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Frontier Justice: State, Law, and Society in Patagonia, 1880-1940

By

Javier Cikota

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requirement for the degree of

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in

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of the

University of California, Berkeley

Committee in Charge:

Professor Margaret Chowning, Co-Chair

Professor Mark A. Healey, Co-Chair

Professor Brian DeLay

Professor Laura Enríquez

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Abstract

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This dissertation examines the establishment of state institutions, the role of state agents, and the emergence of a self-conscious, municipally-based civil society in northern Patagonia in the six decades after it was conquered and incorporated into Argentina.

In Patagonia, the Argentine government embarked on an ambitious project of forging a society from above, by creating new state institutions and encouraging new settlement. But these ambitions soon ran aground thanks to limited funding and political gridlock. What emerged instead was a ramshackle combination of authoritarian central administration with significant local autonomy that I call the “skeletal state.” Underfunded police officers, an overworked judiciary, and aloof governors made up the state presence in the frontier, with courts playing a central role as guarantors of social order. The “skeletal state” arrangement became remarkably resilient, as state agents proved flexible in overcoming scarce resources and institutional fragility, establishing legitimacy through legal action and ad-hoc extralegal responses to settler demands. The effectiveness of the “skeletal state” was intrinsically linked to the settler’s need for it, as both developed simultaneously.

Chapter One details the establishment, interaction, and trajectory of state institutions, looking closely at how state agents learned to operate within and beyond the system’s constraints. Chapter Two looks at how local and regional authorities attempted to discipline and acculturate the surviving indigenous population of the region. Prejudices, suspicion, and exigency shaped how state agents treated individuals perceived as indigenous, even as they tolerated the survival of indigenous communities in remote rural areas. Chapter Three follows the arrival of immigrants from Chile, Europe, and the Middle East to northern Patagonia, tracing their settlement patterns and the uncertain process by which they resisted, subverted, and sometimes allied themselves with the state. Chapter Four centers on family conflicts to explore how private affairs affected public perception of individuals, and the consequences of these conflicts on reputation-based social networks, which were critical to accessing justice in the frontier. Chapter Five examines the emergence of a municipal political identity (“vecino”) which was tirelessly cultivated by prominent and plebeian settlers alike. *Vecinos*, and the social networks they built, were a restraint on state power—blocking investigations, filing complaints against “bad police,” and agitating in

the national press, providing resources and infrastructure for police to operate, acting as justices of the peace, housing runaways, and collaborating in investigations. Chapter Six surveys cases of the illegal practice of medicine to argue that these social networks were ultimately used to challenge the legitimacy of state-appointed authorities on the frontier, as communities banded together to defend healers and uncertified doctors against state prosecution.

The establishment of a functioning state apparatus on the frontier ultimately depended on the ability of state agents to creatively navigate the limited resources of the “skeletal state” and settler’s active desire for state presence. This reciprocity was not only unusual, it was also an ironic turn for a nation-building project that had imagined a strong state as the prerequisite for a vibrant civil society and proven suspicious of settlers’ ability to safeguard democratic principles.

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I was lucky to have my interest in history nurtured throughout my life. Mr. Stephen Cohen organized a history club for a few of us in high school after hours, and his incisive questions those afternoons have continued to resonate with me as the decades passed. As an undergraduate, in a time of confusion and disappointment, Jonathan Brown rekindled my interest in history and forced me to become a better writer, while Julie Hardwick introduced me to court cases and the fascinating stories they hold. At Berkeley, I was fortunate to work with Margaret Anderson and John Connelly who helped me to think about how European historiographical questions applied to the history of Latin America.

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who entertained my endless questions. Francisco Camino Vela warmly opened his home, sharing his kindness and wisdom. The staff at the AGN-Archivo Intermedio was a tireless resource, painstakingly caring for the recent past and allowing researchers to learn from it.

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And little Mateo, who came into my life at the end of this project, threatened to derail it, but ended up giving it meaning—I cannot wait to see the person that you will become.



## **Introduction**

### **A Colonial Laboratory at the Edge of the World**

*“That’s the way it is in Patagonia. There are no people there... In Patagonia, there is nothing. It’s not the Sahara, but it is the most similar thing to it that can be found in Argentina. No, in Patagonia, there is nothing.”*

—Jorge Luis Borges, in the late 1970s.<sup>1</sup>

In the mid-1930s Felix Susso, an impoverished elderly Spanish immigrant to the Argentine frontier region of Patagonia, kept running afoul of the local police for practicing medicine without adequate certification. Susso had tried to stay out of trouble by settling on a small farm with his wife near the newly established sugar beet mill in San Lorenzo, along the fertile Río Negro valley, but he could not stop helping people with his “gift.” He claimed to be someone “attuned to the spiritual world,” who healed through a “gifted touch,” but he had also picked up animal sacrifices and fowl-entrails poultices “from some Indians and experimented only with [his] own children.” Despite being constantly understaffed and undertrained, the Patagonian police pursued cases against the “illegal practice of medicine” with particular zeal, even if the courts rarely convicted many of the suspects. Following a large manhunt throughout the region, the police apprehended the Spaniard, and proceeded to interview all his known patients in an effort to build their case against the healer.

After Susso’s arrest, his patients mobilized to his defense, attempting to derail the investigation by giving police opaque, unhelpful answers or by providing true but misleading statements. Some of Susso’s neighbors even sent a letter to the judge requesting the dismissal of all charges against him, since they considered him a communal “treasure.” The seven-page letter contained a rudimentary legal defense of the Spaniard, and was tightly packed with the signatures of merchants, day laborers, homemakers, and peons. The surnames in the letter ranged from Spanish-descent to Italian and eastern European ones, and even included indigenous names. The penmanship suggested all levels of instruction and social class—from sure-handed signatures to timid scribbles, and sometimes the names of entire families were written out in the same careful script. This broad coalition of settlers in tiny agricultural villages came together with great coordination, and joined their voices to attempt to influence the sole state institution in Patagonia that responded to their complaints—the federal courts.

The prosecutor kept the case file for two years, without offering an opinion for the judge to rule on, until the window to try the case expired and the charges against Susso were dismissed, ending what had been a five-year-long pursuit of the healer by local authorities in a rather anti-

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<sup>1</sup> Paul Theroux, *The Old Patagonian Express: By Train Through the Americas* (Houghton Mifflin Harcourt, 2014), 377.

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climactic fashion.<sup>2</sup> What appears initially as a weak judiciary unable to convict a faith healer, was in fact a flexible arrangement that maintained social order by deftly responding to local pressure, without subverting the rule of law. This dissertation grew out of an initial desire to make sense of this kind of case: why were police spending so many resources pursuing a faith healer? Why did the prosecutor and judge not act with the same zealotry as the police? How common was it for neighbors to band together to slow down the progress of justice? How did the frontier society, a mixture of immigrants, Argentine settlers, and indigenous people come together in the decades following the annexation of Patagonia? Looking at the judicial index, cases against “illegal doctors” stood out, buried in the long list of violent crimes (murders, rapes, assaults, robberies, rustling, and other “typical” frontier crimes) they seemed somewhat anomalous. Also puzzling was the fact that there was no clear pattern as to how they were adjudicated. The conflicts between doctors, patients, healers, pharmacists, “quacks,” and the state representatives made it hard to understand where exactly power and legitimacy resided in small frontier towns.

The literature on the region suggested two possible interpretations: either the state agents were responding to national-level anxieties about disorder in the frontier and were strictly enforcing the law; or they were responding to privileged members of the local community, who took advantage of absentee national authorities to use the police and the court to execute private vendettas. Neither one fit. The cases suggested a very different arrangement, one in which local and regional authorities had divergent goals in the frontier, and one in which powerful people could marshal the state to their aid, but so could plebeian settlers. Making sense of these cases forced me first to re-conceptualize how the Argentine state in Patagonia operated, and to understand how settlers came together into loosely connected social networks to overcome the isolation of the frontier. Ultimately, criminal cases led me to understand how patronage networks between settlers and state agents were used to mobilize state resources in particular directions, and how social networks mobilized to contest and challenge the deployment of state power. In fact, while in the U.S. frontier “the territorial judiciary was one of the ‘weakest’ parts of [the] jerry-rigged government,” the federal courts were the *strongest* institution in Argentina’s administration of its own frontier in northern Patagonia.<sup>3</sup> This dissertation argues that the incomplete and uneven incorporation of Patagonia into Argentina between 1878 and 1940 produced a unique arrangement that enabled settlers to develop a strong sense of citizenship by using criminal courts as battlegrounds.

The operations of the Argentine state in Patagonia have more often been understood in a grander key. Consider, for example, the 2016 inauguration by the Minister of Education Esteban Bullrich of a veterinary school in Choele Choel, near the site where the successful campaign to subdue Patagonia had been launched. In a speech on the national holiday with which that campaign got underway, Bullrich grandiosely proclaimed a “Second Conquest of the Desert,”

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<sup>2</sup> “Susso, Felix, s/ ejercicio ilegal de la medicina,” Leg #1367- 61263 (AHP-RN, JL).

<sup>3</sup> Larry D. Ball, *The United States Marshals of New Mexico and Arizona Territories, 1846-1912*, 1st ed (Albuquerque: University of New Mexico Press, 1978), 241.

but this time using “books instead of rifles,” setting off a public opinion firestorm.<sup>4</sup> Seizing the modest occasion to make a grand statement about more than a century of Argentine administration and control of Patagonia, he observed that even at this late date state institutions, infrastructure investments, and steady demographic growth had not succeeded in “populating this desert.” Bullrich’s comments expressed Argentina’s muted anxiety about Patagonia, and perfectly illustrated the two narratives that Argentines tell themselves about the region.

The first narrative depicts Patagonia as a place holding, deep inside, the power to transform Argentina in profound ways. The minister tried to turn the opening of the veterinary school into another chapter in this story. Education, he argued, was the final piece in that puzzle that would finally unleash Patagonia’s productive potential. The second narrative, dating back to the middle of the nineteenth century, holds that Patagonia’s incomplete incorporation—the persistence of “the desert”—threatened Argentina’s claim to it, demanding yet another attempt to “conquer” the region. The sense that Patagonia—its landscape, its people—remains not only alien to the rest of Argentina but also an adversary to be subdued has fueled the government’s haphazard policy towards the region since it was annexed. These narratives underscore the tension between the region’s importance to Argentina and the way in which it has been treated as a marginal region.

### The Puzzle

After annexing Patagonia, the Argentine government embarked on an ambitious nation-building project: placing the vast territories under a centralized tutelary administration designed to inculcate national sentiment and train the residents in democratic principles, while developing infrastructure and institutions in the frontier. The enterprise of turning the *mélange* of “Indians,” immigrants, and settlers into Argentine citizens began faltering as soon as it was conceived. The proximity of Chile tied many small producers to merchants there, rather than to Buenos Aires, reflecting a longstanding east-west commercial integration that worried Argentine nationalists. The paucity of state infrastructure in Patagonia continued to embarrass national authorities and critics alike, at least until the conservative governments of the 1930s began to invest in projects throughout the region. The territory largely lacked police stations, postal offices, and government buildings, not to mention bridges, roads, and railroads. Even a symbolically important project such as the four-hundred-miles long truncated transcontinental railroad took thirty years to complete. Political institutions never matured beyond a constitutional stalemate between the top federal appointees to each territory. By these measures, Argentina’s foray into Patagonia would *seem* like a failure of nation-building in the frontier.

This dissertation argues that this story of failure is simplistic and incomplete. Despite all the ways in which the government project fell short of expectations, and often because it did,

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<sup>4</sup> “Esteban Bullrich: ‘Esta es la nueva Campaña del Desierto, pero no con la espada sino con la educación,’” *La Nación*, September 16, 2016, online edition, sec. Política, <http://www.lanacion.com.ar/1938454-esteban-bullrich-esta-es-la-nueva-campana-del-desierto-pero-no-con-la-espada-sino-con-la-educacion>.



**Figure 1- Patagonia**

Patagonia developed a resilient, flexible, and democratic political arrangement, a kind of “skeletal state.” The “skeletal state” arrangement rested on two pillars: the minimal—but not absent—administrative scaffolding of the early National Territories administration, and an ad-hoc system of social networks built at the municipal level. Key components of this “skeletal state” were the federal courts, the single largest state institutions in northern Patagonia between 1884 and the late 1930s, when the arrival of new actors—National Parks administrators, customs officers, oil managers—would fundamentally change the way settlers interacted with the suddenly ubiquitous state.

Patagonia was intended as a testing ground for the Argentine elite’s political experiment: could a restrictive, exclusionary republic “teach” its citizens civic virtue, increasing their political rights, gradually, as they “learned” democracy? The experiment, however, was never fully completed. Unable, and at times unwilling, to extend political rights to the population in Patagonia, Argentina administered the region with two federal appointees: governors and judges.

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Projecting mostly symbolic power, the governors tended to prioritize creating an orderly, stable society, even if at the expense of the rule of law. Judges tried to uphold the rule of law, often finding creative solutions to walk the tightrope between the spirit and the letter of the law to avoid upending established social order. The judicial system had a dismal conviction rate: few people accused of breaking the law ended up in jail, and those who did soon found their way back to freedom (and sometimes even joined the police force). Thus, the first pillar of the “skeletal state” in Patagonia, the courts, invoked the rule of law but permitted, and sometimes even helped, settlers to evade it. By allowing settlers to mobilize the state’s weaknesses to their advantage, paradoxically, the courts helped the state gain a certain legitimacy.

The second pillar of this unique political arrangement were local social networks, tied loosely to regional and national ones, which kept this state—essentially a collection of unelected outsiders—from devolving into caudillo-style clientelism or judicial tyranny. If the temporary state institutions were “skeletal” in the sense that they were minimal, brittle, and slow, the social networks crafted and cultivated by the settlers bound the different parts of the state apparatus together, especially by deliberately harnessing its coercive power (the courts and the police) to their own ends. Competing networks working at cross-purposes made this arrangement dynamic. While one network would attempt to mobilize state agents to investigate a complaint, a different network would try to stall the investigation and derail it. For example, rival merchants would mobilize employers, suppliers, and police officers to stifle competition through a trumped-up investigation (Chapter Five), or popular faith healers could call on patients, neighbors, and colleagues to fend off and neutralize an investigation launched by a new doctor and his police allies against them (Chapter Six). These networks included people of different socio-economic backgrounds, broadening the avenues available to plebeian settlers to access justice, and making the institutionally undemocratic government in Patagonia surprisingly accessible. Without electoral means to translate social and economic power into political power, locals found other ways to solidify their social standing, consolidate power or wealth, and, for those with a civic streak, assist their humbler neighbors with their grievances. Positioning themselves as *vecinos* [literally: neighbors], a social type with ambitious local political identities but without (potentially dangerous) national aspirations, Patagonian elites grew to dominate local municipal life and helped to establish “good governance” in their communities.

These social networks proved critical in negotiating the three central paradoxes of how Argentina administered its National Territories. First, it was both centralized, as federal appointees derived their power from national government directly, and highly decentralized, since regional supervisors had little direct power over their charges. Second, the two top administrators in each National Territory (judges and governors) had competing, mutually exclusive goals for the region, with overlapping jurisdictions and unclear chains of command. The third paradox was that the effectiveness of the state apparatus in northern Patagonia came in large measure from its lack of resources. Administrators needed to remain crafty, and their dependence on local elites for basic funding demanded compromises to retain the material support of the population.

The ultimate irony of Argentina’s incremental, pedagogical political project in the region is that it produced the intended results on the frontier, developing a uniquely Patagonian citizenship, even as the “exclusionary republic model” ended at the national level with the passage of universal male suffrage in 1912. In fact, I argue, the settlers of northern Patagonia developed a vibrant and dynamic civil society in their communities *because* they did not have political rights. Unlike their counterparts elsewhere in Argentina at the time, Patagonians forged

their citizenship without being able to consistently rely on the traditional staples of the public sphere, like newspapers and political parties. This peculiar Patagonian type of citizen sought to reap the cultural and material benefits of the state which they themselves strove to build (and of which they saw themselves as stewards) in the frontier.

Citizenship comprises more than a set of institutionalized political processes, such as voting. It is the expression of a “specific social culture,” based on a wide array of activities (not always political) which “leads to particular institutions as well as attitudes, values, and ideas that make up a typical citizen.”<sup>5</sup> In recent years Argentine scholars have attempted to understand the construction of citizenship beyond a simplified teleological model that saw the expansion of rights as an orderly progression: civic rights following the mid-nineteenth century constitution, political rights after the 1912 electoral reform, and social rights following the rise of Perón to power in 1945.<sup>6</sup> Recent scholarship has instead found rights won and lost in piecemeal, idiosyncratic ways, as political rights contract while economic rights expand, or the expansion of rights for some ethnic groups while those of others evaporated.<sup>7</sup> This nuanced, complex

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<sup>5</sup> Adapted from Gutiérrez and Romero’s characterization of citizenship “from below” in their reinterpretation of political citizenship in pre-Peronist Argentina. Leandro H. Gutiérrez and Luis Alberto Romero, *Sectores populares, cultura y política: Buenos Aires en la entreguerra* (Buenos Aires: Editorial Sudamericana, 1995), 155–56.

<sup>6</sup> These historiographic debates actually underscore the multifaceted nature of citizenship, and the many avenues open for people without political rights to actively participate in the construction of “the political,” broadly defined, even if the authors disagree on precisely when these practices of citizenship began. At the heart of it, the debate about rights centers on the nature of the Liberal state, and the relative value of non-institutional political participation in the Liberal regime underpins much of the conversation on the nature of citizenship in this period. For example, for popular participation in groups opposed to Liberal state, see: Ariel De la Fuente, *Children of Facundo: Caudillo and Gaucho Insurgency During the Argentine State-Formation Process* (La Rioja, 1853-1870) (Durham [N.C.]: Duke University Press, 2000); for a view that highlights the “electoral practices and participation in the public sphere” of plebeian porteños as early as 1870, see: Hilda Sabato, *The Many and the Few: Political Participation in Republican Buenos Aires* (Stanford, Calif: Stanford University Press, 2001); for an interpretation based on how “popular politics remained dormant until the 1890s,” given the “exceptionally elitist” nature of the Liberal project, see: David Rock, *State Building and Political Movements in Argentina, 1860-1916* (Stanford University Press, 2002), 216–231; for a look at the advance of social rights as political rights retreated in the 1930s, see: Mirta Zaida Lobato, “El estado en los años treinta y el avance desigual de los derechos y la ciudadanía,” *Estudios Sociales* 12, no. 1 (2005): 42–43

<sup>7</sup> For example, Mirta Zaida Lobato, “El Estado en los años treinta y el avance desigual de los derechos y la ciudadanía,” *Estudios Sociales* 12, no. 1 (2005): 49–55 looks at the expansion of maternity rights for workers in the mid-1930s, a paradoxical expansion of social rights in a period of receding political rights. Similarly, Mónica Quijada, “Nación y territorio: la dimensión simbólica del espacio en la construcción nacional argentina. Siglo XIX,” *Revista de Indias* 60, no. 219 (2000): 373–394 looks at the expansion and support for Afro-Argentine ethnic and political rights even as the state curtailed and homogenized indigenous identities in the second half of the nineteenth century; and, to a lesser degree in: Mónica Quijada, “¿‘Hijos de los barcos’ o diversidad invisibilizada? La articulación de la población indígena en la construcción nacional argentina (siglo XIX),” *Historia Mexicana* 53, no. 2 (October 1, 2003): 469–510; Interestingly, Lilia Ana Bertoni, *Patriotas, cosmopolitas y nacionalistas: la construcción de la nacionalidad Argentina a fines del siglo XIX*, Sección de obras de historia (Buenos Aires: Fondo de cultura económica, 2001) teases out the complex and changing attitudes between cosmopolitanism and nationalism surrounding the rights and expectations for the mass of immigrants arriving to Argentina in the last two decades of the nineteenth century. The debates around citizenship at the time blended national and class-based concerns with strictly political considerations.

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interplay between expanded rights in some spheres and contracted rights elsewhere has helped reinforce the continuities between the Peronist period and the decades leading up to it, emphasizing the shaping of citizenship through contestation, and trial and error, rather than wholesale “granting” of rights at particular turning points. Contemporary scholarship on Brazil,<sup>8</sup> Mexico,<sup>9</sup> the United States,<sup>10</sup> and Latin America more broadly<sup>11</sup> have similarly sought to understand the acquisition of some rights, the restrictions of others, and the exclusion of particular individuals from formal citizenship in innovative, dynamic ways. The setting of a “closed frontier”—like Patagonia after the Conquest of the Desert, a frontier in which a single polity can claim hegemony but which continues to have a distinct, discreet socio-cultural system—allows us to follow the development of the different strands of citizenship by stripping away preexisting institutions and social relations. After the removal and dispersal of indigenous people, the Argentine government imposed a newly crafted set of administrative institutions on the region, treating the area as if it were empty, despite the surviving indigenous groups and the large contingent of Chilean immigrants who quickly settled there. In Patagonia the state and (most of) the settlers arrived, and matured, at the same time, laying bare the mechanism by which rights were demanded and won, curtailed and defended. The Patagonian example shows how civil society and state power developed in tension with each other, and required careful, constant negotiation.

