and bathrooms. These sites were considered as dangerous, unhealthy, and immoral since it was here that the male genitalia were exposed, bringing with this exhibitionism a thousand dangers, and here where evils of great transcendence must be avoided at all costs with ample moral vigilance while still allowing for the conduct of very necessary acts in an environment of the greatest decency, decorum, and in the most hygienic possible.[195] Regulations for spas throughout Mexico urged bathers not to dawdle any longer than they had to in the various departments of the bathhouses, suggesting that some of the clientele cruised the baths for sex.[196]

As the post-revolutionary population grew, Mexico City's social reformers scrambled to regulate social spaces across the city. As the few criminal cases of adult homosexuals arrested for engaging in homosexual activity suggest, many men across the

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[194] Víctor, Manuel Macías-González, "A Note on Homosexuality in Porfirian and Postrevolutionary Northern Mexico," *Journal of the Southwest*, 543-544. Macías-González is referring to the scholarship of William French, *A Peaceful and Working People: Manners, Morals, and Class Formation in Northern Mexico* (Albuquerque: University of New Mexico Press, 1996).

[195] Consejo Superior de Salubridad, Memorias del primer Congreso Higiénico l'edagógico reunido en la ciudad de México el año de 1882 (Mexico City: Imprenta del Gobierno Dirigida por Sabás A. y Munguía, 1883), 37.

[196] *Ligeros apuntes históricos sobre el baño en México y datos históricos y estadisticos del Gran Baño de San Felipe de Jesús en la capital de la república* (Mexico City: Tipografía Vázquez e Hijos, 1911).

city were engaging in clandestine homosexual affairs. Still, others were well-established members of a homosexual gay subculture, meeting in such notorious dives as the flophouse *El Vaticano.* Detailing with surprising openness his experiences in the homosexual subculture of Mexico City, Salvador Novo's *La estatua de sal* remains one of the best sources for unearthing the presence of a dynamic post-revolutionary urban gay life.

From an early age—years before his initial foray into Mexico City's homosexual subculture as a young adult—Novo engaged in homosexual encounters. Novo's depictions of these childhood same-sex experiences confirm the existence of a gay subculture outside of the city. For example, Salvador Novo recounts how young schoolboys lived in fear of being sodomized—*cochados*—by older boys who prowled the schools lavatories and courtyards.[197] Attractive young strangers, teachers, and coaches approached the young Novo for sex. His tutor in Jimenez was promptly dismissed after caressing his crotch and teaching him the word "penis."[198] In Torreon, he shared his first kiss with a classmate, Jorge Gonzalez, who "melted his mouth into mine in a long wet kiss; he penetrated all my senses with his tongue, he dissolved the sweetness of his kiss throughout my body."[199] Taken together, the homosexual encounters of Novo's youth lend credence to the proposition that Mexican Queer history bears many more similarities to the experience of homosexuals in North America and Western Europe than the present state of scholarship would have us believe.[200]

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[197] Salvador Novo, *La estatua de sal*, 48-51.
[198] Salvador Novo, *La estatua de sal*, 57-59, 50-51.
[199] Salvador Novo, *La estatua de sal*, 65.
[200] Víctor Manuel Macías-González, "A Note on Homosexuality in Porfirian and Postrevolutionary Northern Mexico," *Journal of the Southwest*, 546.

In 1917, Salvador Novo moved with his mother to the relative tranquility of Mexico City. His immersion into Mexico City's homosexual underworld provided Novo with models for his own "extroverted and provocative sexuality" and through his experiences, Novo "[became] aware of a heretofore unsuspected world of gay artists and working class queens involved in a wide variety of Bohemian experimentation."[201] Novo's accounts of these youthful experiences in 1920s Mexico City offer evidence of a homosexual underworld in the capital.