This “skeletal state” arrangement was distinctive, not only in Argentina but in frontiers more generally. Stretching as far back as the Roman Empire, and as recent as the American West, frontiers have been administered in one of two ways. States either imposed hegemonic rule over a native population which they transformed into vassals, or “followed” its own nationals as they sought to settle beyond its territory, effectively legitimizing their expansion. The North American territory of Arizona was an example of the first type of administration, as the large proportion of indigenous, Mexican, and Mexican-American residents made national

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<sup>8</sup> Brodwyn M. Fischer, *A Poverty of Rights: Citizenship and Inequality in Twentieth-Century Rio de Janeiro* (Stanford, Calif: Stanford University Press, 2008), for example, argues that even at a time of broad expansions of citizenship rights in Brazil during the 1930s and 1940s, the poorest urban residents of Rio faced institutional and structural limits to accessing those rights.

<sup>9</sup> Peter F. Guardino, *The Time of Liberty: Popular Political Culture in Oaxaca, 1750-1850*, Latin America Otherwise (Durham: Duke University Press, 2005); Karen D. Caplan, *Indigenous Citizens: Local Liberalism in Early National Oaxaca and Yucatán* (Stanford, Calif: Stanford University Press, 2009), for example shows how citizenship was not only locally negotiated, but had far-reaching consequences for regional stability and subaltern incorporation; For a frontier outlook, see: Omar S. Valerio-Jiménez, “Neglected Citizens and Willing Traders: The Villas Del Norte (Tamaulipas) in Mexico’s Northern Borderlands, 1749-1846,” *Mexican Studies/Estudios Mexicanos* 18, no. 2 (2002): 251–296.

<sup>10</sup> Irene Bloemraad, *Becoming a Citizen: Incorporating Immigrants and Refugees in the United States and Canada*, 1 edition (Berkeley: University of California Press, 2006), for example, shows how the rates of naturalization (that is, of acquiring citizenship) in early twentieth-century America followed local patterns of “openness” as well as local political mobilization of immigrants. See also: Irene Bloemraad, “Citizenship Lessons from the Past: The Contours of Immigrant Naturalization in the Early 20th Century\*,” *Social Science Quarterly* 87, no. 5 (December 1, 2006): 927–53.

<sup>11</sup> Paul W. Drake, *Between Tyranny and Anarchy: A History of Democracy in Latin America, 1800-2006*, Social Science History (Stanford, Calif: Stanford University Press, 2009).

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elites nervous about low “Anglo” population, ultimately delaying admitting the territories into the Union as full states.<sup>12</sup> Similar patterns can be seen in Boer colonialism in South Africa, Mexican rule over Yucatan, or Russian rule over Arctic nomads and central Asian Muslims.<sup>13</sup> The trans-Mississippi frontier, on the other hand, offers a classic example of the second type: European-born settlers encroached upon indigenous land, forcing the native groups to retaliate, and dragging the US government into these frontier conflicts.<sup>14</sup> Similarly, the occupation and annexation of the New Mexico Territory during the Mexican-American War followed merchant inroads and a small occupation force to topple Mexican rule.<sup>15</sup> In Patagonia, a temporary administrative arrangement—the 1878 law establishing a military governorship for all of Patagonia was modified in 1884 to suit civilian rule, but remained in place much longer than originally intended—was faced with an overwhelmingly *foreign* population, made up of immigrants, indigenous people, and second-generation settlers. This combination—temporary institutions used as a long-term occupation force—makes the Patagonian example unique and highlights the grassroots efforts by *foreign subjects* to exercise citizenship.

## The Contribution

This novel characterization of the government and people of northern Patagonia contributes to at least four historiographic debates: one is specific to Argentina’s administration of Patagonia, the second one pertains to Argentina’s particularly anti-popular liberalism, the third one its place in Latin America’s long nineteenth century, while the last intervention applies to the study of state-formation in borderlands and frontiers more broadly. I have already sketched the

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<sup>12</sup> Linda C. Noel, *Debating American Identity: Southwestern Statehood and Mexican Immigration*, 2 edition (Tucson: University of Arizona Press, 2014); Eric V. Meeks, *Border Citizens: The Making of Indians, Mexicans, and Anglos in Arizona*, First Edition edition (Austin: University of Texas Press, 2007); Katherine Benton-Cohen, *Borderline Americans: Racial Division and Labor War in the Arizona Borderlands* (Cambridge, Mass.: Harvard University Press, 2011); Linda Gordon, *The Great Arizona Orphan Abduction* (Cambridge, Mass.: Harvard University Press, 2001).

<sup>13</sup> For the South Africa example see Christopher Saunders’s piece in Leonard Thompson and Howard Lamar, *The Frontier in History: North America and Southern Africa Compared* (ACLS Humanities E-Book, 2008), 123–48; For the Yucatan example see Caplan, *Indigenous Citizens* and also; Inga Clendinnen, *Ambivalent Conquests: Maya and Spaniard in Yucatan, 1517-1570*, 2 edition (Cambridge: Cambridge University Press, 2003); Don E. Dumond, *The Machete and the Cross: Campesino Rebellion in Yucatan*, First Edition first Printing edition (Lincoln: University of Nebraska Press, 1997); Paul Sullivan, *Unfinished Conversations: Mayas and Foreigners between Two Wars*, Reprint edition (Berkeley, Cal: University of California Press, 1991); For the Russian example see: Yuri Slezkine, *Arctic Mirrors: Russia and the Small Peoples of the North* (Ithaca: Cornell University Press, 1994) and; Robert D. Crews, *For Prophet and Tsar: Islam and Empire in Russia and Central Asia* (Cambridge, Mass.: Harvard University Press, 2009).

<sup>14</sup> Peter Silver, *Our Savage Neighbors: How Indian War Transformed Early America*, Reprint edition (New York; London: W. W. Norton & Company, 2009); Stephen Aron, *American Confluence: The Missouri Frontier from Borderland to Border State* (Bloomington: Indiana University Press, 2006); Stephen Aron, *How the West Was Lost: The Transformation of Kentucky From Daniel Boone to Henry Clay* by Stephen Aron (Johns Hopkins University Press, 1885).

<sup>15</sup> Howard Roberts Lamar, *The Far Southwest, 1846-1912; a Territorial History*, Yale Western Americana Series 12 (New Haven: Yale University Press, 1966).



dissertation's contribution to the first debate. To recap briefly, the incorporation of Patagonia into the national state, considered at the time a crowning achievement of modern Argentina, was described by contemporaries—and in the first generations of historiography—as an immediate success.<sup>16</sup> In this interpretation, the swift military conquest of the indigenous people of Patagonia in 1879 marked the beginning of a robust, ordered, effective, and authoritarian regime. Since the late-1990s, scholars have steered the conversation in the opposite direction, highlighting how the appearance of a powerful state papered over systematic and endemic shortcomings.<sup>17</sup> New studies have painted a picture of Patagonia's incomplete incorporation into the rest of the country by highlighting its restrictive and stunted political institutions, noting its lack of adequate facilities (from prisons and courthouses to roads and bridges) and exploring the failings of the semi-amateur police force to gain public trust. This dissertation builds on this recent historiography, but finds that far from rendering the state completely ineffective in Patagonia, these shortcomings were turned into assets, as settlers—forced to adapt to state inadequacy—formed their own kind of state and citizenship in it. Recent work by historians of the United States have arrived at similar conclusions, as seemingly inadequate state institutions proved useful to settlers in the frontier.

The second debate is around the nature of Argentine liberalism. Liberalism is often considered as an elite imposition without much, if any, popular input. While some historians find evidence of “popular liberalism” in a broader political universe of street demonstrations and political rallies that preceded and shaped the actual voting, others have downplayed these

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<sup>16</sup> Dionisio Schoo Lastra, *El indio del desierto, 1535-1879* (Buenos Aires [etc.]: Agencia general de libería y publicaciones, 1928); Juan Carlos Walther, *La conquista del desierto: síntesis histórica de los principales sucesos ocurridos y operaciones militares realizadas en La Pampa y Patagonia, contra los indios (años 1527-1885)*, 3. ed. (Buenos Aires: Editorial Universitaria de Buenos Aires, 1970); Alvaro Yunque, *Calfucurá; la conquista de las pampas* (Buenos Aires: Ediciones A. Zamora, 1956); Estanislao Severo Zeballos, *Callvucurá y la dinastía de los Piedra*, Biblioteca argentina fundamental (Buenos Aires: Centro Editor de América Latina, 1981); Jorge Luis Rojas Lagarde, *“Viejito porteño”: un maestro en el toldo de Calfucurá*, 1a. ed (Buenos Aires: El elefante blanco, 2007); Javier A. Trímboli, “1979. La larga celebración de la conquista del desierto,” *Corpus. Archivos virtuales de la alteridad americana*, no. Vol 3, No 2 (December 20, 2013).

<sup>17</sup> Gabriel Rafart, *Tiempo de violencia en la Patagonia: bandidos, policías y jueces: 1890-1940* (Buenos Aires: Prometeo Libros, 2008); Ernesto Lázaro Bohoslavsky, *El Complot Patagónico: nación, conspiracionismo y violencia en el sur de Argentina y Chile (siglos XIX Y XX)* (Buenos Aires: Prometeo, 2009); Fernando Hugo Casullo and Joaquín Perren, “‘Cierta imponente majestad’: en torno a la administración de la justicia en el Territorio Nacional de Río Negro a partir de las fuentes cuantitativas (1884-1920),” in *Los estados del Estado: instituciones y agentes estatales en la Patagonia, 1880-1940* (Rosario, Argentina: Prohistoria Ediciones, 2013); Fernando Casullo, “‘El Estado mira al sur.’ Administración de justicia en los Territorios Nacionales de Río Negro y del Neuquén (1884-1920),” in *Un Estado con Rostro Humano. Funcionarios e instituciones estatales en Argentina (desde 1880 a la actualidad)*, ed. Ernesto Lázaro Bohoslavsky and Germán Soprano (Buenos Aires: Prometeo Libros; Universidad Nacional de General Sarmiento, 2010), 333–58; Martha Ruffini, *La pervivencia de la República Posible en los Territorios Nacionales: poder y ciudadanía en Río Negro* (Buenos Aires: Universidad Nacional de Quilmes Editorial, 2007); Enrique Masés, *Estado y cuestión indígena: El destino final de los indios sometidos en el sur del territorio (1878-1910)* (Buenos Aires: Prometeo Libros, 2002); Enrique Masés, ed., *Un siglo al servicio de la salud pública: la historia del Hospital Castro Roldán*, 1st ed. (Neuquén: EDUCO - Universidad Nacional del Comahue, 2015); Ernesto Maggiori, *Historias de frontera: policías, bandidos, baqueanos, arrieros, comerciantes, peones y troperos: Patagonia* ([Argentina: s.n.], 2004).

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movements as temporary expressions of a particularly urban phenomenon.<sup>18</sup> The degree to which most Argentines practiced citizenship during a time of active electoral exclusion by the elite (broadly between 1874 and 1912) remains poorly understood by scholars. Patagonia offers a case study where the restrictions of political rights remained constant, allowing us to trace the development of social relationships, political power, and popular sovereignty over several decades as independent variables. This dissertation argues that an active municipal life, even one which excluded formal democracy, created strong social relationships and republican practices that served as counterweights to non-elected political power holders.<sup>19</sup>

The third debate is centered on the establishment of Liberalism in Latin America. Scholars of Latin America's "long nineteenth century" (between the Bourbon Reforms of the 1770s and the economic collapse of 1929) have grappled with the difficulties in establishing long-lasting, inclusive republican institutions in the liberal tradition. The traditional interpretation found that the liberal reformers' troubles stemmed from the tension between the modern institutions they tried to graft onto a "traditional" population, especially in countries with racially stratified societies.<sup>20</sup> This perspective finds that "modernity" came to Latin America from England, France, and Spain, as ideas, people, and goods crossed the Atlantic. More recently, scholars have argued for "homegrown" roots to Latin America's transition to liberalism in the period after independence.<sup>21</sup> Some find it within colonial institutions,<sup>22</sup> while others find it in the post-independence quest for sovereignty,<sup>23</sup> and yet others in the trials of forging nations

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<sup>18</sup> Hilda Sabato, *The Many and the Few: Political Participation in Republican Buenos Aires* (Stanford, Ca: Stanford University Press, 2001); David Rock, *State Building and Political Movements in Argentina, 1860-1916* (Stanford University Press, 2002).

<sup>19</sup> See for example, Javier Auyero, *Poor People's Politics: Peronist Survival Networks and the Legacy of Evita* (Durham, NC: Duke University Press, 2001); María Esperanza Casullo, "Liberal, radical, o populista y clientelar: tres visiones sobre la relación entre sociedad civil y Estado en Latinoamérica," *Perspectivas sobre el estado: las políticas públicas y la gestión* 1, no. 1 (April 2013): 96–112.

<sup>20</sup> Frank Safford, "Politics, Ideology and Society in Post-Independence Spanish America," in *The Cambridge History of Latin America, Volume 3: From Independence to c.1870*, ed. Leslie Bethell (Cambridge: Cambridge University Press, 1985), 347–421; François-Xavier Guerra, *Modernidad e independencias: ensayos sobre las revoluciones hispánicas* (Madrid; México: Fondo de Cultura Económica, 2001); François-Xavier Guerra, "El Soberano Y Su Reino. Reflexiones Sobre La Génesis Del Ciudadano En América Latina," in *Ciudadanía Política Y Formación de Naciones: Perspectivas Históricas de América Latina.*, ed. Hilda Sabato (México: Fondo de Cultura Económica, 1999).

<sup>21</sup> Elías José Palti, *El tiempo de la política: el siglo XIX reconsiderado* (Siglo Veintiuno Editores Argentina, 2007), 47–51.

<sup>22</sup> Pamela Voekel, "Piety and Public Space: The Cemetery Campaign in Veracruz, 1789–1810," in *Latin American Popular Culture*, ed. William H. Beezley and Linda Ann Curcio (Wilmington, Del: Scholarly Resources, 2000).

<sup>23</sup> Rebecca Earle, *The Return of the Native: Indians and Myth-Making in Spanish America, 1810–1930* (Duke University Press, 2007), 1–20.

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during the nineteenth century in racially complex societies.<sup>24</sup> These are part of a broader move in the last few decades to revisit Latin America's political history, armed with the sensitivities of social and cultural history, attempting to understand how subjects understood, experienced, and tried to modify the workings of the state.<sup>25</sup> The conquest and incorporation of Patagonia, coming at the tail end of this "long nineteenth century," fits into this newer historiography. By placing the judicial system and law enforcement at the heart of contests over citizenship and belonging, this dissertation also brings the rich insights of the literature on crime and punishment in modern Latin America to these debates over republican institutions.<sup>26</sup> In Patagonia, republicanism and liberal institutions emerged from struggles over access to justice, and through the social relationships that were developed in these struggles.

Lastly, this dissertation contributes to the growing field of studies of state expansion into borderland areas, which has been briefly discussed earlier. The Patagonian example reconciles two competing interpretations of how states achieve legitimacy in newly incorporated territories by suggesting that the "skeletal state" had both symbolic and practical value to the settlers. This dissertation integrates an older tradition made famous by Eugene Weber's *Peasants into Frenchmen*, which argued that the state's *physical* presence in an area granted it legitimacy in the eyes of the population. As states brought infrastructure and cultural artifacts, like currency and stamps, which have a use-value, but also serve to reinforce the state's cultural power, into a peripheral area, the subjects adopted the state's national identity (or became "nationalized") simply by using the state's artifacts.<sup>27</sup> Recent historiography has tended to see state building and expansion as having primarily a symbolic importance to people living in frontier spaces, and giving the people more agency as to how they *chose* to use the state's symbolic power for their own ends. In these interpretations, the population's allegiance to a new state grows gradually as they consciously use the state's identity "like a mask," essentially becoming subjects by *acting like* subjects.<sup>28</sup> This dissertation brings the practical side of state-formation back into the

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<sup>24</sup> Brooke Larson, *Trials of Nation Making: Liberalism, Race, and Ethnicity in the Andes, 1810-1910* (New York: Cambridge University Press, 2004); Carlos Sánchez Silva, "'No todo empezó en Cádiz': simbiosis política en Oaxaca entre Colonia y República," *Signos Históricos*, no. 19 (2008): 10–19.

<sup>25</sup> G. M. Joseph, ed., *Reclaiming the Political in Latin American History: Essays from the North*, American Encounters/Global Interactions (Durham, NC: Duke University Press, 2001).

<sup>26</sup> Ricardo Donato Salvatore, *Wandering Paysanos: State Order and Subaltern Experience in Buenos Aires during the Rosas Era* (Durham [N.C.]: Duke University Press, 2003); Ricardo Donato Salvatore, Carlos Aguirre, and G. M. Joseph, eds., *Crime and Punishment in Latin America: Law and Society since Late Colonial Times* (Durham [N.C.]: Duke University Press, 2001); Kristin Ruggiero, *Modernity in the Flesh: Medicine, Law, and Society in Turn-of-the-Century Argentina* (Stanford, Calif: Stanford University Press, 2004).

<sup>27</sup> Eugen Weber, *Peasants into Frenchmen: The Modernization of Rural France, 1870-1914* (Stanford, Calif: Stanford University Press, 1976); David J Weber, *Bárbaros: Spaniards and Their Savages in the Age of Enlightenment* (New Haven: Yale University Press, 2005); Slezkine, *Arctic Mirrors*; C. R Whittaker, *Frontiers of the Roman Empire: A Social and Economic Study*, Ancient Society and History (Baltimore: Johns Hopkins University Press, 1994).

<sup>28</sup> Peter Sahlins, *Boundaries: The Making of France and Spain in the Pyrenees* (Berkeley: University of California Press, 1989); Andrés Reséndez, *Changing National Identities at the Frontier: Texas and New Mexico, 1800-1850* (Cambridge, U.K. [New York]: Cambridge University Press, 2005).

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equation, highlighting how settlers in the frontier eagerly and actively welcomed the state's intervention into their private, public, and professional lives, despite the frontier ethos of rugged individualism. This process "from below" by settlers to try to make the state usable and accountable to them was not entirely at cross-purpose from state's efforts to make populations "legible" by homogenizing (and controlling) knowledge, by instituting technologies of "counting" (like census and demographic data), and by delineating normative and "devious" behavior.<sup>29</sup> In effect, by consciously and unconsciously using state institutions and by accepting the state's right to mediate personal and communal conflicts, the motley collection of international, indigenous, and domestic settlers legitimized Argentina's claim to rule Patagonia.

## Periodization

This dissertation covers the first six decades of Argentine rule of Patagonia, from 1878 until, roughly, 1940. Studies of Patagonia have often looked at the present-day provinces of Río Negro and Neuquén separately, focusing on the specific development of each. This dissertation addresses north Patagonia holistically and comparatively, using the two regions' different socio-economic profiles as a way to highlight the ways the state made its presence felt, and how the subjects responded.

Although the direct administration of the northern Patagonian territories of Neuquén and Río Negro lasted until 1956, the last decade and a half saw a fundamentally different socio-political arrangement, with the institutions and structures that made Patagonian citizenship possible disappearing. Scholarly work on Patagonia has tended to treat the years in which indigenous society was besieged (1875-1890) as a distinct period. Similarly, the decades of active municipal life in the area of old white settlement in the lower Río Negro valley (1890-1905) has been treated separately from the years following the repression of the labor strikes in the far south (1916-1930). The effects of the "Infamous Decade" of the 1930s on Patagonian society and institutions have not received much scholarly attention at all, but they mark the end of the "skeletal state" arrangement, as the state presence became more significant and ubiquitous. By combining all these periods into the "skeletal state" period, this study emphasizes the ways in which the practices, institutions, and bodies changed and adapted to the shifting historical moments. The Peronist period (1943-1955) had a significantly less dramatic influence in Patagonia than in the rest of the country, owing in large part to the absence of established conservative parties which made up the backbone of the Peronist political machine in the interior of the country.<sup>30</sup>

Besides establishing a different regional periodization, this dissertation proposes a broader temporal scope to study liberalism in Argentina. Studies of citizenship in Argentina have not reached a consensus on how to periodize the liberal experiment known as the "Possible Republic" model—a political arrangement designed to establish robust democratic institutions

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<sup>29</sup> James C Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*, Yale Agrarian Studies (New Haven [Conn.]: Yale University Press, 1998); Michel Foucault, *The Birth of the Clinic: An Archaeology of Medical Perception* (New York: Vintage, 1994); Michel Foucault, *Discipline & Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage Books, 1995).

<sup>30</sup> Mark A. Healey, *The Ruins of the New Argentina: Peronism and the Remaking of San Juan after the 1944 Earthquake* (Duke University Press Books, 2011).

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without extending democratic rights until the population had been deemed “worthy” of them by the elite. The shift away from restrictive democracy and towards broad political participation remains a watershed moment in Argentine history, holding the key to understanding the political development of the twentieth century and even the rise of populism in mid-century.<sup>31</sup> At a national level, the period between roughly 1874 and 1912 was characterized by oligarchic rule through voter suppression, leading to lack of popular participation in broader political life, especially after the defeat of the last popular political movements in the interior. The rise of the *Unión Cívica Radical*—a middle class party that nurtured popular expectations of deeper social reforms and violently repressed them in the late 1910s—is usually seen as a distinct period. This dissertation emphasizes the continuities between both variants of liberalism, at least as it concerns the administration of Patagonia. Policies, as well as administrators, remained in place for years after the regime change at the national level, and the brutal repression of workers in the Patagonian Far South underscored the colonial attitude towards the residents of the region, who remained alien to the nation in the eyes of the authorities.

In Patagonia, dramatic change came with the conservative administrations of the “Infamous Decade” of 1930-1943. Characterized nationally by a closing of the political sphere and a dilution of liberal principles and practices, the conservative regimes did not affect Patagonian political practices. Instead, the increased state presence in the form of heavy investment on infrastructure and expansion of nationalist institutions in the frontier marked the “Infamous Decade” as a radical departure from the “skeletal state” arrangement, closing the spaces for Patagonian’s unique citizenship.

## Sources and Methods

This dissertation uses federal court cases to reconstruct how social relationships in the Patagonian state were built, maintained, and used by a wide array of social actors, including doctors, merchants, indigenous subjects, heads of households, and runaway daughters, as well as police officers, prosecutors, and defense attorneys. The court cases were part of two large judicial archives in the northern Patagonian capitals of Viedma (maintained by the state in a regional archive) and Neuquén (preserved by a group of researchers in Patagonia’s first public university), while the Archivo General de la Nación in Buenos Aires provided a valuable trove of reports from state officials (governors, inspectors, and ministerial staffers). The process for selecting court cases was threefold. First, I scoured the indexes (when available) to identify the kind of investigations that would likely yield open-ended queries into everyday Patagonians’

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<sup>31</sup> Natalio R. Botana and Ezequiel Gallo, eds., *De La República Posible a La República Verdadera: 1880-1910*, 2. ed, Biblioteca Del Pensamiento Argentino 3 (Buenos Aires: Emecé, 2007); Ernesto Lázaro Bohoslavsky and Milton Godoy Orellana, eds., *Construcción estatal, orden oligárquico y respuestas sociales: Argentina y Chile, 1840-1930* (Buenos Aires: Prometeo Libros, 2010); Adrián Gorelik, *La Grilla Y El Parque: Espacio Público Y Cultura Urbana En Buenos Aires, 1887-1936* (Buenos Aires: Universidad Nacional de Quilmes, 1998); Lila M Caimari, *Apenas un delincuente: crimen, castigo y cultura en la Argentina, 1880-1955* (Buenos Aires: Siglo Veintiuno Editores Argentina, 2004); Joel Horowitz, *Argentina’s Radical Party and Popular Mobilization, 1916-1930* (Penn State University Press, 2008); Tulio Halperín Donghi, *Una nación para el desierto Argentino* (Prometeo, 2005); Tulio Halperín Donghi, *La República Imposible* (EMECE, 2007); Orietta Favaro, “Realidades contrapuestas a los estados provinciales: Los territorios nacionales, 1884-1955,” *Realidad Económica* 144 (1994); Juan Manuel Palacio, *La paz del trigo: cultura legal y sociedad local en el desarrollo agropecuario pampeano, 1890-1945* (Buenos Aires: Edhasa, 2004).

gripes, concerns, and priorities. I singled out several sets of cases early: cases against “illegal doctors” and midwives, cases of runaway daughters and wives, and complaints against state officials. I read and digitized those cases for later reference. Additionally, I analyzed hundreds of cases in other categories—mainly complaints over workplace injuries, gambling, rustling, assaults, rapes, and murders, as well corruption of minors—to provide context (what kind of crimes did Patagonian officials and settlers care about?) and to establish the parameters of “normal” jurisprudence (how long were suspects usually held before a deposition? How many character witnesses did poor Patagonians need? How many officers were involved in the search for a fugitive?). Previous studies of court cases in the frontier have focused particularly on violent crimes as a way to understand how criminality and marginality were constructed by government officials and elites. My work builds on this tradition but expands the body of sources, focusing almost exclusively on non-violent crimes and civil complaints, which shows us more mundane ways in which settlers invoked the state apparatus to resolve conflicts in their private and public lives.<sup>32</sup>

### Structure of the dissertation

This dissertation is organized in three parts: institutions and practices, people and networks, and politics and power. The first two chapters make up Part One, “Institutions and Practices” (1875-1905), which addresses the establishment of temporary institutions to administer the national territories, and the dissonance between high-level debates and on-the-ground realities in matters of both statecraft and indigenous removal. The first chapter looks at how the state was constructed and how it operated. Based on the belief that a deferral of democracy would prevent demagogues from seizing power, the direct administration of Patagonia by Argentine authorities outlived the philosophy that had produced it, and was kept in place out of exigency and inertia. Looking at the three main state agents in Patagonia—governors, judges, and police officers—this chapter argues that the scaffolding that they built allowed for the emergence of a municipally-driven citizenship.

The second chapter looks at the conquest, removal, and partial survival of indigenous people in Patagonia, beginning with the military campaigns that paradoxically created the desert that many statesmen believed already existed in northern Patagonia. Contrary to the belief at the time and the established narrative, the disarticulation of indigenous practices and culture did not mean the destruction of all indigenous people in the region. Clustered in pockets throughout the steppe and the Andean valleys, indigenous groups made up the bulk of the landless rural working class in the first decades of the territorial administration. Indigenous cultural practices, especially in regards with family life, endured into the early twentieth century, and cultural markers of indigeneity affected how state agents treated suspects and victims.

The second part of the dissertation “People and Networks” (1890s-1920s), looks at the arrival of settlers in Patagonia and the ways they attempted to organize their private lives on the frontier. After the removal and dispersal of the indigenous groups, Patagonia was populated by immigrants from Chile, Europe, and the Ottoman Empire. Chapter Three looks at how immigrants arrived in the region and clustered in isolated enclaves, setting up interrelated

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<sup>32</sup> This decision led to a colleague wondering out loud to me why anyone would want to “take all the interesting stuff out” of a study of a frontier!

businesses, and consolidating into economic elites in their communities. They eventually parlayed their economic success into social and political power as they drew more immigrants into the frontier, building far-reaching social networks. Immigrants' success in the frontier made nationalist authorities, who worried that foreign states might annex Patagonia, extremely anxious. Immigrants were well suited to succeed in a frontier space like Patagonia, becoming particularly adept at manipulating the centralized, "skeletal" state structure and relying on international allies to assist them in their dealings with the state. The interplay between concessions to lure immigrants into the frontier, and the fear that those efforts to populate the region with foreign nationals endangered it, would not be resolved until the 1930s when nationalists assume more prominent positions at all levels of government.

Chapter Four centers on families and how different members of the family used the courts to their advantage. Fathers, wives, and daughters brought the state into family disputes, alternately buttressing and undermining the "traditional" structure of patriarchy. Fathers used the state to bring wives and daughters back into the household, or to force them to marry. Wives used the courts to keep abusive husbands away, forcing state agents into difficult decisions about how to best protect abused women while following the law that required them to assist the patriarch. Daughters proved adept at forcing their fathers to relinquish control over family affairs by requesting the state for assistance in resolving conflicts, especially over marriage choice. The success of these complaints and legal processes depended less on the slowly changing legal standards of patriarchy, and more on the mobilization of reputation and honor within each community.

The final part "Legitimacy, Local Politics, and Power" (1920s-1930s) argues that the very same extended social networks built by immigrants in the first couple of decades became self-consciously political, using reputation in the community as a source of legitimacy. Chapter Five looks at how prominent residents of small towns and cities, or "vecinos," came to think of themselves as municipal citizens, crafting an extra-legal social order in northern Patagonia. *Vecinos* cultivated both patronage relationships with state agents—which they used to ensure that the police in their communities were able to function, and that *they* could rely on them if needed—as well as wide-ranging social networks designed to protect themselves from the state. Although the majority of *vecinos* were merchants, the label was used by a wide array of townsfolk, from doctors to craftsmen, and even clerks and peddlers. In the territorial capitals (where less than 1/8<sup>th</sup> of the population lived), *vecinos* cultivated close relationships with regional authorities, and attempted to make their preferences known at the time of important appointments, or during budget announcements. In towns large enough to have municipal councils they participated actively as members and supporters, and in towns too small to have local government they played an informal role as patrons and facilitators. Ultimately, they shared a sense that they were part of a civilizing force in the frontier, referring to themselves as a "pueblo culto" (a cultured people/town), and tended to think of themselves in opposition to *rural* forces, like landowners and their peons.

The final chapter looks at doctors and the state regulation of medicine, using this small but powerful group as a lens to understand how two forms of conflicting legitimacy, one from above and one from below, used the federal courts to attempt to establish who had the right to practice medicine in individual communities. Rather than following a typical process of state-legibility from above—of medical certification processes, of eradication of non-scientific knowledge, of marginalization of subaltern forms of healing—the examples in this chapter capture how each community tried to exert some degree of control over what kind of health

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provider they wanted. These cases show the importance of social networks to ensure the success or failure of a complaint against a medical practitioner, while highlighting the power of police investigations (even unsuccessful ones) to disrupt the activities of illegitimate doctors and their associates.

Before turning in detail to how the Argentine state's project for Patagonia came up short and yet produced some underappreciated successes, we need to consider the physical and social geography on which this project played out. This introduction closes, therefore, with a consideration of the geography of northern Patagonia and its political and social history in the century before the "Conquest of the Desert," both of which profoundly affected the course the Argentine state and its projects would take.

### **Geography: between the "curse of sterility" and the "land of plenty"**

The term "Patagonia" conjures up iconic images of majestic mountains, immense arid deserts, and windswept coastlines. Darwin famously labeled it as a "cursed place;" it is an idea as much as a region.<sup>33</sup> In Argentina the term refers to an area bound to the north by the Colorado River and to the south by the island of Tierra del Fuego, with the Andes range as its western boundary and the Atlantic Ocean as its eastern one. Covering almost 800,000 square kilometers—about one third of all of Argentina—at the southern tip of the continent, Patagonia's surface area is comparable to the combined area of the West Coast of the US, the states of Washington, Oregon, and California. The imagination of travelers and explorers has flattened the region, combining its features into a geographically uniform whole. However, the distinct sub-regions, with different climate, geography, and physiology have shaped human settlement patterns in significant ways.

This study focuses primarily on northern Patagonia, often called the *Comahue* region, which means "place of plenty" and "carved by rivers" in the Mapuche language. This region's proximity to the Pampas region (La Pampa and Buenos Aires, to the northeast) and the Cuyo region (Mendoza and San Luis, to the northwest) led to a markedly different development path than southern Patagonia, which developed a rapacious economy based on large-scale sheep-ranching and oil extraction in an "enclave model," making it an almost an "autonomous economic zone" that some scholars equate to neo-colonialism.<sup>34</sup>

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<sup>33</sup> Even though "Patagonia" appears in academic literature as a shared area of both Argentina and Chile, within local understandings the limits of the region vary widely. In Chile, the term "Patagonia" is used to describe the rugged "Magallanes region," in the far south edge of the continental mass, between the Pacific Ocean and the Andes range, and wedged between the island of Chiloe (to the north) and the Diego Ramirez islands to the south. Bohoslavsky, *El Complot Patagónico*, 30–31; Pedro Navarro Floria, *Historia de la Patagonia* (Buenos Aires: Ciudad Argentina, 1999), 19.

<sup>34</sup> Susana Bandieri, *Historia de la Patagonia* (Buenos Aires: Editorial Sudamericana, 2005), 20; José María Borrero, *La Patagonia Trágica* (Buenos Aires: Editorial Americana, 1957); "Two Oil Company Towns in Patagonia: European Immigrants, Class and Ethnicity (1907-1933)" (Rutgers University, 1995); Alberto Harambour-Ross, "Borderland Sovereignities. Postcolonial Colonialism and State Making in Patagonia. Argentina and Chile, 1840s-1922" (Ph.D. thesis, State University of New York at Stony Brook, 2012); Ernesto Lázaro Bohoslavsky, "Clase y ciudadanía en los conflictos sociales y políticos en el extremo sur de la Argentina y de Chile a principios del Siglo XX," in *Construcción estatal, orden oligárquico y respuestas sociales: Argentina y Chile, 1840-1930*, ed. Ernesto Bohoslavsky and Milton Godoy Orellana (Buenos Aires: Prometeo Libros, 2010).



## Introduction

The Comahue region presents three separate geographic sub regions, with radical differences in political economy, settlement, and access to water. The Andean region is defined by a long north-south mountain range, punctuated by the occasional volcano. Transversal valleys and lakes, evidence of the last glaciation, cut the landscape between the mountains, facilitating the east-west communication in a way that is not possible further to the north along the Andes. On the eastern edge of this mountainous area, a fifty-mile-wide zone made up of smaller hills (known simply as the *precordillera*) eases the transition into the central plateau. Some Andean valleys grow dense, humid forests (part of the Valdivian temperate rain-forest), while in others ancient *Araucaria* conifers dominate. The Andean peaks create a “rain shadow” effect, which condenses most of the moisture from the westerly winds over the mountains, leaving dry winds to sweep the plateau, leading to staggeringly different rainfall totals in relatively close areas. For example, some parts of the Valdivian rainforest in the western Andean valleys receive as much as 4,500 mm (about 178 inches) of rainfall each year, while areas in the *Somún Cura* volcanic plateau receive around 200 mm (less than 8 inches) of rain per year, making access to water precarious.

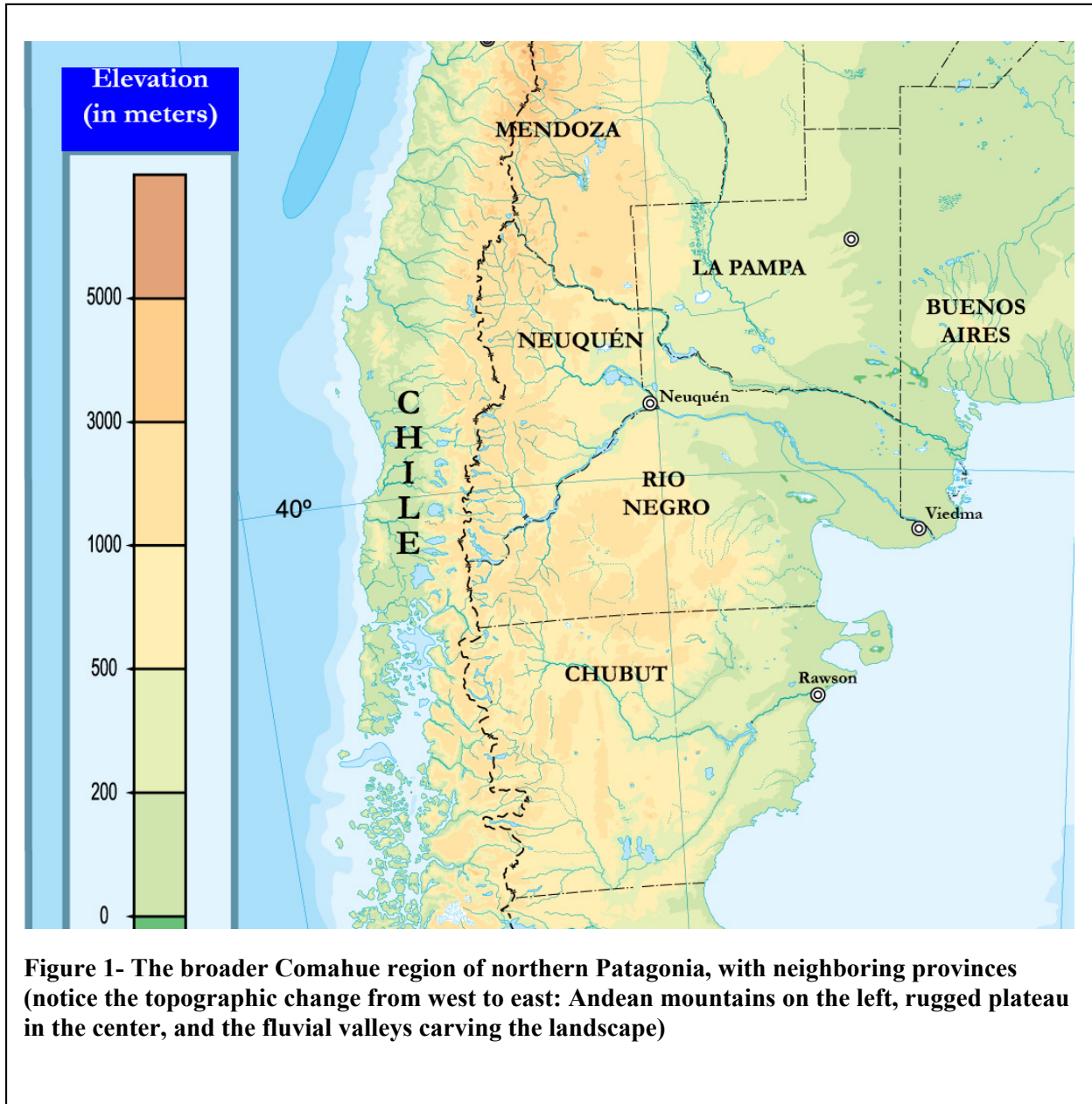
The volcanic plateau, known simply the *Meseta Patagónica* in Spanish, is the second region. Characterized by staggered plateaus (*mesetas escalonadas*) that descend towards the ocean, the *meseta* covers most of the surface area of northern Patagonia. Seasonal runoff creeks dot the plateaus, carving steep canyons and ravines in the volcanic soil, scarring the landscape. These creeks empty into a series of wide, land-locked basins known locally as *bajos* (low-lying depressions), most notably the salt ponds of the *Bajo del Gualicho*, which sit 72 meters below sea level, the second lowest point in the southern hemisphere. An array of sturdy shrubs and bushy grasses, such as the thorny *neneo* or the tall *coirón*, thrive in this steppe landscape, as they are especially adept at surviving in the clayey, sandy, and salty ground. The plateau ends abruptly in the Gulf of San Matias, in a long, sparsely populated coastline defined by sheer cliffs and cold, almost constant easterly winds that bring some Atlantic moisture and winter rains.

The third region of northern Patagonia is the fertile river valleys. Patagonian rivers, fed mostly by snowmelt, begin as turbulent whitewater brooks as they descend the Andes, adding tributaries from different valleys before slowing down into meandering, navigable waterways in the plateau. As the rivers slow down, they deposit sediments across the valley, creating conditions for agriculture. The different sediments provide the distinctive colors of the main rivers: Río Negro has a muddy chocolate color, while Rio Colorado carries clay from northern Neuquén and southern Mendoza, making its waters notoriously reddish. Following the confluence of the Neuquén and Limay rivers, the meandering Río Negro valley traverses the width of the continent, carving a ten-kilometer-wide fertile floodplain through the steppe. Before the construction of a series of dams along its tributaries, the Río Negro experienced periodic flooding on an apocalyptic scale; in 1899 the waters washed away many of the settlements in the lower valley, and in 1903 most of the towns in the upper valley suffered almost complete destruction. The low-lying depression near the end of the valley causes a peculiar phenomenon, during high tide: the waters of the river flow *backwards*, often overflowing its banks with salty water.

The varied weather and terrain of the Comahue region had important consequences for human settlement (for both nomadic groups before the Conquest and for settled peoples afterwards). During the period of the “skeletal state,” the area did not have a steady, even distribution of people or economic activity, showing instead clusters of high demographic and productive capability surrounded by areas of relative “emptiness” characterized by economic

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stagnation and steady population decline throughout the twentieth century. Despite the potential and promise of some areas of Patagonia in the eyes of the statesmen and travelers, the vastness of the region routinely thwarted any attempts to integrate and develop the area in a consistent, coherent fashion. Paradoxically, this tension between the possibilities of the enticing areas and the pitfalls of the less hospitable ones fueled the debates around the importance of the region.



### A depopulated frontier: the mid-nineteenth century

Patagonia had been, since its earliest population, a space of dynamic contacts. Before the Andes range became an international boundary in the late nineteenth century, it was porous: skilled herders and warriors could navigate its mountain passes, and control of low-lying passes

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conferred power over trading networks on both sides of the mountain ranges. Patagonia has been also a space of conflict, as the frontier between creole and indigenous societies advanced and receded during the colonial and early-national period.

The century before Patagonia's incorporation into Argentina (roughly 1776-1878) saw a shifting frontier line, increased competition for dwindling resources, and armed conflict. While the Bourbon administrators had attempted to normalize relations in the southern frontier of the Spanish Empire through increased trade (establishing trading posts), advanced fortifications (*fortines*), and political autonomy, those arrangements were interrupted by independence struggles and ensuing civil wars. After the Independence wars Patagonia fell under the jurisdiction of Buenos Aires, whose elite remained committed to the expansion of cattle ranching, and encouraged the continued colonization of the plains, pushing the frontier south beyond the Salado River in central Buenos Aires province.<sup>35</sup> The conflict between nomad herders and cattle ranchers was temporarily resolved by a compromise, known as *Pax Rosista* (lasting from 1829 and 1852, it was named after the Buenos Aires governor that instituted it, Juan Manuel de Rosas). On one hand, this arrangement offered preferential treatment to "allied" indigenous groups, which received allotments of cattle and goods in exchange for giving up raiding, and for providing the frontier settlements with salt, clothing, and military assistance. On the other hand, the Buenos Aires government (and its newly acquired indigenous allies) pursued punitive actions against non-allied indigenous groups, sometime quite asymmetrically, which increased the number of indigenous people living under the allotment system. The *Pax Rosista* ended the raids for several decades.