One of the most striking features of Novo's experience is the cast of colorful characters that Novo encounters in his escapades across the city. Aside from la Pedo Embotellado—"the bottled fart," gendered feminine because the nickname belongs to a male—the many acquaintances Novo mentions include Clarita Vidal, la Cotorra con Pujos, Chucha Cojines, la India Bonita, la Perra Collie, la Madre Meza, la Golondrina, Sor Diablo (a priest), la Virgen de Estambul, la Nalga que Aprieta, la Diosa de Agua, Nelly Fernandez y su Chingada Madre, and, of course, las Chicas de Donceles (Xavier Villaurrutia and Salvador Novo).[202] At first glance, the feminized names of Novo's myriad acquaintances seem to support Paz's view of Mexican homosexuality as a strict male-female binary. Indeed, for Paz, sex is always an act of penetration, with someone always playing the male role and someone always playing the female role.[203]

Novo's characters, however, both contradict and ridicule such inflexible rules. For instance, the seemingly ubiquitous activity of *putear*, playing up the queer persona, is

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[201] Brian Gollnick, "Silent Idylls, Double Lives: Sex and the City in Salvador Novo's *La estatua de sal" Mexican Studies,* 244.
[202] Robert McKee Irwin, "La Pedo Embotellado: Sexual Roles and Play in Salvador Novo's *La estatua de sal*," *Studies in the Literary Imagination*, 1.
[203] See page 15 of Chapter One, "Salvaging a Silenced History," for a discussion of Paz's writings.

a highly developed ritual. One of Novo's flamboyant acquaintances, Clarita Vidal, transitions between her masculine and feminine personas with ease. She would flirt publicly and boisterously—"sometimes with immediate efficacy"—with men as she ambled along the city's streets.[204] If passersby confronted her, "he countered with a suddenly recuperated virility, asking them if they wore earrings and if they believed themselves worthy of such an invitation."[205]

Novo's racy anecdotes, which include graphic accounts of his wild sexual adventures, are punctuated by an atmosphere of sexual conquest. This desire for conquest inspired the Young Novo to embark on the competitive endeavor of conquering an object of colossal size: "I dared to attempt to take on what only his lover Nacho Moctezuma was known to tolerate: the dick of Augustin Fink, positively equal to the size of a can of salmon."[206] The desire to take on a partner as more of a challenge than out of physical desire underscores Novo's feelings of sexual conquest.

Novo's conquests also expose a wide diversity of same-sex sexual practices in Mexico.[207] For example, anal penetration is not only relegated to "passive" partners. In a way, Novo's own eagerness and determination to conquer a man of "sufficient" size can be interpreted as a subversive contradiction of Mexican homosexuality's purported male-

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[204] Salvador Novo, *La estatua de sal*, 94.
[205] Salvador Novo, *La estatua de sal*, 94. The switch of the pronoun from "she" to "he" is made deliberately by Novo.
[206] Salvador Novo, *La estatua de sal*, 113.
[207] For studies on the diversity of modern Mexican sexual practices, see Annick Prieur, *Mema's House, Mexico City: On Tranvestism, Queens, and Machos* (Chicago: University of Chicago Press, 1998) and Joseph Carrier, *De Los Otros: Intimacy and Homosexuality Among Mexican Men* (New York: Columbia University Press, 1995). Carrier performed groundbreaking research on homosexuality in Mexico. In fact, his work inspired Octavio Paz to make the important argument that Mexican sexuality is quite different from sexuality in the United States, where the hetero/homo divide is based upon sexual object choice. A homosexual man is one who desires other men, no matter which sex acts, if any, are involved. Sexual aim, whether there is penetration or not, is irrelevant.

female/active-passive sexual paradigm. In his pursuit of conquest, Novo becomes the "active"—or "male"—partner. While it is true that only those who actually participated in homosexual acts can accurately report on what exactly occurred and who played which role, Novo's narrative offers evidence that male-male sexual interaction in Mexico City follows a pattern similar to the experience of homosexuals in other urban centers.

One of the more interesting of Novo's recollections is that of his relationship in the early twenties with the great Dominican educator and literary critic Pedro Henriquez Ureña. The pedagogical relationship between the two men was sexually charged from the first fleeting glance, one that left young Novo "intrigued."[208] Around this time, Henriquez Ureña voyaged to South America on what Novo termed "the intellectual and artistic Noah's Ark with which Vasconcelos materialized his ardent Iberoamericanism."[209]

Soon after his mentor's departure, Novo's immersion in the homosexual subculture of Mexico City is characterized by sexual conquest. During Ureña's absence, Novo was free to go on a spree of sexual adventures across the city: "An audacity and an insatiable thirst for meat…thrust me into a hunt for the kind of guys who it electrified me to discover, tempt and take advantage of: taxi and bus drivers who in *el pequeño* Mexico of those days headed up the brazen young generation of fast cars and fast living."[210] Specifically, in order to facilitate such liaisons, he got involved in the production of a journal for these drivers called *El Chafirete* in which he published satirical pieces such as

[208] Salvador Novo, *La estatua de sal*, 113.
[209] Salvador Novo, *La estatua de sal*, 114.
[210] Salvador Novo, *La estatua de sal*, 115.

*"Madregal, sonetos lubricantes de Sor Juana Ines del Cabuz."*[211] Novo loved the body odors of taxi drivers because he was very fond of making love to them. For Novo, the city space of Mexico City became an arena of sexual desire.

In one scene at a party, Novo describes the ritual of male prostitution: "There were pimps who would procure young men for the diversion of the aristocrats." Novo's depiction of the evening soiree also illustrates the ubiquity of gender performance: "Tona (Adalid's nickname) came down the great staircase in the sumptuous attire of a ballerina; the guests applauded his grand entrance, but at the foot of the stairs, the silent reproach of two eyes froze him. It seemed to insult him: 'Ridiculous old man!' Tona went back up to take off the costume and came back down to look for the handsome young man who had silently upbraided him. At this moment, that young man was being auctioned off to the highest bidder. Antonio bought him. He was also named Antonio. He was not yet 20. Whether in the famous ball of the 41, or in another, scandal erupted. Don José Adalid disinherited and disowned his degenerate son…"[212]

Novo's bold accounts of his young adult life in Mexico City solidify an intimate connection between his homosexuality and his experience with modernity. Like his fellow Contemporáneos, Novo "realized that the new forms of capitalism could create a massive middle class that could spend money and time for their own enlightenment and to give meaning to leisure."[213] Just as the urban environment of Mexico City created a sense of anonymity for young single men to look outside the confines of their sexuality, the urban landscape allowed them to experience new forms of social modernity.

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[211] Robert McKee Irwin, "La Pedo Embotellado: Sexual Roles and Play in Salvador Novo's *La estatua de sal*," *Studies in the Literary Imagination*, 1.
[212] Salvador Novo, *La estatua de sal*, 109.
[213] Salvador A. Oropesa, *The Contemporáneos Group,* xii.

For example, the cosmopolitan custom of shopping and his relationship with consumer goods offered the young Novo the means of imagining alternative forms of masculinity. The discovery of new possible identities is represented in his excitement of walking in the city's streets among the luxurious commercial goods. Novo evokes a strong memory of this urban freedom as he discovered it in early adolescence: "...México se me llenaba de infinitas, gratas sorpresas."[214] Novo continues: "He La ciudad grande, limpia, de clara atmósfera, dejaba aún admirar sus viejos edificios y sus construcciones porfirianas todavía no profanadas por la piqueta ni lanzados al rascacielos. El tránsito era moderado, como el número de habitantes, de peatones seguros y lentos en recorrer las calles y cruzarlas sin prisas ni temores."[215]

Novo reminisces about his days strolling the fashionable capital. For instance, along Avenida Madero—"in its Regal and High Life shops, or what later became High Life"—Novo discovered fascinating possibilities for alternate forms of masculinity. The Avenida Madero, named for the first revolutionary president and martyr, is the same broad boulevard where Novo went shopping as a boy. As a young adult savvy to the implicit forms of communication among the capital's gay men, Novo now sees the same street for semi-public, homoerotic traffic carried out alongside the overt traffic in consumer goods.[216] Novo recounts that the convergence of "*fifis"* outside the clothing stores added to the "distinguished decadence" of Madero.[217] Expert tailoring and luxury goods dictated the "masculine elegance" of Avenidas Bolivar and Madero, materialized,