But with the fall of Rosas in 1852 frontier life became characterized, once more, by *malones* (Indian raids) and punitive expeditions. A recently arrived *Mapuche* leader from Chile, Calfucurá, was largely responsible. Immediately after Rosas' defeat in the Battle of Caseros Calfucurá's warriors retreated back to their stronghold in the Salinas Grandes and raided Bahía Blanca in southern Buenos Aires, seizing 65,000 head of cattle.<sup>36</sup> In a massive uprising in 1855, his followers and allies raided almost every settlement in Buenos Aires' southern frontier, defeating the provincial army in open battles in Sierra Chica, San Antonio de Iraola, and, decisively, in the swamps of San Jacinto by the Tapalque creek.<sup>37</sup> With the provincial armed forces in disarray Calfucurá's followers sacked Azul, Tandil, Junín, Melincué, Olavarría, and Bahía Blanca, forcing the government in Buenos Aires to resume the allotment system. In the two decades that followed, Calfucurá and his followers put relentless pressure on the ranching frontier to guarantee treaty obligations from the authorities in Buenos Aires. Warfare eventually emptied the southern plains, setting the stage for the final occupation of Patagonia by

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<sup>35</sup> Ruffini, *La pervivencia de la República Posible*, 33; David Rock, *Argentina, 1516-1987: From Spanish Colonization to the Falklands War*, 2nd ed. (Berkeley: University of California Press, 1987), 96–98.

<sup>36</sup> Adalberto A. Clifton Goldney, *El cacique Namuncurá: último soberano de la Pampa* (Librería Huemul, 1956), 249.

<sup>37</sup> David Marley, *Wars of the Americas: A Chronology of Armed Conflict in the Western Hemisphere, 1492 to the Present* (ABC-CLIO, 2008), 781.

Argentina.<sup>38</sup> One wave of raids in 1872 by Calfucurá's followers laid waste to towns throughout Buenos Aires province, effectively pushing the frontier line to the colonial boundary (a mere 200 miles from the city of Buenos Aires). For example, the population of the town of Veinticinco de Mayo, in central Buenos Aires, dropped from 5,000 to only 600 after "malones took thousands of heads of livestock and several hundred women and children," which were transported through the Andean passes in northern Patagonia to Chile to be sold.<sup>39</sup> After the expansion of the frontier and the stability achieved during the *Pax Rosista*, the twenty years that followed had managed to "virtually depopulate" Buenos Aires' southern frontier.

Calfucurá was finally defeated in the battle of San Carlos, late in 1872, by an alliance of Argentine forces (seasoned veterans after the Paraguayan War) and "friendly" indigenous forces (followers of *cacique* Catriel). This was a turning point in the frontier, as it marked the sudden decline of the once mighty Empire of the Pampas, which descended into dynastic scuffling following Calfucurá's death in 1873, and was faced in the late 1870s with the overwhelming military force of the "Conquest of the Desert." The consolidation of a national state, the conclusion of international conflicts, and the relative ferocity of the Indian raids along Buenos Aires southern frontier made the Argentine government change their attitude towards indigenous groups: instead of seeking coexistence and pacification through punitive expeditions, they began to discuss occupation of Indian territory as the only way to guarantee long-term peace. The details of the military campaign against the indigenous people of Patagonia are discussed in Chapter Two, as is the uneven, patchwork set of policies instituted by Argentine authorities to incorporate them into the nation.

Historians have begun to understand the depopulation of a region as a political strategy, a calculated maneuver by nomadic raiders as they attempted to force concessions from settled states.<sup>40</sup> In southern Buenos Aires and northern Patagonia the double "desertification" of the frontier—first by Indian raids, and later by the Argentine military—created, in the minds of statesmen, a blank canvas without people or institutions in which to attempt a masterpiece: a civilized (modern, liberal, productive) society where before only barbarism reigned. The people that remained there, in remote valleys, in protected towns, in detention centers, that moved back and forth through the mountain passes, and who arrived soon after, had to contend with an administrative structure that assumed they were not there, and with administrators who knew very well that they were, but were less sure of how to shape them into a "civilized" population. Luckily for the administrators, the new Patagonians had some ideas of their own. For now, we shift gears to look at the state that was hastily grafted onto the frontier's pre-existing socio-economic patterns.

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<sup>38</sup> Zeballos, *Calfucurá y la dinastía de los Piedra*, 10; Kristine L. Jones, "Calfucurá and Namuncurá: Nation Builders of the Pampas," in *The Human Tradition in Latin America: The Nineteenth Century*, ed. Judith Ewell and William H. Beezley (Wilmington, Del: SR Books, 1989), 178–79.

<sup>39</sup> Kristine L. Jones, "Warfare, Reorganization, and Readaptation at the Margins of Spanish Rule: The Southern Margin (1573-1882).," in *The Cambridge History of the Native Peoples of the Americas*, ed. Bruce G. Trigger and Wilcomb E. Washburn, vol. 3 (Cambridge: Cambridge University Press, 1996), 177.

<sup>40</sup> This is hardly a unique phenomenon to the Patagonian frontier. For the emblematic case of the US-Mexican border see: Brian DeLay, *War of a Thousand Deserts: Indian Raids and the U.S.-Mexican War* (New Haven: Yale University Press, 2008), 16–31.

**Part One: Institutions and Practices (1875-1905)**

Born of exigency and hardened by permanent scarcity, the Argentine administration of Patagonia between 1885 and 1940 was staffed by a small crew of state agents, perpetually hamstrung by underfunding and understaffing. This framework, which I call the “skeletal state,” was a unique experiment in nation-building, testing the idea that democratic principles, “like grapevines,” could be transplanted from Europe to Argentina, where they could grow and thrive in a controlled political environment. What contemporaries saw as a “fictional government” lacking in both resources and authority to fundamentally transform the region, is instead recast here as a scaffolding. This arrangement was at times sturdy, providing stability, and at other times flexible, responding to settlers’ demands. The contradictions of the administration of the National Territories—unclear jurisdictions, conflicting goals, and unfulfilled commitments—became an ad hoc system of checks and balances in an otherwise authoritarian regime.

Based on the assumption that indigenous people had not survived the Conquest of the Desert, national authorities did not prepare any consistent program to integrate them into the broader northern Patagonian society. Instead, following a haphazard demobilization of indigenous captives, regional authorities attempted to resolve the “Indian problem” in piecemeal fashion, without much success. The administrators of the “skeletal state” borrowed eighteenth-century practices—religious institutions and prominent families—to house and “civilize” indigenous orphans. Settlers and state agents introduced positivist understanding of legal responsibility, as well as racist assumptions, when dealing with suspects who were *perceived* as indigenous, prefiguring a judicial system in northern Patagonia characterized by constant negotiations between the state and society over the finer points of the law.

## Chapter One

### “A Fictional Government:”

#### Building a State on the Frontier

*“The Territories don’t need anything more than good justice and heavy policing.”*

—Manuel Lainez, senator from Buenos Aires, arguing in 1907 against a spending bill for Patagonian infrastructure.<sup>1</sup>

At first glance, the state in the frontier seems to have bumbled about for half a century, as the chasm between the high aspirations for a modern state and the shambles of the local reality grew ever wider. Despite the stipulations in the governing charter for the National Territories, authorities were unable to introduce formal democratic institutions (elected city councils, elected justices of the peace, local legislatures, elected congressional representatives, and eventual provincial administrations) as the population increased. Incapable of providing settlers with anything more than “justice and heavy policing,” state authorities (mostly judges, governors, and police officers) adapted to these structural limitations. In a sense, the *remoteness* of Patagonia (a periphery of peripheral Argentina) from the rest of the country did not stem purely from the vast distances separating it, but also from “the precariousness of the state’s reach” into it.<sup>2</sup>

This chapter argues that the “skeletal state” arrangement succeeded *because* of its shortcomings: the state representatives in northern Patagonia operated as best they could, and in their haphazard approach to governance they created a resilient and flexible administration. Scarcity and poverty hampered the functioning of all state agencies in Patagonia. The governors complained that they headed “a fictional government [...] without prestige or the efficiency to do anything,” in the words of one of the early governors.<sup>3</sup> Frustrated by lack of funding, high employee turnover, the dispersed structure of authority in which surrogates reported to authorities in Buenos Aires rather than to them, and jurisdictional conflicts, governors pivoted instead to providing a reliable mediator to local conflicts. In communications with the Ministry

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<sup>1</sup> Taken from “Diario de sesiones del Senado, 1907,” 533-535. The original reads: “*Los territorios no necesitan más que buena justicia y mucha policía.*”

<sup>2</sup> Fernando Hugo Casullo and Joaquín Perren, “‘Cierta imponente majestad’: en torno a la administración de la justicia en el Territorio Nacional de Río Negro a partir de las fuentes cuantitativas (1884-1920),” in *Los estados del Estado: instituciones y agentes estatales en la Patagonia, 1880-1940* (Rosario, Argentina: Prohistoria Ediciones, 2013), 16.

<sup>3</sup> Quoted in Martha Ruffini, *La pervivencia de la República Posible en los Territorios Nacionales: poder y ciudadanía en Río Negro* (Buenos Aires: Universidad Nacional de Quilmes Editorial, 2007), 210.

of Interior governors channeled the will of the population, and in turn members of the population could appeal to them personally to intercede in their communities when crises hit. The police in their remote frontier posts and rural hamlets suffered the scarcity as much as anyone else, often having to seek patronage from local allies to survive. The transient and underfunded police built strong ties with their communities, often relying on *vecinos* (neighbors) for their own survival and strengthening the relationship between state and society in concrete ways. Ironically, the very high level of complaints against bad police in the files—which others have pointed to as signs of its dysfunction—shows a social body growing impatient and demanding with the state, and confident that it could remedy those irregularities.

The courts, charged with establishing and maintaining the rule of law, were mocked by contemporaries for the “awesome majesty” of their precarious institutions and the high number of cases that were started but not resolved.<sup>4</sup> In fact, their low conviction rate troubled contemporaries—who feared chaos on the frontier—and intrigued scholars.<sup>5</sup> Budgetary deficiencies and inadequate facilities forced the courts to be flexible, using an array of creative legal solutions to maintain peace and order without overextending themselves. The judiciary, bitterly divided between federal judges (*Jueces Letrados*) and justices of the peace (*Jueces de Paz*) actually provided a balance, as their sometimes-opposing goals could also prove complementary. Justices of the peace were members of the community they served and tended to favor stability and order, while judges were insulated outsiders that prioritized the rule of law.

This chapter unfolds in three sections. The first section looks at the theoretical and legal underpinnings of what became the “skeletal state.” Emerging from mid-nineteenth century debates about how best to develop republican values, the policy towards national territories envisioned them as incubators for those values. Low-stakes local elections would prepare the growing population of northern Patagonia for eventual higher-stake elections. Patagonia would be the ultimate test of whether Argentina’s population could be cured of its proclivity towards demagoguery by only introducing democracy once the population had been taught how to *behave* democratically. The second section outlines how the state actually operated in practice once the municipal-level republican ideas failed to take off, and the expansion of political rights stalled. Both of the top administrators in each territory—governor and judge—were outsiders appointed to limited terms, who managed uneven human and financial resources. Finally, the chapter concludes with a discussion of the isolation of the region, both physically and politically. Towns, cities, and hamlets in northern Patagonia developed haphazardly, underscoring the uneven way in which the region was developed and integrated. The absence of printed media available to most settlers in northern Patagonia—the lynchpin of a broader political life that included civic associations, local and national newspapers, short-lived political parties, and informal associations—exacerbated their distance from the rest of the country.

### **The state in theory: inclusion, exclusion, and neglect**

The “skeletal state” grew out of the foundational legislation to administer Argentina’s National Territories, the *Ley N° 1532 de Organización de los Territorios Nacionales* (known

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<sup>4</sup> “Juzgado de Paz de Patagones. Pobreza Franciscana,” *La Nueva Era*, March 29, 1908—quoted in Casullo and Perren, “Cierta imponente majestad.”

<sup>5</sup> Ernesto Bohoslavsky and Fernando Hugo Casullo, “Sobre los límites del castigo en la Argentina periférica. La cárcel de Neuquén (1904-1945),” *Quinto Sol* 7 (2013): 53–56.

simply as Ley 1532). The purpose of Ley 1532 was to administer the territories formerly under indigenous control in the short term in order to create provinces out of them in the long term. Ley 1532 was approved in 1884 as a modification to the 1878 law that had created a military governorship over all of Patagonia. By the first decades of the twentieth century this arrangement was widely considered both anachronistic, since the military occupation had ended, and excessively uniform, since it did not allow for modifications to address each individual territory’s idiosyncrasies. As part of the transition to autonomous provinces, each Territory could petition Congress to receive admittance into the nation as once it reached 60,000 residents. As a “halfway” measure to further train the residents of the Territory into republican life, Ley 1532 established that when the territories reached 30,000 residents, they would receive permission to convene a legislature. These legislative bodies would operate three months out of the year and have delegates serving three-year terms, with a third of the chamber facing reelection every year. According to the law, demographic growth alone would determine how quickly Territories could become autonomous provinces, and how rapidly their political institutions developed beyond the initial setup.

The restrictions echoed the original way in which the United States planned to administer its National Territories (under the 1787 “Northwest Ordinance”), which also included a three-tiered system of incremental rights. However, by the mid-nineteenth century most National Territories in the American West skipped the first set of restrictions and were allowed to convene a legislature, but governors and judges were still appointed.<sup>6</sup> The Argentine lawmakers who crafted their own version of the Northwest Ordinance—Ley 1532—based it on three suppositions informed by local history and circumstances. First, they assumed the region was a desert—not just hydrologically, but demographically. This assumption predated the military conquest of Patagonia itself (often called the “Conquest of the Desert”) in 1878. Indian raids had depopulated the frontier along the southern pampas, so the Argentine government set out to conquer the “desert,” emptying it of nomadic herders to make room for settlers, not entirely unsuccessfully. The assumption that Patagonia was a desert explains, in part, why Ley 1532 withheld political rights from anyone living there—as the architect of the law proclaimed, north Patagonia was “absolutely empty,” so the restriction did not abridge anyone’s rights.<sup>7</sup> That assumption must have come as a surprise to the about five thousand displaced indigenous people roaming the plateau, and the thousand or so residents of the lower Río Negro valley that had long lived under the jurisdiction of Buenos Aires by the time the law was enacted. The result was that a segment of the population was summarily stripped of their political rights, and decades of treaties recognizing autonomy to indigenous groups became null when the law went into effect.

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<sup>6</sup> Howard Roberts Lamar, *The Far Southwest, 1846-1912; a Territorial History*, Yale Western Americana Series 12 (New Haven: Yale University Press, 1966), 9–11; Aaron Steven Wilson, “Government and Law in the American West,” in *The World of the American West*, ed. Gordon Morris Bakken (New York, N.Y.: Routledge, 2010), 503.

<sup>7</sup> Lisandro Gallucci, “El espejismo de la República posible. La cuestión de la ciudadanía política y la organización institucional de los Territorios Nacionales en Argentina (siglo XIX),” *Historia Crítica*, no. 60 (2016): 69-- Ramón J. Cárcano, a national representative from Córdoba province, authored much of the law, and famously declared that the national territories were “completamente despoblados.”



The second assumption, consistent with the 1853 Constitution, held that good republican practices had to come from abroad. The father of the constitution, Juan Bautista Alberdi, did not mince words, arguing that “take the building blocks of our popular masses, the *roto*, the *cholo*, or the *gaucho*, and give them the best education possible, not even in a hundred years will they turn into British workers.”<sup>8</sup> Civilization, Alberdi declared, did not “grow from seeds, but rather, like a vine, takes hold from a cutting.”<sup>9</sup> This optimism in the transformative power of migration was reflected in the constitution itself, which explicitly encouraged immigration into the country.<sup>10</sup> This helps explain the voting restrictions based on population benchmarks—simply by “importing” people with republican values, the National Territories would acquire those transplanted values themselves, or be subsumed and outnumbered by people who had them.

The third assumption, rooted in the thinking of Alberdi’s rival and onetime president Domingo Faustino Sarmiento, was that the key to overcoming the propensity towards barbarism that emerged from the emptiness of the countryside was mass education, in addition to immigration. Sarmiento’s emphasis on the redemptive power of education, enshrined in the 1884 adoption of free and compulsory primary education nationwide, had a Tocquevillian tint, as it conceived of the municipal arena as the “schoolyard” of democracy. This assumption explained the opening of the municipal arena for electoral competition—low stakes, and constant repetition would help the population “practice” the republican rituals. These assumptions worked together to create a mixed governing framework. The resulting arrangement was partially a military occupation with absolute power in the executive branch, and partially an experiment in communal-democracy with active municipal elections.

Significantly, Ley 1532 was also partially the continuation of the political restrictions of the oligarchic period, when the elites called for doing “all that was possible to keep the creole and immigrant people away from political life,” until the early twentieth century.<sup>11</sup> The institutions set up by Ley 1532 proved to be both highly centralized and bitterly divided. On the one hand, functionaries were appointed at the national level, and state agents answered to their supervisors in the executive branch rather than to any local constituencies. Despite criticism from reformers, this arrangement remained in place longer than initially thought possible or eventually thought desirable, due to petty power struggles and inertia.<sup>12</sup> Already in 1911 a congressional commission called the law “antiquated” and “denaturalized” as it (unsuccessfully)

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<sup>8</sup> Juan Bautista Alberdi, *Bases y puntos de partida para la organización política de la República Argentina* (Buenos Aires: Ed. Libertador, 2005), 60 (Section XV).

<sup>9</sup> Alberdi, *Bases y puntos de partida*, 59-- the original reads: “La planta de la civilización no se propaga de semilla. Es como la viña: prende de gajo.”

<sup>10</sup> Jose C. Moya, *Cousins and Strangers: Spanish Immigrants in Buenos Aires, 1850-1930* (Berkeley: University of California Press, 1998), 48–50.

<sup>11</sup> Hilda Sabato, *The Many and the Few: Political Participation in Republican Buenos Aires* (Stanford, Ca: Stanford University Press, 2001), 5.

<sup>12</sup> Ruffini, *La pervivencia de la República Posible*, 79–84.

considered a wholesale change.<sup>13</sup> Cabinet members at the national level blocked any attempt to reform the administration of the National Territories since any devolution of power to local authorities would diminish their own power to control appointment and direct policy. Similarly, in Congress, representatives unsure of how extra delegates from the territories would alter the balance between the Conservatives and Radicals in the legislature, preferred to block any attempts to normalize the territories into provinces during the 1920s.<sup>14</sup> The experience of extended political restrictions despite having met demographic benchmarks echoed the experiences of New Mexico and Arizona in the United States. Given their high proportion of Mexican-American and indigenous population in those Territories, they were not allowed to join the union as States until much later than their contemporaries (New Mexico and Arizona achieved statehood in 1912, almost twenty years after Utah, and almost forty years after Colorado), paralleling the experience of Northern Patagonia.<sup>15</sup>

### The frontier state in practice: governors, police, judges, and towns

The administration of National Territories evolved into something different than what the framers of Ley 1532 had intended, as the political restrictions, centralization of power, and heterogeneity of the population led to a series of *ad hoc* arrangements that became the “skeletal state.” The awkwardness of this arrangement, in which governors and judges governed as equals, was justified by the temporary nature of the law which foresaw each *demographically mature* territory convening a legislature and electing local authorities fairly quickly. Neuquén and Río Negro indeed reached some of the benchmarks within the first three decades (see Table 1), but had to wait until the mid-1950s to draft their constitutions, elect their governors and provincial legislators, and send representatives to the National Congress. This endlessly postponed transition continued to irritate Patagonian elites, who resented being “second class”

Table 1—Population in Northern Patagonia

Year	1886	1895	1905	1914	1920	1931
Río Negro	6,980	9,241	20,220	42,242	42,652	115,380
Neuquén	N/A	14,517	N/A	28,866	29,784	42,241
Northern Patagonia	>6,980	23,758	>34,737	71,108	72,436	157,621

<sup>13</sup> Quoted in Mirta Zink, “La política territorialiana pampeana en los años 30 e inicios de los 40.,” in *XI Jornadas Interescuelas. Departamentos de Historia* (Tucuman, 2007), 2 but part of the “Memorias del Gobernador de la Pampa” for 1911.

<sup>14</sup> Ruffini, *La pervivencia de la República Posible*, 78, 88, 112–115.