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[214] Salvador Novo, *La estatua de sal*, 73.
[215] Salvador Novo, *La estatua de sal*, 73.
[216] Brian Gollnick, "Silent Idylls, Double Lives: Sex and the City in Salvador Novo's *La estatua de sal*," *Mexican Studies*, 244.
[217] Salvador Novo, *La estatua de sal*, 73.

according to Novo, in the "stereotypical drawings of Carlos Neve": "divine white shoes of rubber sole"; "tight high water pants that would expose white socks, or elegant leggings; "the rubber-soled half boot"; and "tight short coats, open from behind, with super wide buttonholes."[218]

Specifically for Novo, the connection between his homosexuality and modernity interacts with his sentiments of *añoranza* (nostalgia).[219] These feelings of nostalgia permeate Novo's memoirs vis-à-vis a strong yearning for the cosmopolitan city of his youth. As Salvador Oropesa asserts, young urbanites like Novo were "in charge of deciding which elements of the old Porfirian culture, or even the Imperial period, could be rescued as commodities to be consumed by the nouveaux riches of the postrevolutionary period and vicariously by the masses through magazines and movies.[220] In essence, the dandy became in charge of defining nostalgia.

The nostalgia that Novo possesses for the Porfirian capital contrasts sharply with his memories of his childhood: "Los bandidos le dijeron [a mi madre] que buscaban a un federal, y discutían con ella, cuando el tío Francisco abrió la puerta de su departamento que daba a la calle. En cuanto lo vio, 'Éste es!'—gritó el jefe de los bandidos, y disparó su pistola. El tío Francisco alcanzó a cerrar la puerta, corrió dentro de la casa, alcanzó la escalera acompañado por mi padre."[221]

What makes *La estatua de sal* a uniquely brazen exposure of Mexico's homosexual underworld is the openness in which Salvador Novo discusses his homosexuality and his

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[218] Salvador Novo, *La estatua de sal*, 73.
[219] As Salvador A. Oropesa claims, "theorists of postmodernity have hypothesized about the nostalgia of late capitalism, but we know little about these early manifestations of nostalgia."
[220] Salvador A. Oropesa*, The Contemporáneos Group*, 18.
[221] Salvador Novo*, La estatua de sal*, 56.

sexual adventures across the city. Perhaps more important for historians of Mexican Queer history, his autobiography offers proof of a vibrant homosexual subculture four decades before the idea of a homosexual subculture meekly began to take form in the public imagination with the publication of Mexico's first novels overtly about homosexuality.[222]

Salvador Novo's journey from the status of intellectual to that of celebrity defied the exclusionary nature of the criminalization of homosexuality in Mexico. But even Novo, who lived a colorful life well outside the boundaries of heterosexuality, knew his privileged position within Mexican society necessitated certain restrictions. Not opposed to compromising himself politically for the sake of his career, he possessed a complicated relationship with the very state that supported him. The heterosexual country and/or the establishment could accept him because of his many talents as a writer and could even accept that he introduced homosexual particles here and there; but literature was a means to avoid being condemned as a homosexual rather than celebrate being gay.[223]

Even as Mexico's dominant institutions and regulatory discourse continued to condemn homosexuals as criminals and deviant sexual degenerates, the social prominence of the Contemporáneos, and more precisely the official acceptance of Salvador Novo's effete and effeminate public persona, exposes the state's conflicting view on homosexuality as well as its ostensibly unequal treatment of homosexuals.

[222] Not counting *Los 41*, Eduardo Castrejón's 1906 sensationalist novel, the first such Mexican novels came out in the early sixties: Paolo Po's *41*, *o un muchacho que sonaba en fantasmas* and Miguel Barbachano Ponce's *El diario de Jose Toledo*.