<sup>15</sup> Lamar, *The Far Southwest*, 10–16; Katherine Benton-Cohen, *Borderline Americans: Racial Division and Labor War in the Arizona Borderlands* (Cambridge, Mass.: Harvard University Press, 2011); Eric V. Meeks, *Border Citizens: The Making of Indians, Mexicans, and Anglos in Arizona*, First Edition edition (Austin: University of Texas Press, 2007).

citizens, but their protestations rarely manifested in any coordinated political mobilization to pressure national authorities. The temporary, “overly uniform,” centralized, and bitterly divided administrative arrangement would stagger along for longer than anyone intended, institutionalizing the dysfunction but creating a certain level of stability and predictability, which the settlers quickly learned how to navigate

*Municipal Councils and local elections*

The municipal councils, where electoral politics ought to flourish, did not offer national elites much evidence that the settlers were adopting republican ideas seamlessly. Instead, they quickly become personalist fiefdoms and hotbeds of dysfunction which required constant intervention. As exclusionary and restrictive as it was in most instances, Ley 1532 framed local politics in a radically inclusive way: it did not stipulate any kind of requirement for men to vote in municipal elections beyond residence in the jurisdiction, effectively welcoming poor people, renters, rural workers, and immigrants to join in the democratic process. Any town with at least a thousand residents could elect a municipal council. The five councilmen would serve two-year terms, with half of the council up for reelection any given year. Those towns could also elect justices of the peace (*Jueces de Paz*) to two-year terms, which meant that on a yearly basis, residents of north Patagonian towns would hold elections to cover three local posts, giving them “practical experience” of democracy.<sup>16</sup> Governors were expected to appoint councilmen and justices of the peace for towns which had not reached the population threshold, and they had the power to intervene in dysfunctional councils as well.<sup>17</sup> The governor faced virtually no political repercussions for replacing contentious local authorities—after all, governors did not have to face reelections, or combative legislatures. The hybrid design—partially democratic, partially by executive appointments—proved contentious.

Despite their inclusiveness municipal councils failed to establish and sustain political life. After some early excitement, turnout for most municipal elections dropped dramatically (hovering around half of all eligible voters in the early years, but dropping steadily after that). Political participation became reserved for a few well-connected individuals and their political parties, who zealously curated the voter rolls.<sup>18</sup> Although the text of the Ley 1532 stipulated that all male residents over the age of eighteen should be added to the municipal electoral rolls, in practice the governors and the political parties actively discouraged broad participation. For example, in a 1905 private communication between Carlos Bouquet Roldán, the governor of Neuquén, and Miguel Mango, the leader of one of the local political parties, the “Unión Popular,” the pair discussed allowing only “serious and honorable people” with the “required

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<sup>16</sup> Gallucci, “El espejismo de la República posible,” 71–72.

<sup>17</sup> Pedro Navarro Floria, “La nacionalización fallida de la Patagonia Norte, 1862-1904,” *Quinto Sol* 7 (2013): 61–91.

<sup>18</sup> Martha Ruffini, “Ciudadanía y Territorios Nacionales. El ejercicio del poder político en los Concejos Municipales del Territorio Nacional de Río Negro (1886-1908),” *Revista Digital Escuela de Historia* 1, no. 3 (2004): 3.

## Chapter One: “A Fictional Government”

capacity for civic life.”<sup>19</sup> On the occasions when enrollment for the elections was open to self-registration a surprisingly high number of illiterate day-laborers (*jornaleros*) packed the voting registration rolls, mostly in a subservient role to their wealthier employers, much like elsewhere in Argentina at the time.<sup>20</sup> These rudimentary political machines were widely denounced in the press, especially by political rivals without access to similar resources.<sup>21</sup>

As far as political parties existed, they remained fragmented among personalist factions, threatening the continued existence of the municipal councils.<sup>22</sup> For example, in 1901 the municipal council in General Roca had two presidents simultaneously since the outgoing one refused to yield his post, requiring an intervention by the governor to forcefully remove both and suspend the council until the situation was normalized. Within the first decade and a half the irregularities in the municipal regime that underpinned the administration of the National Territories eroded lawmakers’ faith in their original design. In 1899, the interior minister Felipe Yofré complained loudly to Congress that “the experience so far in the municipal regimes makes me fear that wider self-governance will only lead to frequent disruptions, engulfing the Territories in ceaseless conflict,” before recommending that Congress continue the “complete administration” of Patagonia.<sup>23</sup>

The distrust on the part of the national government reflected, and exacerbated, the frustration of the neighbors themselves, who also grew dissatisfied with their local elected officials. Councils fell into a self-perpetuating cycle in the early years: a fearful national government gave the councils limited powers, and without control of their budget or police force the councils were wracked with conflict, which often required intervention from the governors, which in turn further eroded the state's trust in the councils as democratic laboratories.<sup>24</sup> The consequences were dramatic. For example, Río Negro had as many as seven towns with elected

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<sup>19</sup> Lisandro Gallucci, “Las prácticas electorales en un municipio patagónico: Neuquén, 1904-1916,” *Revista Pilquen*, no. 7 (2005): 3.

<sup>20</sup> Gallucci, “Las prácticas electorales en un municipio patagónico,” 6–8.

<sup>21</sup> Abel Chaneton, editor of the *Neuquén* and twice president of Neuquén’s city council, used the pages of his publication in 1915 to allege that the opposition party, the “Liga de Vecinos Independientes,” had sent farm workers to the polls who claimed “not to know the candidates, but to have been told by the *patrón* which way to vote.” The “Liga” and their popular supporters had not managed to dislodge Chaneton’s “Unión Vecinal” from power, but had shown resilient growth, challenging their longstanding grip on power. At the same time, the other newspaper in the capital, *La Cordillera*, defended the “Liga,” claiming that the incumbents had purposely mishandled the electoral rolls.

<sup>22</sup> Ruffini, *La pervivencia de la República Posible*, 194–207; Susana Bandieri, “La masonería en la Patagonia. Modernidad liberal y asociacionismo masón en Neuquén (1884-1907),” *Estudios Sociales* 38, no. 1 (2010): 28.

<sup>23</sup> The original reads: “La experiencia hasta aquí adquirida en el ensayo del régimen municipal hace temer que un sistema de autogobierno amplio venga a envolver a los territorios en conflictos y frecuentes disturbios y creo que es necesario mantenerlos por un tiempo más bajo el completo control legislativo del Congreso,” from the “Memoria presentada al Congreso Nacional de 1899 por el Ministro del Interior Felipe Yofré, Volume 1,” 228.

<sup>24</sup> Ruffini, “Ciudadanía y Territorios Nacionales,” 3–6.

municipal councils in the early 1890s, but by 1907 internal dissent and apathy had resulted in the dissolution of all but one (Viedma’s), while seven other towns had downgraded theirs to unelected municipal councils stocked by local elites (called *Comisiones de Fomento*, which literally means “development committees”). In the Territory of Neuquén, the situation was similar, with the capital being the only urban center with a municipal council by the mid-teens. The town of Neuquén reached the population threshold for an elected council in 1905, and held its first elections in March 1906, only to collapse by the end of that year following an open conflict with the governor and the police. In 1907, a new governor decided to appoint a council—rather than hold elections—which did not last long either. Only in 1911 was the body reconstituted and continued to operate for the rest of the decade.<sup>25</sup> The 1910s saw a curtailing of the only democratic space in northern Patagonia, devolving from the advances of the previous decade.

The arrival of the Radical party to national power in 1916 brought a renewed wave of disruptions at the local level in north Patagonia. For example, in Río Negro, by 1922, of five municipal councils only two remained active (Viedma and General Roca). The other three had been intervened by the governor or faced the mass resignation of all elected members, leaving the administration of the town in the hands of the *comisario* (police deputy in charge of a county or town, similar to a sheriff). For the rest of the decade, the trend to create *comisiones de fomento* instead of municipal councils whenever possible continued, which allowed the governor to appoint trusted confidants and allies as members to avoid conflict. Another benefit of unelected councils for governors was that they could keep tabs on their actions through the watchful eye of the *comisarios*, who also assumed the duties of managing the towns during council vacancies.<sup>26</sup> Despite the lofty goals of Ley 1532, most local administrations in northern Patagonia fell outside of the control of the residents. Regional authorities were appointed directly by the executive in Buenos Aires, with only minimal need to court local elites, whose lack of effective political power curbed their ability to interfere. In turn, those federal appointees themselves appointed local authorities in most towns, rendering the “schoolyard of democracy” a cruel mirage.

Even in cases in which electoral politics functioned as intended, the division of municipal power between councils and justices of the peace sometimes resulted in awkward situations. An open confrontation between local authorities in General Roca threatened to drag the regional authorities into a morass in 1898.<sup>27</sup> At the heart of the contentious local disagreement was a municipal council that felt powerless to control the local justice of the peace, Fermín Viera.

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<sup>25</sup> Bandieri, “La masonería en la Patagonia,” 33.

<sup>26</sup> Martha Ruffini, “El tránsito trunco hacia la ‘República verdadera’. Yrigoyenismo, ciudadanía política y territorios nacionales,” *Estudios Sociales* 19, no. 36 (2009): 107-- “La tendencia imperante había sido la de creación de comisiones de fomento, nombradas por el gobernador con personas de su confianza y bajo el contralor del comisario de policía quien informaba de la gestión realizada y era la figura a quien, con la anuencia ministerial, se le entregaba la comisión una vez caducado los mandatos o intervenida la misma, práctica que también constituía una continuidad con el régimen anterior.”

<sup>27</sup> “La Municipalidad de General Roca- queja contra el Juez de Paz de General Roca,” Leg #43-1653 (Archivo Histórico Provincia de Río Negro, Justicia Letrada, hereafter AHP-RN, JL).

Justice Viera’s political trajectory in General Roca was emblematic of the narrow pool of participants in local politics, which tended to be dominated by a small number people. Fermín Viera was born in 1836, and having participated in the Conquest of the Desert he settled in General Roca after the campaign ended, like many other military men.<sup>28</sup> In Roca he served as a councilman in 1889, 1890, and again in 1892, during a period in which Roca’s municipal activity was anomalously stable (remember that Roca’s municipal council was intervened by the governor in 1901, and by 1905 it had been turned into an unelected council following infighting instability).<sup>29</sup> Viera would go on to serve as the justice of the peace for General Roca between 1898 and 1899—when his tenure was questioned by the municipal council—and again between 1901 and 1904. When Viera clashed with the municipal council in 1898, the council happened to also find itself in conflict with the governor. Later that year Governor Eugenio Tello, citing how the president of Roca’s municipal council had established a “caudillo-style dictatorship,” urged the Interior Minister to further restrict municipal politics in the entire Río Negro territory.

Ordinarily, a municipal council could remove a justice of the peace with a two-thirds majority vote, but due to travels, resignations, and an untimely death, in 1898 the General Roca council found itself without the required quorum. Unable to rely on the governor, and fearful of passing a resolution of uncertain legitimacy, the council decided to place the matter before the federal judge directly so that “he could decide on its gravity and on how justice [should be] served in this community.”<sup>30</sup> In a legal complaint the council accused Viera of profanity, lack of decorum, ineptitude, irresponsibly delegating duties to others, and behaving “autonomously,” without regard for other political actors, while being ignorant of the law “to a degree that verged on illiteracy.” Making matters worse, Viera responded by arresting the president of the municipal council and labeling him a charlatan. The councilmen argued that Viera’s removal was “necessary to preserve their decorum and dignity,” given his ignorance and lack of respect for their office.<sup>31</sup> Forced into a contest against the justice of the peace, and without the help of the governor to intervene, the municipal council tried a judicial avenue instead, succeeding in getting attention to their complaint. The resolution of the case was informal, as the police investigation ended abruptly after taking the depositions from all the relevant witnesses, and Viera remained as justice of the peace for another full year. The fact that the councilmen

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<sup>28</sup> For a short biographic note on Viera, see: Martha Ruffini and Ricardo Freddy Masera, eds., *Horizontes en perspectiva. Contribuciones para la historia de Río Negro, 1884-1955.*, vol. 1 (Viedma, RN: Fundación Ameghino- Legislatura de Río Negro, 2007), 421.

<sup>29</sup> Ruffini, *La pervivencia de la República Posible*, 238–40.

<sup>30</sup> The original reads: “se imponga de su gravedad y de la manera como se *administra la justicia* en esta Colonia.”

<sup>31</sup> The full quote also chastizes the head of the council for even allowing such a thing to happen to him: “considerándolo necesario para el decoro y la dignidad de esta Corporación, que tan groseramente ha sido pisoteado por un funcionario que debe su permanencia en el puesto que ocupa tan sólo a la tolerancia y hasta diré **a la debilidad moral** del ofendido.”

*perceived* the federal judge as a possible ally or mediator underscores the importance of his isolation to the functioning of the state in Patagonia.

*A “judicial dictatorship:” judges and justices of the peace*

The administration of justice was seen as a linchpin of state order in northern Patagonia. This contrasts dramatically with the United States frontier, which was provided with “weak and ineffective courts” by the national lawmakers—in fact, while in the United States “the territorial judiciary was one of the ‘weakest’ parts of [the] jerry-rigged government” in the frontier, it was the strongest part of the “skeletal state.”<sup>32</sup> Two types of officials administered justice in the “skeletal state:” a presiding federal judge for each territory (*Juez Letrado*) and an array of justices of the peace (*Jueces de Paz*). These two makeshift “branches” of the judicial system were the backbone of Argentina’s efforts to make the frontier into the kind of place immigrants would want to flock to. The salary of the top judicial representative in each territory, the federal judge, eclipsed the governor’s salary, which compounded conflicts over ill-defined jurisdictions. Throughout Argentine history the courts have played an important role as “battlefields of citizenship,” which made the appointment of judges an issue of utmost importance in elite debates.<sup>33</sup> In northern Patagonia, judges not only presided over these critical battlefields, but they shared in the day-to-day administration of the region with the governors, often working at cross-purposes with each other. Their conflicts engulfed their supervisors in Buenos Aires, who stared in disbelief as “the incidents continued to mount, and threaten the coexistence of judicial and administrative authority... the judges complain that their decisions were not being heeded, while the governors oppose the establishment of a *judicial dictatorship*.”<sup>34</sup> The independence of

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<sup>32</sup> Larry D. Ball, *The United States Marshals of New Mexico and Arizona Territories, 1846-1912*, 1st ed (Albuquerque: University of New Mexico Press, 1978), 241.

<sup>33</sup> For an excellent study of the Justices of the Peace in southern Buenos Aires, see: Juan Manuel Palacio, *La paz del trigo: cultura legal y sociedad local en el desarrollo agropecuario pampeano, 1890-1945* (Buenos Aires: Edhasa, 2004); For the National Territory of La Pampa, see: María Angélica Diez, “Instituciones territoriales, orden público y una ciudadanía en construcción: El Estado nacional y la formación de la Pampa Central (1884-1922)” (Universidad Nacional de La Plata. Facultad de Humanidades y Ciencias de la Educación, 2002); María Angélica Diez, “Justicia y Policía: formas de castigo a detenidos y presos en el Territorio Nacional de La Pampa a fines del siglo XIX y primeras décadas del XX.,” in *La Ley en la calle. Justicia, delito e instituciones de seguridad en la Argentina*. (V Jornadas de Sociología de la UNLP, La Plata, 2008); Marisa Moroni, “La construcción de un espacio institucional desde una perspectiva regional. La organización y administración de justicia en el Territorio Nacional de la Pampa a Fines del siglo XIX,” *Estudios Sociales* 32, no. 1 (2007): 129–142; Marisa Moroni, “Cattle Raiding, State Control, and Power Relations in the National Territory of La Pampa During the First Decades of the 20th Century,” *Historia Crítica*, no. 51 (September 2013): 97–119; For a summary of the deployment of judicial institutions in northern Patagonia, see: Fernando Casullo, “‘El Estado mira al sur.’ Administración de justicia en los Territorios Nacionales de Río Negro y del Neuquén (1884-1920),” in *Un Estado con Rostro Humano. Funcionarios e instituciones estatales en Argentina (desde 1880 a la actualidad)*, ed. Ernesto Lázaro Bohoslavsky and Germán Soprano (Buenos Aires: Prometeo Libros; Universidad Nacional de General Sarmiento, 2010), 333–58.

<sup>34</sup> “Memorias del Ministro de Justicia, Culto e Instrucción Pública presentadas al Congreso Nacional de 1891,” quoted from Rafart’s *Tiempo de Violencia*, 140.

the judges and the power they wielded over the life of settlers throughout the judicial process fueled the fear of their dictatorial potential.

Judges were the ultimate outsiders in northern Patagonia—far more than governors, who begrudgingly cultivated close relationships with the territorial elites in the capitals. Judges were career jurists, trained in Buenos Aires, and appointed directly by the Minister of Justice to three-year tenures, without input from the community (although in some cases they were promoted from within, elevated from alternates into full judgeships).<sup>35</sup> As seasoned jurists, the federal judges presided over a cumbersome judicial apparatus. Each case left behind extensive paper records, documenting initial complaints, depositions, investigations, correspondence, summaries, and legal opinions. Usually a case would start with a complaint filed with the police who would then assign an officer as the investigator. The initial investigation had an outsized role in how a case developed, and police diligence in deposing witnesses, gathering evidence, and pursuing leads went a long way in determining the outcome of any case.<sup>36</sup> In the event that the investigator found enough probable cause to elevate the investigation to the court, they could detain the suspect, adding another instance in which they wielded justice fairly autonomously.

Once a case (including depositions, evidence, the suspect, and a free-form “assessment” from the investigator) made it to the court, the prosecutor (*fiscal*) would evaluate the evidence and determine if the state wanted to pursue the case. If he deemed the case was strong enough to try, the suspect would be interrogated again by the prosecutor, and booked into the territorial prison (one in Viedma and one in Neuquén). At this point a suspect could spend weeks deprived of their freedom, transported to a far-off prison to await judgment based only on a complaint, a malicious investigation, and an overworked prosecutor. The power of the judicial process to “punish” settlers before any sentence was passed became an integral part of how they tried to use the process to fight rivals, scare competitors and break through established patronage arrangements.

While the suspect awaited judgment, the prosecutor and the defense evaluated the evidence and produced summaries of their interpretation of the evidence and recommendations for action to present to the judge. The judge, armed with the two competing interpretations, had three courses of action available: he could accept the recommendation of the prosecutor and convict; he could suspend the case (*sobreseimiento provisional*) until more information was gathered; or he could close the case for good, exonerating the accused (*sobreseimiento definitivo*). As part of the positivist statecraft of the late nineteenth century, judges (and by extension the police, investigators, and defense attorneys) injected their own sensibilities, prejudices, and legal interpretations into their rulings, shaping the legal culture in the region.

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<sup>35</sup> Maria Teresa Varela, “Estado y Territorios Nacionales. Relaciones, tensiones y conflictos en la sociedad y política rionegrina (1916-1943)” (Tesis Doctoral, Universidad Nacional de La Plata. Facultad de Humanidades y Ciencias de la Educación, 2015), n.n. (fn 109).

<sup>36</sup> This initial intervention in a case by the police gave them an outsized role in the future development of the case, as Suárez contends: “La instrucción del sumario se constituyó en un instrumento de poder para la policía puesto que significaba el dominio de la etapa inicial del proceso judicial, primordialmente en lo que tiene que ver con la búsqueda, producción y organización de la prueba, circunstancia que en última instancia define muchos elementos que pesan en la consideración de la culpabilidad o inocencia del acusado” (Suárez, 2007)



Judges in particular were constrained by the letter of the law and constantly sought creative ways to apply the law to ensure that justice was served— for example they could suspend a case until new evidence appeared without *actually* requesting any additional investigations, avoiding having to rule on the case at all. Federal judges also had to oversee and review the work of myriad justices of the peace, whose lack of training, penchant for extra-legal arrangements, and allegiance to the governor made their relationship complicated.

The supervision of justices of the peace, a role claimed by both governors and federal judges, fueled tensions between administrators and turned them into adversaries.<sup>37</sup> As mentioned earlier, towns with more than one thousand residents could elect their own justices, but in smaller towns, the governor appointed a prominent resident to fill the position. Like all other governor’s appointees, these justices were expected to report to him personally. The judges, on the other hand, had a vested interest in having competent functionaries occupying those posts, rather than political appointees loyal to the governor. Judges particularly resented having to oversee legally untrained justices. According to Ley 1532, all justices of the peace (elected or appointed) reported to the judge and were expected to “assist him” in investigations, effectively making them his deputies in the territory’s hinterlands. Their ability to complete these tasks, however, depended on their budgets, which the governor controlled. While the judges had jurisdiction over most criminal, civil, and commercial cases, the justices of the peace were charged with settling “small local conflicts” and violations of the rural code that did not exceed a fine of three hundred pesos. The justices also maintained the *Registro Civil* for their district, registering births and deaths, as well as issuing transit permits for hides and cattle.<sup>38</sup> Unlike the judge, who needed a law degree, the justices needed only to reside in the district and know how to read and write. Moreover, the judges had jurisdiction over appeals against the rulings of the justices of the peace, creating additional awkwardness when a judge had to rule on the legal competence of a governor’s appointee.<sup>39</sup>

The justices were usually part of the local community, like Regino Velázquez, the justice of the peace for the island of Choele Choel (in Fig. 1), who does not have the *appearance* of a trained jurist, but looks like a member of its rural population. Their local roots often turned them into powerbrokers: they were the linchpins of a makeshift rural social order that scholars have labeled a “web of firm loyalties.”<sup>40</sup> These arrangements mirrored, in a distorted way, similar arrangements in rural counties in southern Buenos Aires province, where justices of the peace

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<sup>37</sup> Casullo, “El Estado mira al sur,” 342–43.

<sup>38</sup> Casullo, “El Estado mira al sur,” 343–44.

<sup>39</sup> In some cases, the Juez Letrado was presented with cases being brought *against* Jueces de Paz, resulting in condescending reprimands against the lower court judges for their rulings, competency and knowledge of his duties. For a few examples see Leg# 191-7617; 209-8299; 216-8600; 229-9170; 233-9313; 238-9543/4; 241-9599; 242-9619; 253-10069; 264-10464; 268-10649; 269-10690; 908-39189 (AHP-RN, JL), and 1900-581, f.1; 1903-293, f.267; 1917-74, f.211; 1917-361, f.250; 1918-152, f.273; 1920-6, f.398; 1924-391, f.230; 1924-721, f.292 (from Archivo de la Justicia Letrada del Territorio de Neuquén, administered by the GEHiSo, in the UNCo, hereafter AJL-TN).

<sup>40</sup> Gabriel Rafart, *Tiempo de violencia en la Patagonia: bandidos, policías y jueces: 1890-1940* (Buenos Aires: Prometeo Libros, 2008), 146; Gabriel Rafart and Susana Debattista, “El nacimiento de una alquimia imperfecta: justicia, jueces y condenados,” in *Pobres, marginados y peligrosos* (Neuquén: Universidad de Guadalajara/ Universidad Nacional del Comahue, 2003).



**Figure 1--Regino Velázquez, juez de paz de Choele Choel, noviembre 1910-- AGN Inventorio 403938.**

cobbled together a flexible and resilient way to ameliorate social conflict by adjudicating local complaints in creative ways.<sup>41</sup> Their connections to the local police, merchants, and the governor created a network of power, which could be used to avoid open conflict and channel social conflict into informal solutions. Yet the core of this social order was not the dispensation of justice but the maintenance of order and peace. How each town created its own network of loyalties tying local merchants, justices of the peace, and police force is the subject of much of this dissertation, but the entire structure of interlocking relationships existed only insofar as it could graft onto the sturdy, deliberate, arcane system of federal justice. The judges had a

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<sup>41</sup> Palacio, *La paz del trigo*.

different set of priorities, and their insulation from local society made them particularly tone-deaf to local demands and power topographies.

The conflict between the two “branches” of the judiciary ultimately came down to divergent goals. While the governors and the justices of the peace sought social harmony, even if it required coercion and violence, the federal judges tended to eschew social peace in favor of a social order based on “equality before the law.”<sup>42</sup> The judges were considered to be outsiders: city dwellers who came to the frontier bearing their university diplomas, meddling in the political life of the territories. Their lack of a local support base, which the governors sometimes had in the elite in the territorial capitals and the justices of the peace almost always had, meant that in many cases the local and regional press singled judges out particularly, trying to discredit them personally and their office by extension.<sup>43</sup> These divergent goals, allegiances, and methods created a surprisingly dynamic system of balances and counterbalances within the rigid structures of the “skeletal state.”

*Governors and political administration: managing a “fictional government”*

Although Ley 1532 made the governor’s office potentially powerful, it soon became clear to officeholders and the governed themselves that it was mostly a ceremonial position. The law stipulated that governors, appointed by the president for three-year terms, would be in charge of all legislation for their territory as well as administering the police, but with limited fiscal resources most of their initiatives devolved into pleas for funding, directed at supervisors and at times at residents. In the early years, the governors of Río Negro and Neuquén were career military men and their appointments reflected recognition of their marshal capabilities rather than any ability or vocation to rule.<sup>44</sup> Once the threat of continued armed struggle against indigenous groups ended and the border conflict with Chile was settled in 1891, governorships became résumé fillers for career politicians with little desire to transform the territories they had been appointed to. By the early twentieth century, the position of governor was defined for some by a lack of ability to govern, for others by a lack of commitment, and for those who did try by a lack of effective power. This was similar to the situation in the North American West where “territorial appointees after 1865 were political hacks, defeated congressmen and cabinet members... [and]... owed their loyalty neither to the territory nor to the branch of the government they served.”<sup>45</sup> Unlike the American context, however, northern Patagonian appointees could not expect to get rich by “controlling federal expenditure in their territories” as budgets were always lacking.

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<sup>42</sup> María E. Argeri, *De guerreros a delincuentes: la desarticulación de las jefaturas indígenas y el poder judicial: Norpatagonia, 1880-1930* (Madrid: Consejo Superior de Investigaciones Científicas, Instituto de Historia, Departamento de Historia de América, 2005), 202.

<sup>43</sup> Argeri, *De guerreros a delincuentes*, 271.

<sup>44</sup> See, for example, the biographies of the first few governors in Martha Ruffini, “Anexo: Figuras relevantes de Río Negro entre 1878-1908,” in Ruffini and Masera, *Horizontes en perspectiva*, 1:406–14.

<sup>45</sup> Lamar, *The Far Southwest*, 13.



**Figure 2- Chos Malal, the original capital city of the Neuquén Territory. (Image from AGN, 1882)**

**Note** the lack of monumental architecture, the relative simplicity of the constructions and the overwhelming desolation of the natural setting. The lack of comforts and amenities contributed to governor absenteeism.

The governors were required to live in the capital of the territory they had been appointed to, but they sought to find ways to avoid having to spend time in the frontier, sometimes even holding other posts throughout the country. The absenteeism of the governors had grown so problematic that the national government decreed stricter limits on vacations and licenses, effectively *compelling* governors to live in the frontier.<sup>46</sup> Most of these early governors seemed to treat the post as a temporary assignment, often returning to their hometowns once their appointment ended, with the notable exception of José Eugenio Tello, who was governor of Río Negro between 1898 and 1905, and after his term settled in a winery in the mid-Río Negro valley.<sup>47</sup> Even governors who proved transformative for their territories did not stay there long: Col. Manuel Olascoaga, who ruled Neuquén between 1885 and 1891, brought the first printing press to the region and helped establish a robust territorial newspaper before retiring to his native Mendoza when his appointment ended. Similarly, Carlos Rafael Gallardo worked as a “special envoy” to the Patagonian territories for five years before becoming governor of Río Negro in 1906, making him particularly well prepared for the job, but he continued to serve as a member of the national legislature representing his home province of Santiago del Estero those same years.<sup>48</sup> The lack of a full-time commitment by the appointed governors continued decades into the twentieth century. Victor M. Molina, for example, served as governor of Río Negro between 1920 and 1924 while also serving as finance minister for Marcelo T. de Alvear’s presidency after 1923.

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<sup>46</sup> Ruffini, *La pervivencia de la República Posible*, 169–70.

<sup>47</sup> Ruffini and Masera, *Horizontes en perspectiva*, 1:408.

<sup>48</sup> Ruffini and Masera, *Horizontes en perspectiva*, 1:407–8.



**Figure 3. Neuquén’s governor mansion, built in 1904 and torn down in 1953. Later it also served as the seat of the municipal council. (Image from the newspaper archives of Río Negro, around 1940).**

The role of the governors in the Patagonian territories, as described by Río Negro’s first civilian governor José Eugenio Tello, was a fairly limited and frustrating one:

With the exception of the police force, no other government departments report to me, given the decentralized law [Ley 1532] which has created a fictional government here, without prestige or the efficiency to do anything but police, making it subservient to the judges and other state agents demanding his services. The governor is constrained in such a way that anyone can personally disrespect him without fearing that he could punish them.<sup>49</sup>

As Tello complained, the governorship was not a particularly effective or powerful office. It lacked the power to control a budget, which neutered many of their initiatives and plans. For example, efforts to open a second territory-wide prison for Río Negro in 1914 had faltered by 1919 due to the impossibility of securing funding for the staff.<sup>50</sup> Not until the reforms of the mid-1930s, when more money was made available to the governors, were larger projects like the monumental mansion for the governor of Chubut (Figure 4, below) undertaken. Bridges and

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<sup>49</sup> The original reads: “Con excepción de la policía todas las demás reparticiones públicas no tienen dependencia de mi autoridad a causa de la descentralizada ley orgánica de los territorios nacionales, que ha creado una ficción de gobierno sin prestigio ni más eficacia que para ejercer funciones policiales y el rol dependiente de los jueces letrados y los demás funcionarios que le requieran sus servicios. Estando de tal modo cohibido el gobernador que hasta puede faltársele personalmente el respeto, en la seguridad que no tiene facultades para imponer arresto por una hora.” Taken from: “Memoria presentada ante el Congreso Nacional de 1899,” as quoted in Ruffini’s *Pervivencia de la República posible*, 210.

<sup>50</sup> “Memorias anuales del Gobernador, 1918,” 1919, Caja 13, documento #3611 (“Colección del Ministerio del Interior, comunicación con Territorios Nacionales,” Archivo General de la Nación-Archivo Intermedio, hereafter AGN-AI)

## Chapter One: “A Fictional Government”

irrigation canals, in particular, lagged behind, especially in more remote areas despite continued pleas and complaints by governors who either praised or condemned proposed public works in their reports (notice in Fig.5, the continued lack of bridges.)<sup>51</sup> The governors also had limited



**Figure 4. The newly revamped Governor’s mansion in Rawson (Chubut), in 1932. Compare with the earlier Neuquén one (Fig 3). Photo part of the governor’s annual report for 1932 (AGN-AI).**

authority over territorial employees like school inspectors or public health providers, who often reported directly to authorities in Buenos Aires, much to the governor’s chagrin.<sup>52</sup>

Surprisingly, the governors’ lack of institutional effectiveness did not affect their *symbolic* power in the frontier, playing a key role in making the “skeletal state” accessible to the population. The settlers often petitioned the governors—perceived as impartial due to their isolation—to intercede on their behalf when justices of the peace or policemen abused their power. These petitions and complaints became an effective way to appeal to the governors, especially in conjunction with appeals through newspapers and traditional patronage networks. Unlike those other methods, though, petitions were available to all the settlers in the territories,

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<sup>51</sup> For example, in 1929, Governor Quaglia of Río Negro insisted that the palace of justice planned for Lamarque was “grotesque,” while asking the minister to push for irrigation canals for the town instead. Quaglia also used every chance he had to request more funds for the police. In “Memorias anuales del Gobernador de Río Negro, 1928,” 1929, caja 21, documento #8382 (AGN-AI)

<sup>52</sup> For example, in the “Memorias anuales del Gobernador de Río Negro, 1929,” 1930, Caja 16, documento #7006 (AGN-AI), the acting governor concluded his otherwise glowing cover letter to the minister with the remark that postal and judicial data is missing in the final report because the Postal Administration and the Judge refused to send their reports to him.

providing an avenue for political participation for non-elites. As we will see throughout this dissertation, humble, barely-literate settlers relied on direct appeals to the governor in an effort to break through local arrangements designed to keep them from accessing justice. The governor’s insularity made him institutionally ineffective, but made him independent from regional, small-town elites whose patronage and vote he did not need. Their ineffectiveness at attracting investment, directing development, or creating political machines was a stark contrast to appointed governors in the Western Territories of the United States. There governors were able to exploit the “permissiveness” of the frontier arrangements to enrich themselves and bring prosperity to their region.<sup>53</sup> In northern Patagonia the lack of federal funds to develop anything outside of the Río Negro valley exacerbated the lack of creativity by regional authorities to find alternate sources of funding to pursue transformative projects. Governors ultimately made the state in the frontier as a whole more responsive to complaints against its agents’ abuses, in particular when the number of police officers roaming the countryside ballooned in the mid-1920s, leading to increased settler unhappiness.



**Figure 5. “Cruzando el Río Atuel- La Pampa, 1937”—infrastructure investment lagged throughout the period. (AGN, Inventario #48432)**

*Policing the frontier: a parasitic symbiosis*

The job of policing northern Patagonia proved complicated. Statesmen in Buenos Aires believed that the government need only establish order and discipline in the territories for economic and social development to follow, as the quote from Senator Lainez that opened this chapter makes clear. Yet for decades the government would not properly fund this supposed bedrock function of government, police, and justice.<sup>54</sup> The three main problems for northern

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<sup>53</sup> Lamar, *The Far Southwest*, 459.

<sup>54</sup> In his farewell memorandum to his supervisor, Río Negro’s governor León Quaglia dedicated significant time to trying to appeal, in no uncertain terms, for more funding for police officers. Arguing that they risked backsliding into chaos unless more funds were secured for salaries and furniture for rural police. “Memorias

Patagonian police stemmed from this shortage of funding. First, this made it hard to reform, train, and retain qualified personnel. Second, the short tenure of those in command robbed the institution as a whole of stability and know-how, as well as a coherent set of policies. Last, the police had a tense relationship with *vecinos* (prominent neighbors), who were vocal in their demands for good police but had few avenues to demand change. This relationship was particularly thorny in isolated and impoverished rural districts, where *comisarios* and officers relied almost exclusively on the largess of prominent merchants and landowners to effectively pay, house, and feed police.

Two mutually reinforcing systemic issues hindered any attempts to train, reform, or retain police personnel.<sup>55</sup> The first arose from the difficulties in recruiting and retaining rank-and-file officers. Drawn mostly from the veterans of the Conquest, the initial police force of northern Patagonia was quick to violence and lacked community-building skills. With police departments perpetually understaffed, authorities began relaxing already lax selection criteria in order to widen the pool of applicants, allowing recruits with criminal records, unable to read or write, prone to violence and simply incompetent to be added to the police force out of necessity. The result was an overworked, underfunded, and untrained police force made up partially of subjects with unsavory pasts.

The criminal background of some of the recruits tainted the whole force in the eyes of many settlers. A survey of Patagonian newspaper accounts in the first decade of the twentieth century revealed some of the descriptions used for the local police force: “inefficient, incompetent, biased, incapable, unfit for service, irresponsible, uncultured, untrained in their duties, unsuitable, and with a tendency to brutality.”<sup>56</sup> The national press agreed, describing the territories’ police forces as not only “bad” but “scarce.”<sup>57</sup> The scarcity was exacerbated by uneven geographical distribution. The few police that were hired were concentrated in the urban areas. For example, in the Neuquén Territory, about a third of the police force worked in the

**Table 2- Number of police officers in Northern Patagonia**

<b>Year</b>	<b>1902</b>	<b>1914</b>	<b>1924</b>	<b>1934</b>
Neuquén	150	300	440	364
Río Negro	>150	~300	500	410

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anuales, 1928” (AGN-AI). Quaglia’s report differed very little from the pleas for better funding to train and retain police officers issued by the governor of Río Negro ten years earlier. “Memorias anuales del Gobernador, 1918”—AGN-AI

<sup>55</sup> Rafart, *Tiempo de violencia en la Patagonia*, 169–89.

<sup>56</sup> Rafart, *Tiempo de violencia en la Patagonia*, 170.

<sup>57</sup> Graciela Suárez, “La Policia en la Región Andina Rionegrina, 1880-1920.,” *Revista Pilquén* 5 (2003): 235.



capital city even though the population as late as 1924 was around 75% rural.<sup>58</sup> Notoriously, rural agents would abandon their posts to pick up additional pay as farmhands and peons when that work became available in the spring and summer.<sup>59</sup> For many of the officers joining the police force was a stepping-stone into the labor market, an avenue out of marginality, much like the post of *vigilante* [watchman] in late-nineteenth-century Buenos Aires had been for recent immigrants.<sup>60</sup>

The police commanders, the local elite, the representatives of the national state, and the population at large continually complained there were insufficient police, even though there were more every decade (Table 2), until the economic crisis of the 1930s reduced government spending on police.<sup>61</sup> As part of the reforms of the 1930s, which aimed to increase the quality rather than quantity of police officers, the government introduced a series of penalties against absenteeism, as well as improved pay and more comprehensive benefits.<sup>62</sup> The result was a police force that by the mid-1930s was more professional and better equipped, but dramatically smaller compared to the overall population (Table 3).

The second systemic issue blocking meaningful reform was the difficulty of recruiting commanders, from the Chief of Police to regional *comisarios* to local detectives. Initially they were drawn from two very different groups of people. The majority were veterans of the military campaign against the indigenous groups, with little experience managing jails or police stations. Others were political appointees with distinguished reformist credentials, steeped in cutting-edge

**Table 3- Police officers per one thousand residents**

<b>Year</b>	<b>1914</b>	<b>1920</b>	<b>1934</b>
Río Negro	7.1	11.7	3.6
Neuquén	10.4	14.8	8.6

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<sup>58</sup> Rafart, *Tiempo de violencia en la Patagonia*, 185; Enrique Masés, ed., *El Mundo Del Trabajo: Neuquén, 1884-1930* (Neuquén: G. E. Hi. So, 1994), 17.

<sup>59</sup> Rafart, *Tiempo de violencia en la Patagonia*, 182.

<sup>60</sup> Sandra Gayol, “Sargentos, cabos y vigilantes: perfil de un plantel inestable en el Buenos Aires de la segunda mitad del siglo XIX,” *Boletín americanista* 46 (1996): 139-- as a matter of fact, a lot of the problems in the police force in northern Patagonia seem to mirror the issues in the Buenos Aires of 1860-1880, including absenteeism in times of harvest, poor pay, and lack of troop cohesion.

<sup>61</sup> Rafart, *Tiempo de violencia en la Patagonia*, 183–86.

<sup>62</sup> Ernesto Lázaro Bohoslavsky, “El brazo armado de la improvisación. Aportes para una historia social de los policías patagónicos (1880-1946),” in *Un Estado con Rostro Humano. Funcionarios e instituciones estatales en Argentina (desde 1880 a la actualidad)* (Buenos Aires: Prometeo Libros ; Universidad Nacional de General Sarmiento, 2010), 220–21; Rafart, *Tiempo de violencia en la Patagonia*, 178.

positivist thinking, but with little, if any, policing experience.<sup>63</sup> Neither group was particularly well suited to making the unstable and ill-trained police force worthy of the public’s trust.

For example, between 1890 and 1930, seventy-two different individuals were appointed Chief of Police for the Neuquén Territory. The appointment was supposed to last two years, but only one Chief achieved that benchmark. Instead, a new police chief was appointed every eight months, on average. This made it almost impossible to design, implement, and enforce any meaningful reforms.<sup>64</sup> However, by the early 1930s, the efforts seemed to have borne some fruits, as contemporaries began to note the increased professionalization of senior management (“integrity” and “competence” were adjectives commonly used in the press to describe the commanders) while continuing to lament the ineptitude and apathy of the rank-and-file.<sup>65</sup>

The relationship between these “inept and apathetic” police forces and the settlers veered from contentious to symbiotic, depending on local circumstances. In the capitals, where the public outrage over bad police reached the national press more quickly and damagingly, the police actively courted the population. In an attempt to co-opt the emerging local elite into the police the governors began naming vecinos as *comisarios*, in the early twentieth century. In some cases, where capable *comisarios* already existed, vecinos were instead appointed as “honorary *sub-comisarios*,” a made-up position characterized by short tenures and ineffectiveness.<sup>66</sup> The state attempted to ingratiate the police force to the population by attaching volunteers to each police station, which for years failed to lower crime rates and had mixed results.<sup>67</sup>

In remote rural districts, the relationship between local elite and police was less formal, often relying on the sort of reciprocal arrangements characteristic of patronage networks based

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<sup>63</sup> The cases of Eduardo Talero and Juan Francisco Palermo stand out as competent exceptions. Talero, a renowned Colombian intellectual and politician, exiled by the violence in his homeland, served as Police Chief for the territory of Neuquén. Palermo, on the other hand, received an appointment as Río Negro’s Police Chief after years of well-known work as a police and crime reporter for the national daily *Crítica*—Rafart, *Tiempo de Violencia en la Patagonia*, 172-173. For more information on the role of *Crítica*, and other popular urban dailies, in making crime and police activity a central social issue in the 1920s, see Lila Caimari’s brilliant *Apenas un Delincuente* (specially pages 199-230).

<sup>64</sup> Rafart, *Tiempo de violencia en la Patagonia*, 177-- Rafart notes that the figure misrepresents the situation slightly, as fifteen of the appointments were made for long-term solutions; and of the substitutes, three of them acted as Chief a dozen times each, and another one an additional seven times. But the instability and constant acephaly at the highest Territorial office prevented coherent guidelines or sustained reform. See Bohoslavsky’s “El brazo armado de la improvisación” (234-238) for an in-depth analysis of the changing length in service years of the police in Neuquén.

<sup>65</sup> Rafart quotes (176) Oscar Fermin Lapalma’s *Leyendas del Río Negro* (1933): “Aparte de la escasez del personal de policía, los hombres de tropa son, por lo común, individuos ineptos, sin arraigo en el territorio, desconocedores del medio y con escasa noción de la función que desempeñan. En homenaje a la verdad, esto no reza hoy para **el personal superior, que constituye todo un ejemplo de probidad y competencia**,” page 105 in the original—emphasis added.

<sup>66</sup> Rafart, *Tiempo de violencia en la Patagonia*, 173.