[223] Salvador A. Oropesa, *The Contemporáneos Group,* 139. Salvador Novo intended that his autobiography not be published until after his death.

# CONCLUSION

The criminology and criminalization of homosexuality is a theme that has been given a cursory examination in the historiography of crime and punishment in Mexico. Other than the penal codes themselves that criminalized homosexuality—as observed in the first chapter, "Salvaging a Silenced History," in extraordinarily vague legal terms—the information on the arrests of homosexuals and the implementation of punishment is primary research that is only beginning to be unearthed. Nevertheless, part of the difficulty in undertaking an analysis of the criminalization of homosexuality is the characteristically ambiguous nature of what defined homosexual behavior was based upon a decisively murky penal acknowledgment of what constituted a "homosexual" act.

Chapters Two and Three exposed the extremely persuasive nature of Mexican criminology. The notion of "contagion" was particularly useful because it encompassed culture but also preserved the priority of biological mechanisms.[224] Administrators and social workers at the Tribunal para Menores were heavily influenced by criminological thought. The family environment, as Pablo Piccato argues, not only became the source for the transmission for vices but where minors learned how to interact and behave through imitation of their parents or parental figures.[225]

The case of José Romo powerfully illustrates the intense scrutiny Tribunal officials placed upon a young criminal's family environment. Similarly, the lack of a formal education or signs of illiteracy greatly concerned officials, who believed a child's

[224] The French criminologist Gabriel Tarde's notion of "imitation" was a variation. This theory, he alleged, combined Lombroso's ideas about the physiological, inherited causes of crime with those stressing the influence of social environment.
[225] Pablo Piccato, *City of Suspects*, 68.

proper moral and mental development to be the responsibility of parents. The case of Manuel Sanchez Ontiveros, ultimately entrusted to his family with the purpose of providing the boy with appropriate moral and mental regeneration, reveals the endemic hypocrisy espoused by Tribunal officials in the realm of education.

Finally, because of the inherently sexual and oftentimes violent nature of the crimes, the sexual behavior of juveniles arrested for homosexual-related offenses was examined. The case of Cosme Andrade Lascano demonstrates how the severity of the sexual crime and the degree of perceived culpability appears to have influenced the aggressiveness in which officials examined other social factors, notably family environment and education. The remaining cases drawn from the Tribunal's archives, those of Ricardo Reveles Guerrero and Ezequiel Damian Alonso, jointly expose the Tribunal's conscious efforts to manipulate the language of a case in order to heighten the sense of urgency in treating the minors' "perverse" and "dangerous" conditions.

According to Foucault, the invention of homosexuality as a perversion offered the building blocks through which a "reverse discourse" could be forged: There is no question that the appearance in nineteenth-century psychiatry, jurisprudence, and literature of a whole series of discourses on the species and subspecies of homosexuality made possible a strong advance of social controls into this area of "perversity"; but it also made possible the formation of a "reverse" discourse: homosexuality began to speak in its own behalf, to demand that its legitimacy or "naturality" be acknowledged, often in the same vocabulary, using the same categories by which it was medically disqualified.[226]

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[226] Michel Foucault, *The History of Sexualit*y, Volume I: An Introduction, trans. Robert Hurley (New York: Random House, 1980), 101-102. Within a specifically American context, Jonathan Ned Katz has argued that "by the 1880s, in the United States, sexually 'abnormal' individuals were beginning to perceive

A brief return to Augustín Victor Casasola's 1935 photograph of arrested homosexuals will illustrate the concept of reverse discourse as formulated by Foucault in relation to the modern history of homosexuality:

> Take the case of homosexuality. Psychiatrists began medical analysis of it around the 1870s—a point of departure for a whole series of new interventions and controls…But [we see homosexuals] taking such discourses literally, and thereby turning them about; we see responses arising in the form of defiance: "All right, we are what you say we are—by nature, disease, or perversion, as you like. Well if that's what we are, let's be it, and if you want to know what we are, we can tell you ourselves better than you can."[227]

The photography of Casasola holds a unique position in Mexico's visual canon, providing a dramatic scope to the social, cultural, and physical transformations of Mexico City during the revolutionary and post-revolutionary periods. As a visual image, the photograph of arrested homosexuals both records and troubles the criminalization of homosexuality. The power of the photograph is the way it acts as a form of defiance, dialectically documenting a homosexual presence in the changing city; it is a rare image in which social prescriptions of male sexual deviance are both adhered to and challenged.