<sup>67</sup> Suárez, “La Policía en la región Andina,” 238.

on loyalties.<sup>68</sup> For example, when payments fell behind local merchants would extend credit to the local commanders to use as salary advances, guaranteeing themselves a captive clientele in the police force. Similarly, when the police found itself without adequate weapons, horses, or even without headquarters, affluent neighbors would offer their own, turning them into *de facto* patrons of certain police detachments.<sup>69</sup> In some cases, the police would act as informal attachés of prominent neighbors, using the implicit weight of their office to coerce other neighbors.<sup>70</sup> Both formally and informally, the underfunding of the state in the frontier turned settlers into active patrons of the police.

Judges, governors, and police officers were the main institutional staples of the state in Patagonia. Fraught with internal contradictions, unclear jurisdictions, and constant scarcity, the state representatives of Argentine rule in Patagonia made virtue out of necessity, creating a stable and responsive institutional scaffolding onto which civil society could begin to develop in the frontier.

### **Frontier isolation: towns and media**

Isolated by vast distances and by the government’s “precarious reach” into the frontier, settlers in northern Patagonia also experienced uneven access to infrastructure and newspapers. How well a town was connected—by roads, rails, and press—to the rest of the country dictated how much local conflict there was, or at least, how much of the local conflict reached the outside world. If the patronage networks between local officials and powerful neighbors created a para-legal structure designed to maintain peace and order in small frontier towns, then the accessibility of connections to outside authorities was the first step in breaking through those arrangements.

#### *Towns, villages, and infrastructure*

Settlements in northern Patagonia developed quickly and chaotically, even though a majority of districts remained primarily rural well into the twentieth century. Throughout the “skeletal state” period, official creation of towns had “little connection to reality,” representing instead an after-the-fact acknowledgment of a settlement’s existence or a manifestation of a desire for the existence of a settlement there.<sup>71</sup> As already discussed, the legislation governing Patagonia stated that settlements with at least 1,000 residents would elect their own municipal councils, in route to formally becoming independent towns. This process usually played out very differently. For example, the presidential decree recognizing Cutral-Có as a town in 1933 noted that the settlement already had 2,000 residents, simply legalizing and regularizing an ad-hoc

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<sup>68</sup> See for example: “Gamboa, Mariano- abuso de autoridad,” Leg#279-11070 (AHP-RN, JL); or “Minayo, Cándido- queja contra José García,” Leg#690-27934 (AHP-RN, JL)

<sup>69</sup> Suárez, “La Policia en la región Andina,” 244.

<sup>70</sup> Some examples of this can be found in “Martínez, Ángel E.- abuso de autoridad,” Leg. #618-25266, AHP-RN, JL; similarly, see “Sánchez, Faustino- denuncia contra el sub-comisario,” 1916-154, f.173 (AJL-TN); while an example of the *limits* of their power in the frontier despite their standing, see “Velázquez, José del Carmen y otros- cuatrería,” Leg#418-16519, AHP-RN, JL.

<sup>71</sup> César A. Vapnarsky, *Pueblos del norte de la Patagonia, 1779-1957* (Buenos Aires: Centro de Estudios Urbanos y Regionales, 1983), 44–46.

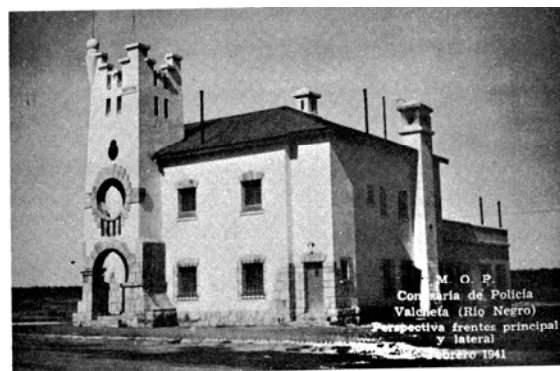
community that had emerged on the edge of the oil fields there (previously known simply and ominously as “Barrio Peligroso,” the dangerous neighborhood). On the other hand, in 1908 the government established a sprawling “shepherd’s colony” (“Colonia Pastoril Coronel Mariano Chilavert”) in southeastern Río Negro, which remained little more than a “paper town” until the 1970s, when an iron mine was established nearby in Sierra Grande. The vibrancy of a community, official recognition of a town, and the conferral of local political rights rarely correlated during the period, adding to the difficulty in mapping out the political life of Patagonian urban dwellers.

Access to the region’s infrastructure fueled the emergence and growth of settlements throughout northern Patagonia. Two railroads (one owned by British interests, and the other funded entirely by the Argentine state) connected many of the settlements to each other and to the rest of the country, but an expansion of those lines to cover the region more comprehensively never materialized. The state-owned line was designed to cross the plateau, linking the Andes Mountains and the Atlantic Ocean. Work on the line begun in 1908 and advanced slowly, only reaching its terminus in the Nahuel Huapi Lake in 1934, but establishing a series of towns along the rails in during the 1910s and 1920s. In 1896 the British-owned Ferrocarriles del Sud (which operated throughout Buenos Aires province) built a line from Bahia Blanca to the Río Negro valley, reaching Choele Choel in 1898, the eastern shore of the Confluence in 1899, and the western shore in 1902, the present site of the city of Neuquén. A decade later the line was extended into the heart of the Neuquén territory in a failed effort to extend it across the Andes, with the railhead in present-day Zapala. Some settlements deep in the Andean valleys remained ill-connected to infrastructure, but developed nonetheless, tapping into centuries-old trading networks with Chile. The reach of the state into those isolated towns and rugged valleys depended, in great part, on how much the settlers *needed* the state for their livelihood.

Settlements coalesced in apparently idiosyncratic patterns, but responded to one of three impetuses: military connections, state planning, or international commerce. The main settlements in the Andean range region were established to support military bases or sprouted up to take advantage of trade with Chile through the mountain passes. For example, Neuquén’s first governor, Col. Olascoaga, founded Chos-Malal in the place where the Fort for the Fourth Division had been, to control a key waypoint in the cattle trade between Chile and the Pampas region. Chos-Malal served as the seat of government for the Neuquén Territory following its founding in 1887 until the capital moved to the more accessible location in the confluence of the Limay and Neuquén rivers. Similarly, Junín de los Andes sprouted in 1883 to support the military detachment there (Fuerte Junín), but was only officially recognized as a town in 1958. About 30 miles to the south, San Martín de los Andes was established in 1898 in the site of the Fuerte Maipú, by the order of the military commander, who wanted a forward military presence in the shore of Lake Lácar to strengthen the Argentine presence in a contested area. The town remained under military governorship until 1911 when its primary economic activity turned to lumber and cattle, taking advantage that the waters of the lake flowed to the Pacific, integrating it with Chile. The rest of the towns in the Andean area had an economy that, at least at first, depended on commerce for their survival. Las Lajas, along the Agrio River, served as a commercial hub for standing cattle between Chos-Malal and Neuquén, but lost prominence when the British-owned railroad reached Zapala in 1913. Zapala itself grew out of the railroad construction, as workers, contractors, and those supplying them settled in the railhead area,

quickly becoming a significant “dry dock” and transportation hub for the entire territory.<sup>72</sup> San Carlos de Bariloche, and its neighboring agricultural colony in Nahuel Huapi, benefited from an accessible mountain pass along the great Nahuel Huapi Lake, receiving heavy inflows of population and investment from Chile. In a long valley, roughly eighty miles to the south of the Nahuel Huapi region, the village of El Bolsón similarly developed as an isolated agricultural community with commercial links across the Andes. The Welsh colonies in Esquel and Trevelin, on either side of the longitudinal “16 de octubre” valley also developed primarily as agricultural producers.

The main settlements in the central plateau only appeared after the state-owned railroad had created stations along its path, often in places with seasonal creeks. The main population centers in this region were, from east to west, San Antonio Oeste, Valcheta, Sierra Colorada, Maquinchao, Los Menucos, Ingeniero Jacobacci, Comallo, and Pilcaniyeu (collectively known as the “Linea Sur”). The towns of Cutral-Có and Plaza Huincul in Neuquén are not *physically* in the central plateau, but share similar physical characteristics and also emerged as a result of state-investment in infrastructure, in this case oil extraction. The primary economic activity in the towns of the Linea Sur was sheep raising and to a lesser degree, mineral extraction. The town of Maquinchao, for example, grew to supply and support the large sheep-raising *estancia* on the edge of town operated by the British-owned Argentine Southern Land Company (A.S.L.Co, for short), which also operated other *estancias* throughout Patagonia. Given the isolation and harshness of the terrain, the majority of the population in Linea Sur remained primarily indigenous, as they either joined the impoverished rural workforce or settled in marginal state-owned land while attempting their own sheep-raising enterprises. Throughout the period, the Argentine government struggled with how to economically develop and make its presence felt in the rugged plateau, experimenting with the land-reform initiatives of the 1908



**Figure 6. The police headquarters (*comisaría*) of Valcheta, built in 1938. Built by the Ministry of Public Works as part of their efforts in the late 1930s to homogenize and strengthen the state’s infrastructure in northern Patagonia. It showcased the “picturesque” style in vogue at the time, according to Vapnarsky (1983, p.88). (Photo from the AGN, colección M.O.P.)**

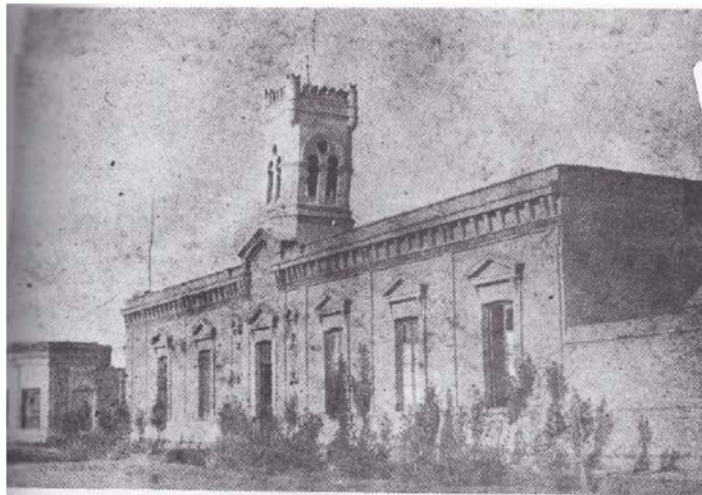
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<sup>72</sup> The first ever successful airplane flight over the Andes range took off from Zapala in 1918. After about two and a half hours, the 80-horsepower airplane and its pilot, Luis Cenobio Candelaria, landed safely in a makeshift landing strip in Cunco, Chile. The plane flew at an estimated 4,000 meters above the sea level, more than enough to safely clear the mountain peaks.

## Chapter One: “A Fictional Government”

*Ley de Fomento*, the state-owned railroad line, and later with a variety of massive infrastructure projects, including a series of monumental police stations (like the one in Figure 6) intended to project state power in these remote rural districts.

The Río Negro Valley region was the area of earliest settlement after the Conquest, and the one which received the most significant commercial and productive investment. Following the confluence of the Neuquén and Limay rivers, the meandering Río Negro valley traverses the entire width of the continent, carving a ten-kilometer-wide fertile floodplain valley, which is presently characterized by dense population spread out into several towns webbed together by roadways and irrigation canals. The upper Río Negro valley had the highest population concentration of the region, clustered around two urban centers: the Neuquén-Cipolletti-Plottier metropolitan area (straddling the confluence itself) and the General Roca-Villa Regina-Allen metropolitan area further down river. The most important settlement of the middle Río Negro valley is Choele-Choel, which is surrounded by smaller settlements like Fray Luis Beltrán, Lamarque and Pomona. Finally, the lower Río Negro Valley comprises a less densely populated stretch of the valley, roughly from the town of General Conesa to the Viedma-Carmen de Patagones metropolitan area close to the river’s mouth, and including San Lorenzo (with its famous beet-sugar mill) and Guardia Mitre between them.



**Figure 7- The Military Command building in Genral Roca (1898). Destroyed by the 1899 flood. Symbolically, the building’s “very weak” foundation was singled out by state officials as the cause for its destruction, according to Vapnarsky (1983, p. 135). (Image from the AGN)**

The growth of these villages, towns, and cities dictated the rate and intensity of conflict with state authorities. The rapid arrival of immigrants after the expansion of a rail line, for example, tended to create conflict with local authorities who either resented or sought to benefit from the newcomers (the immigrant merchants turned virulent *vecinos* in Maquinchao, discussed in Chapter 5, are a good example). Access to printed media, both locally and nationally, modulated the physical isolation of some of these towns.

*Local and national press in northern Patagonia*

Where available, the local press was a major institution shaping local social relations in the frontier. Concentrated in a few key cities, the printed press played a critical role in expressing local viewpoints, connecting local elites with their national counterparts, and sometimes tipping the local scales of power. The press in northern Patagonia was small, but combative and resilient in the face of grinding adversities.

Only a few areas had newspapers before the 1940s. The urban centers of Neuquén, General Roca, and Viedma had a number of short-lived papers dating back to the end of the military conquest. In small towns without a local press, prominent neighbors sometimes moonlighted as correspondents for national newspapers like *La Razón* and *La Nación*, using their connection to those publications as leverage in local disputes. No sooner had the first governor of the Patagonian Territory, Álvaro Barros, assumed office in 1879 than he faced opposition newspapers, most notably *El Río Negro*. Started by two Portuguese brothers, Julio and Bernardo Guimaraens, the paper not only actively opposed the governor but also feuded with Viedma’s first justice of the peace, Isaías Crespo. The dispute became so intense that the brothers had to move the paper across the river to Patagones, in Buenos Aires province, outside of Barros’ jurisdiction, to avoid censure. In 1881, the paper’s direction passed to a local councilman and theater director, César Vuillermet, who took a more conciliatory route, before folding completely in 1883. Several other early newspapers in Viedma during the late nineteenth century had similarly short lives, most lasting less than a year.<sup>73</sup>

The press in Neuquén emerged from within the government itself, and continued to operate as a tool for local politicians. The first newspaper, *La Estrella de Chos Malal*, began publication in 1889 with a printing press brought to the frontier by the Territory’s military governor, Manuel José Olascoaga, and folded when he left his post.<sup>74</sup> It was succeeded by a weekly paper *Neuquén*, printed in Chos Malal between 1893 and 1900, directed by the “Oriental [Uruguayan] journalist” José Cámpora, who also chaired the municipal council in a couple of occasions, and even served as justice for a year.<sup>75</sup> Once the capital moved from Chos Malal to Neuquén proper a separate weekly, also titled *Neuquén*, appeared in 1908 under the direction of

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<sup>73</sup> Ruffini, *La pervivencia de la República Posible*, 153–54.

<sup>74</sup> Manuel José Olascoaga had a long and illustrious military career in the middle of the nineteenth century before being named as the first governor of the Neuquén Territory. He was active in the recovery efforts after the 1861 earthquake in Mendoza, where he had worked for the local newspaper *La Constitución de Mendoza*. In 1860 he founded *El Comercio*, in Rosario, and in 1866 he started a satirical newspaper, *La Literna del Diablo*, in Chile. As governor of Neuquén, he founded the town of Chos Malal in the northwestern part of the territory to serve as the capital, and also founded the town of Neuquén, in the confluence of the Limay and Neuquén rivers, where the capital was eventually moved to.

<sup>75</sup> Mirta Kircher, “Miradas, Relaciones Y Prácticas: La Construcción de La Política En Neuquén (1884-1904),” in *Pasiones Sureñas: Prensa, Cultura Y Política En La Frontera Norpatagonica, 1884-1946*, ed. Leticia Prislei (Buenos Aires: Prometeo Libros, 2001), 21–24-- She notes that Cámpora was also employed by the newspaper “Nueva Era” in Patagones and served as the Patagonian dispatch for the national daily “La Prensa” in 1906.

the former chief of police, Abel Chaneton. He continued to publish it until his death, using the paper to buttress his political ambition, as he served on the council and even chaired it on several occasions. His newspaper’s biting criticism of a botched police raid and ensuing massacre in Zainuco, by local police, led to his murder in 1917.<sup>76</sup> *Neuquén* continued its confrontational style until it shut down in the early twenties, only to resume publication in 1926. Together with *La Voz del Territorio*, published in Zapala, it was the backbone of the press in Neuquén Territory.

In Viedma, the regional press was more stable, but had uneven political content. Until the 1920s the most important newspaper in the broader Viedma area was *La Nueva Era* (published from 1893 to 1970) from Carmen de Patagones. The editorial board shifted political alignments often on national issues, but remained steadfast in their support for Viedma’s elite and their pursuit of regional prominence.<sup>77</sup> For example, when the governor considered opening a second judgeship in the territory with an office in General Roca, *La Nueva Era* mounted a spirited attack on the plan (and the governor himself), leery of losing political power to the rival city. When, in 1924, the same governor intervened the Viedma municipal council, the paper launched a renewed wave of attacks, accusing him of absenteeism and eventually forcing him to resign.<sup>78</sup> That same year *La Voz del Sud* appeared in Viedma as a local alternative, lasting about twenty years and offering a more consistent and forceful political commentary, taking particular issue with the continued lack of political rights in northern Patagonia.

Outside the capitals, two publications with a socio-cultural outlook followed divergent paths. Initially focusing on regional “social news,” *Río Negro* appeared in General Roca in 1912.<sup>79</sup> Buttressed by a large network of local correspondents throughout the Río Negro valley, it eventually grew into the preeminent newspaper of the region, and has since become the leading Patagonian daily. Ironically, its location in General Roca, an economically vibrant region without direct access to political power, enabled it to avoid bruising confrontations with regional administrators and provide ample space for local issues in small communities. The second one,

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<sup>76</sup> Leticia Prislei, “Imaginar la Nación, modelar el desierto: los ’20 en tierras del ‘Neuquén.’” in *Pasiones sureñas: prensa, cultura y política en la frontera norpatagónica, 1884-1946* (Buenos Aires: Prometeo Libros, 2001), 80–83; For an in-depth account of the Zainuco massacre (considered the foundational event in the development of a free press in Patagonia) see: Juan Carlos Chaneton, *Zainuco: los precursores de la Patagonia trágica* (Buenos Aires: Editorial Galerna, 1993)-- the fallout from the massacre resulted in the dismissal of the Chief of Police, Juez Letrado and eventually even the Governor, setting up the stage for the failed Bello insurrection discussed in Chapter Three and Chapter Five.

<sup>77</sup> As far as national politics were concerned, it went from Mitrismo to *radicalismo*, before pushing an “anticlerical liberalism that tried to be populist,” and finally settling on a staunchly conservative line in the 1940s, according to Varela and Elvira.

<sup>78</sup> Varela, “Estado y Territorios Nacionales.” n.n. (Ch 3.4.3).

<sup>79</sup> Maria Teresa Varela and Gladys Elvira, “Prensa y sociedad civil: la trama de la ciudadanía política en Viedma, capital del territorio de Río Negro en la encrucijada de la década de 1930,” in *Horizontes en perspectiva. Contribuciones para la Historia de Río Negro, 1884-1955*, by Martha Ruffini and Ricardo Freddy Masera (Viedma, RN: Fundación Ameghino- Legislatura de Ro Negro, 2007), 316.



published in Buenos Aires but intended for Patagonian consumption, was *Argentina Austral*, which appeared between 1929 and 1938. Financed by a powerful commercial house, the “Sociedad Anónima Importadora y Exportadora de la Patagonia,” this publication (often described more as a “magazine” than as a newspaper) featured a robust social section as well as cultural articles, presenting to “the rest of the country and the world, the issues that concern all Patagonians.”<sup>80</sup> It balanced outright promotion of the commercial house’s ventures (with advertisements from national brands like Bagley, Terrabusi, and Molinos de la Plata), with vibrant discussion of literature, culture, fashion, and politics. It represented “a powerful commercial sector that used all of its resources to expand its power and ideology through a free publication,” but when the economic downturn of the early 1930s eviscerated the Sociedad Anónima’s holdings in the region, the publication folded.<sup>81</sup>

If we consider that during the entirety of the “skeletal state” period Río Negro remained mostly rural and Neuquén overwhelmingly so, the newspapers evidently spoke for only a subset of the population and did not represent the perspective of all Patagonians. In the rural hinterlands, the physical isolation of precarious infrastructure was compounded by the lack of printed press and many of the other features of a public sphere.

## Conclusion

The newly incorporated territories received only minimal state attention for the first half century of existence, relying exclusively on an ill-supported skeleton crew of governors, judges, and policemen. The poverty of the institutions contrasted sharply with lofty designs for Patagonia as a testing ground for a republican pedagogy, as expediency and political turmoil nationally made a temporary administration into a permanent arrangement. The cornerstone of the republican pedagogy—municipal autonomy as training ground in electoral politics—never really gained traction, as early disappointments and contention made national authorities wary of increasing local power. Ruled by unelected councils, *comisarios*, and appointed justices, settlers found unlikely allies in the dual administration of the National Territories: governors and judges. Caught between the settlers, the judges, and the governors were the police, who struggled to become a well-trained and well-funded repository of public trust. A variety of arrangements, both formal and informal, tied the police to the local elite, complicating a relationship otherwise characterized by violence and material scarcity. Ultimately, the national state remained a remote (but still accessible) presence in the frontier until the transformations of the late 1930s, while the local presence of the state was both intimately felt and constantly challenged by the settlers.