The anonymous men in the image assume—one might even argue accept—their roles as homosexuals, flamboyantly posing with striking effeminacy. One man poses in the back, holding up the corners of a scarf wrapped around his neck, while flexing his biceps. Another man's upward gaze recalls the iconographic expression of chaste saints in blissful prayer. In the foreground, one man smirks at the camera, a hand placed rebelliously on his hip.

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themselves, and to be seen, as members of a group. The mutual association and new visibility of such persons in American cities, and their naming by the medical profession, made their group existence manifest in a way that it had not been earlier. By way of contrast, in the early colonies, isolated enactors of sodomy did not perceive themselves, and were not seen, as members of a sodomitical collective." Jonathan Ned Katz, Gay/Lesbian Almanac: A New Documentary (New York: Carroll and Graf, 1983), 157.

[227] This Foucault reference and translation is taken from Dave Halperin's *Saint Foucault*. David Halperin, *Saint Foucault: Towards a Gay Hagiography* (New York: Oxford University Press, 1995), 52-62.

Analyzed together, the deliberate staging of the male subjects' poses challenges the criminal deviance of homosexuality. Across the changing landscape of the city, male homosexuals were beginning to view themselves—and be viewed—as members of a group. Quite ironically, it can be argued that the criminalization of homosexuality caused the group existence of homosexuality in Mexico to manifest in new and unexpected ways. Therefore, as José Quiroga has asserted, the image of mid-20th-century Latin America as a closed, virulently homophobic environment needs to be reexamined: Salvador Novo, his fellow Contemporáneos, and other homosexuals experiencing a gay life in Mexico City were not "lonely, marginalized figures; they were not the unhappy victims of a pre-Stonewall world. They engaged with whole networks of visible, invisible, out, closeted, semi-closeted, partly open, flaming, or circumspect lesbians and gays."[228]

The criminalization of homosexuality embodied the contradictory and exclusionary nature of modernization in Mexico. More precisely, criminological discourse of turn-of-the-century Mexico, born in the name of modern science, did not aim to extend benefits of progress of the entire population. Rather, it served as an acceptable justification for the exclusion of vast segments of Mexican society from the progress of modernization. Thus, the attempt to criminalize homosexuality in Mexico City was a means for the dominant Mexican culture, itself in a constant process of social and cultural transformation (and re-transformation), to police its own boundaries and solidify notions of 'normal' masculine behavior.

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[228] José Quiroga, *Tropics of Desire: Interventions from Queer Latino America* (New York: New York University Press, 2000), 18.

Even as urban authorities toughened their surveillance of social spaces for 'immoral' and transgressive public behavior—particularly homosexual activity—the firmly established link between crime and homosexuality failed to contain the 'contagion' of homosexuality. Just as increasing crime rates were the result of rapid urbanization and the growth of a city that was never designed to accommodate an extremely large population, a homosexual subculture nonetheless emerged in an environment that resoundingly condemned homosexuals as deviant criminals and aberrant social "contagions."

Far more than an unintended consequence of modernization that subverted the Porfirian model of a cosmopolitan capital, the emergence of a homosexual subculture in Mexico City was the inevitable consequence of social control: gathered together in a small room in Belem jail in 1935, the arrested homosexuals use the occasion as a moment of posing rather than punishment, effectively reversing the pathologizing discourse of criminal homosexuality by openly embracing, even performing, their deviancy for the camera.

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