The state in the frontier operated as a space of contestation for settlers to negotiate state legitimacy by using petitions, complaints, investigations, and allegations against each other and against state agents in an effort to establish and modify social order in their communities. The following chapters will examine how settlers *forced* the state into action by taking its claim to be the guarantor of order in the region seriously, and how the state agents in turn shaped the contours of the institutions they staffed with their own priorities, expectations, and prejudices.

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<sup>80</sup> Varela and Elvira, “Prensa y sociedad civil,” 317–18.

<sup>81</sup> Varela, “Estado y Territorios Nacionales,” n.n. (ch 5.3).

## Chapter 2

### “Embracing Civilization”:

#### *Indios and the State*

*“Let us morally destroy [the indigenous] race, annihilating their political organizations and networks, dismembering the tribes, and, if needed be, breaking families apart. Once broken and dispersed, this race will finally embrace civilization”*

—La Prensa (Buenos Aires), in March 1st, 1878.<sup>1</sup>

*“They create a desert and call it peace.”*

—Tacitus (from *Agricolae*, Ch. XXX)

Alejandro Nahuelcheo, a resident of the hamlet of Segunda Angostura in the lower Río Negro valley, marched into the police headquarters in Viedma in 1890 to complain that his wife had been kidnapped. Nahuelcheo and his wife, Juana Legipan, had grown up as subjects of the formerly independent indigenous state known as the “País de las Manzanas” in the Andean valleys of northwestern Patagonia.<sup>2</sup> The story of their displacement to the opposite side of Patagonia, their “lawful marriage,” their estrangement and eventual reconciliation illustrates the often-overlooked complexity in the relationships between the surviving indigenous people of Patagonia and the Argentine state.

Nahuelcheo appealed to his status as an “indigenous subject” to demand swift and decisive action by the state.<sup>3</sup> He argued that “offenses of this magnitude deserve the full punishment of the law, especially in this case, since the offended party is an *indígena*, submitted and subjected to the dispositions of civilized societies as well as observing Christian law, having lawfully married....and living peacefully while working hard...and forming a serene home,

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<sup>1</sup> The original reads: “...Estamos empeñados en una contienda de razas en la que la indígena lleva sobre si el tremendo anatema de su desaparición, escrito en nombre de la civilización. Destruyamos pues moralmente esa raza aniquilemos sus resortes y organización política, desaparezca su orden de tribus y si es necesario divídase la familia. Esta raza así quebrada y dispersa, acabará por abrazar la causa de la civilización.”

<sup>2</sup> “Nahuelcheo, Alejandro- rapto de su esposa,” Leg.# 42-1608 (Archivo Histórico Provincial-Río Negro, Justicia Letrada, hereafter: AHP-RN, JL). The “País de las Manzanas” was an autonomous region in northwestern Patagonia, led by the famous *cacique* Saygüequé. The region was home to a group of Mapuche-speaking Tehuelche people renowned for their use of apple orchards, their agricultural prowess, and their stalwart support for the Argentine state before the “Conquest of the Desert.”

<sup>3</sup> The complaint was signed by Nahuelcheo himself, but the prose refers to him in the third person (“the offended party”), and the tone of this passage does not conform to his tone elsewhere in the complaint, which suggests that someone else might have written this complaint on his behalf.

which was all taken away in an instant by a bold and daring thief.”<sup>4</sup> Patriarchal claims against absentee wives rarely needed any qualifiers to spur the state into action (as the cases in Chapter Four illustrate), but Nahuelcheo chose to underscore his claim with a decidedly political appeal. By presenting himself to the state representatives as someone who had recently, consciously, and actively chosen to live under Argentine law, he reinforced his status as a worthwhile subject. His own “lawful Christian marriage” was juxtaposed with the “bold and daring theft” of his wife by José Pazos, drawing a sharp distinction between someone that had embraced Argentine law (himself), and someone who seemed to undermine it (Pazos). In other words, Nahuelcheo offered his own marriage as a testament of his assimilation, while painting Pazos as behaving outside of “civilized” conventions.<sup>5</sup>

Nahuelcheo believed that Pazos had begun tricking his wife while he was away, eventually convincing her to abandon their home and their children—less an abduction than a seduction. The scorned husband asked the police to not only arrest José—whose behavior he characterized as “illegal, against the rights of husbands”—but to also detain Juana whenever they found them.<sup>6</sup> Within days the police captured both Legipan and Pazos. He somehow escaped custody while in transit to Viedma, but she was placed under the care of the “Colegio de las Hermanas de la Caridad” where she would remain while the investigation unfolded. She did not have to endure the cloistered conditions long, as Nahuelcheo soon requested her full freedom “considering that she has expressed regret towards how the events unfolded, that she has sworn faithfulness, and that my young children miss her.”<sup>7</sup> With the charges dropped and the investigation concluded José and Juana returned home, but the original complaint left behind an interesting articulation of the perceived obligations by the state to its newly incorporated indigenous subjects.

This case introduces the subtle way in which citizenship was practiced within the confines of the “skeletal state,” and also lays out this chapter’s three main arguments. First, Nahuelcheo’s exodus from the “País de las Manzanas” to the lower Río Negro Valley was part of a badly coordinated and brutal, but highly successful, effort by the Argentine government to disperse the indigenous people that survived the military campaign, essentially making them “invisible.” Second, almost as soon as the military campaign ended the job of disarticulating and disciplining indigenous people fell to the local representatives of the state (governors, judges, police officers) as well as some non-governmental agents, like the Colegio de Hermanas, who

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<sup>4</sup> The original reads: "ofensas de esta magnitud merecen todo el castigo de las leyes, mucho más en el caso presente en que el ofendido es un indígena que sometido y sujeto a las disposiciones de la sociedad civilizadas y a las leyes del cristiano, ha contraído matrimonio regular... y que viviendo pacíficamente con el trabajo y la [illegible] formaban un hogar de tranquilidad, arrebatada todo en un instante por un malhechor [sic] audaz y atrevido."

<sup>5</sup> Since Pazos escaped shortly after being captured, the police never added a dossier with his personal information to the file, leaving his heritage and cultural affiliation unclear. The fact that he was referred to as “Don,” and had taken Juana Legipan to an area with predominantly white settlement along the Río Negro valley, it would stand to reason that he probably had Spanish (or other European) precedence.

<sup>6</sup> The original reads: "hasta la actualidad la retiene viviendo con ella ilícitamente contra las leyes y el derecho que confirman actos tan graves de esta naturaleza."

<sup>7</sup> The original reads: "*en vista del arrepentimiento de ella y de las promesas de moralidad que me ha manifestado* para lo sucedido con más la extrañeza de mis hijos menores por la falta de su madre que se encuentra depositada en el Colegio de las Hermanas de la Caridad me inducen a presentarme and UD pidiéndole la libertad completa de mi citada esposa."—Emphasis added.

undertook their “civilizing mission” in a haphazard and piecemeal fashion. The Argentine ambivalence towards indigenous subjects resulted in a high-level policy of erasure and dispersal, while allowing for local-level ambiguities and adaptations, highlighting the flexibility of the “skeletal state” for those who were able to manipulate it. Finally, Nahuelcheo’s characterization of his wife’s infidelity as an act outside the parameters of civilized society (that is, as an “indigenous” act) suggests the degree to which indigenous cultural practices persisted—or at least people behaved *as if they persisted* in their dealing with the courts. In fact, a compact of practices and traditions that operated outside of the Argentine authorities’ control came to be known colloquially as the “Ley de Indios,” and continued to operate in a semi-tolerated way. Dispersed and landless, the indigenous groups of northern Patagonia had an unclear political status: were they subjects, citizens, prisoners, or something else altogether?<sup>8</sup> Continuing a tradition prevalent since the colonial period throughout Latin America, the indigenous people of Patagonia learned to use the courts and their own ambiguous status within the legal framework to their advantage.<sup>9</sup>

The history of indigenous people in northern Patagonia in the decades after the Conquest of the Desert is still being written. As we now know, the Argentine government’s actions had genocidal results, even if their means were more inept and neglectful than systematic and decisive. The military campaign left behind about 13,000 indigenous people captured, another 1,500 deceased, and an additional 5,000 displaced throughout Patagonia.<sup>10</sup> The government attempted to replicate the model developed by the United States in its own Western Territories, with little consistency: after considering an expensive “reservation system,” President Nicolás Avellaneda decided (in 1879) to instead pursue a policy of internal redistribution—breaking up indigenous communities, and even families—before ultimately abandoning this approach within a few years, without any other policy to replace it. This left behind a patchwork of ad-hoc arrangements managed by military officials and governors.<sup>11</sup> By 1885, some indigenous people had been forcibly resettled throughout the country, some remained in military detention centers, while others occupied marginal land in the Patagonian plateau.<sup>12</sup> Indigenous society and culture as it had existed prior to 1877 was eradicated, but the indigenous population was not.

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<sup>8</sup> Walter Mario Delrio, *Memorias de expropiación: sometimiento e incorporación indígena en la Patagonia (1872-1943)* (Buenos Aires: Universidad Nacional de Quilmes Editorial, 2005), 33-83; 92-112.

<sup>9</sup> Susan Kellogg, *Law and the Transformation of Aztec Culture, 1500-1700* (Norman: University of Oklahoma Press, 1995); Charles Walker, “Crime in the Time of the Great Fear: Indians and the State in the Peruvian Southern Andes, 1780-1820,” in *Crime and Punishment in Latin America: Law and Society Since Late Colonial Times*, ed. Ricardo D. Salvatore, Carlos Aguirre, and Gilbert M. Joseph (Duke University Press, 2001), 35–55; Richard Boyer, “Honor Among Plebeians: Mala Sangre and Social Reputation,” in *The Faces of Honor: Sex, Shame, and Violence in Colonial Latin America*, ed. Lyman L. Johnson and Sonya Lipsett-Rivera (Albuquerque: University of New Mexico Press, 1998), 152–79; Susan Migden Socolow, *The Women of Colonial Latin America* (Cambridge University Press, 2015), 49; Kathryn A. Sloan, *Runaway Daughters: Seduction, Elopement, and Honor in Nineteenth-Century Mexico* (UNM Press, 2008).

<sup>10</sup> Enrique Masés, *Estado y cuestión indígena: El destino final de los indios sometidos en el sur del territorio (1878-1910)* (Buenos Aires: Prometeo Libros, 2002), 49.

<sup>11</sup> Masés, *Estado y cuestión indígena*, 12.

<sup>12</sup> Vast expanses of state-owned land remained unallocated immediately after the Conquest of the Desert. This land was known by the umbrella term *tierras fiscales*, and parcels were rented out to herders, while attempts were made to sell the land off, its marginality made it mostly unappealing.

### Tacitus’ peace: making a desert

Patagonia had been a fluid, dynamic space for centuries—a borderland between Spanish colonial society and nomadic cattle traders. Rancher encroachment on indigenous territory in the 1860s and early 1870s, coupled with failure to sustain treaty obligations by Argentine authorities, led to a series of *malones* [Indian cattle raids] that emptied large swaths of the frontier. In that context, the Argentine government changed its frontier policy rather swiftly during the 1870s, from coexistence to Indian removal. President Nicolás Avellaneda (1874-1880) argued that simply defeating the indigenous people would not solve the issue; Argentina needed to *occupy* all of their territory, and in the process expand the productive surface of the country.



Figure 1- Diagram of the new “frontier line” commissioned by Adolfo Alsina and completed by Jordan Wysicki in 1877 shortly before the minister’s death. (From AG, Mapoteca II-130)

After Avellaneda’s first Minister of War Adolfo Alsina—who had pursued a “defensive” strategy of (mostly ineffective) punitive campaigns and commissioned a defensive line to slow the raids down (known as “Alsina’s Trench,” but mockingly called “Alsina’s Folly,” it appears as a red line in the map in figure 1)—unexpectedly died in 1877, the president changed the

frontier strategy.<sup>13</sup> The newly-appointed Minister of War, Julio Argentino Roca, revived an eighteenth-century plan to advance the frontier line by taking effective control of the territory north of the Río Negro in one sweeping, overwhelming assault designed to “exterminate or remove the Indians [...] through a war of aggression.”<sup>14</sup> The “Conquest of the Desert,” as the campaign came to be known, resulted in a human catastrophe that removed and killed about 70% of northern Patagonia’s inhabitants, and set up the institutions and practices that would shape how the region was governed.

Before the actual military campaign commenced Argentine authorities made arrangements to administer northern Patagonia once it was occupied. During 1878 Avellaneda secured funding for the campaign by issuing bonds against the land that would be acquired, and established the “Military Governorship of Patagonia” to administer the new territory as it came under Argentine control.<sup>15</sup> Viedma—which had been little more than an agricultural hamlet across the river from the colonial-era outpost of Carmen de Patagones—became the territorial capital and base of operations for the military in the region. The residents of a few scattered towns in the lower Río Negro valley, which had previously been part of Buenos Aires province, were placed under military jurisdiction, becoming the first Argentines to have their political rights summarily rescinded by a president.<sup>16</sup> The institutions in place to govern Patagonia had been designed to *occupy* the region, and proved ill-suited for peacetime administration.

Without a clear policy for how to handle the defeated indigenous groups, the capture, transportation, and relocation of captives devolved into a haphazard system of internal redistribution and assimilation. The speed and effectiveness of the first stage of the Conquest, between 1878 and 1879, created the perception of a complete destruction of indigenous society. Led by Roca personally, this first stage moved swiftly southwards towards the Río Negro, “sweeping” the retreating indigenous groups, disbanding *tolderias* [encampments], liberating captives, and retrieving as many as ten thousand heads of cattle. Several forts were set up at strategic points—for example, in Choele Choel and General Roca, along the Río Negro, Confluencia (at the confluence of the Neuquén and Limay Rivers), and Chos Malal (at the confluence of the Neuquén and Agrio rivers)—which would quickly become the first population

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<sup>13</sup> Kristine L. Jones, “Warfare, Reorganization, and Readaptation at the Margins of Spanish Rule: The Southern Margin (1573-1882).” in *The Cambridge History of the Native Peoples of the Americas*, ed. Bruce G. Trigger and Wilcomb E. Washburn, vol. 3 (Cambridge: Cambridge University Press, 1996), 181; Masés, *Estado y cuestión indígena*, 37; Susana Bandieri, *Historia de la Patagonia* (Buenos Aires: Editorial Sudamericana, 2005), 141; Walter Mario Delrio, “Indios Amigos, Salvajes o Argentinos. Procesos de construcción de categorías sociales en la incorporación de los pueblos originarios al estado-nación (1870-1885),” in *Funcionarios, diplomáticos, guerreros: miradas hacia el otro en las fronteras de pampa y patagonia (Siglos XVIII y XIX)*, ed. Lidia Rosa Nacuzzi, 1st ed. (Buenos Aires: Sociedad Argentina de Antropología, 2002), 211–15.

<sup>14</sup> Pedro Navarro Floria, *Historia de la Patagonia* (Buenos Aires: Ciudad Argentina, 1999), 104; Bandieri, *Historia de la Patagonia*, 143; Martha Ruffini, *La pervivencia de la República Posible en los Territorios Nacionales: poder y ciudadanía en Río Negro* (Buenos Aires: Universidad Nacional de Quilmes Editorial, 2007), 52.

<sup>15</sup> Bandieri, *Historia de la Patagonia*, 142--the issue of the private financing of the Conquest in exchange for land is a well-researched and interesting topic, but for space reasons, it will not be covered here.

<sup>16</sup> Ruffini, *La pervivencia de la República Posible*, 26; 48; 146-150.

centers of the newly incorporated territories.<sup>17</sup> The military took thousands of indigenous prisoners without having fought any major battles, and the ease of the victory was applauded back in Buenos Aires with the election of Roca as President in 1880.

The volume of indigenous removal in this early thrust was staggering: over 1,800 captives arrived in Buenos Aires in 1878, and 1879 saw an additional 2,400. The process of “redistributing” these captives throughout Argentine society in order to acculturate them was decentralized. A newspaper advertisement from late 1878 announced that “Indian men and women will be given away on Wednesdays and Fridays to the families of this city, through the Welfare Society,” underscoring the role played by religious institutions.<sup>18</sup> The scene at these “Indian giveaways” was harrowing, as “children [were] removed from their mothers to be given away in front of them, despite the screaming, the wailing and the pleading from the bowed indigenous women, their arms reaching for the sky [...] some cover their faces, other look despondently to the ground, as the mother holds her child—the flesh of her flesh—close to her chest, and the father fruitlessly throws his body in front to protect his family.”<sup>19</sup> By 1881 the number of captives arriving in Buenos Aires would be less than 50, a sharp decline.<sup>20</sup> The redistribution system, like *La Prensa*’s quote that opened this chapter explained, was designed as a “civilizing” tool, a way to break families apart and blend them into the urban poor. If we take Mases’ estimates drawn from the military records (which were most certainly incomplete, as each commander sent captives to Buenos Aires independently), about five thousand people suffered this fate.

Roca’s initial sweep not only removed thousands of indigenous people from the frontier, it also added about a thousand indigenous warriors (labeled as “*indios de lanza*” in the government documents) to the infantry. By 1881, *indios de lanza* represented a third of all of the military forces in Patagonia, creating a paradoxical occupying force made up of the occupied themselves.<sup>21</sup> Besides adding infantry and cavalry by conquest, the Argentine military also added a significant number of indigenous “camp followers”—mostly women and children. Either as spouses and families of the *indios de lanza*, or as captives and servants of the commanders, these non-combatants made up the bulk of poor in the newly established towns around the forts. In legal documents, women with indigenous surnames living in Roca, Choele Choel, or Confluencia described their occupation as laundresses, cooks, or simply as caretakers. If the first stage of the Conquest was categorized by swift troop movements, massive removals, and the dismemberment of families, the second wave of campaigns established detention camps—a dramatic change in policy that resulted in the concentration, rather than dispersal, of indigenous groups in certain areas of northern Patagonia.

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<sup>17</sup> Bandieri, *Historia de la Patagonia*, 139–54; Navarro Floria, *Historia de la Patagonia*, 104–10; Masés, *Estado y cuestión indígena*, 47–48.

<sup>18</sup> The original from *El Nacional* (Buenos Aires, December 31<sup>st</sup>, 1878) reads: “ENTREGA DE INDIOS. Los miércoles y los viernes se efectuará la entrega de indios y chinas a las familias de esta ciudad, por medio de la Sociedad de Beneficencia.”

<sup>19</sup> From the same issue of *El Nacional*, December 31<sup>st</sup>, 1878.

<sup>20</sup> Masés, *Estado y cuestión indígena*, 88--The drop-off is actually quite staggering: 1878: 1,805 captives; 1879: 2,403 captives; 1880: 131 captives; 1881: 44 captives; 1882: 54 captives; 1883: 60 captives; 1884: 68 captives; 1885: 445 captives.

<sup>21</sup> Masés, *Estado y cuestión indígena*, 128–30.



Despite the stunning pace of the first stage of the Conquest, the majority of Patagonia (that is, everything south of the Río Negro) remained outside of Argentina’s effective control by the time Roca left the military command to become president. The second stage of the Conquest took place in the summer of 1881, as Col. Villegas led a three-pronged approach on the great lake Nahuel Huapi, to secure the fertile Andean valleys. Those valleys had been the most densely populated region before the Conquest and their numbers increased dramatically as refugees from the 1879 “sweeps” arrived there. Villegas’ forces abandoned the fast-paced sweeps, and instead switched to a strategy of “effective and sustained” control of the valleys to prevent the dispersed indigenous groups from regrouping once the military withdrew. Resistance to their advance was fierce and the battles traumatic “since they expelled from their Andean settlements an important number of people, through the use of constant violence in order to subdue them, evict them, or reduce them to poorer lands.”<sup>22</sup> With the military having “sustained control” of the valleys, agricultural settlers began to trickle in and blended with the indigenous people that had remained there in marginal land.

While the first stage captured thousands of indigenous people, the second stage forced untold number of indigenous people over the Andes to Chile, and relocated several groups away from the mountain passes. Many of the groups in the valleys had been long-time allies of the Argentine state, dating back to the 1830s, but found that the military cared little for those distinctions.<sup>23</sup> One of the largest groups in the area around Nahuel Huapi lake, the followers of Saygüequé in the “País de las Manzanas” (including, we assume, Alejandro Nahuelcheo and Juana Legipan), had been staunch supporters of the Argentine government but found themselves forcibly removed by Villegas’ men. The government established several “concentration centers” throughout northern Patagonia—one in Comallo on the western edge of the plateau, another one in Valcheta, in the central plateau, and two along the Río Negro: one near Chinchinales, and the other one in Fortín Castro.<sup>24</sup> The existence of these camps has been shrouded in mystery, without any explicit mention of them in government records.

Based on accounts from travel narratives, in proselytizing propaganda, and bureaucratic footnotes, the picture emerges of an ad hoc, cruel system. The Valcheta camp was mentioned in the travel narrative of a Welsh colonist who recalled with horror seeing an old friend languishing behind a fenced pen. According to the traveler “most of the Patagonian Indians were reduced in this camp... enclosed by a high chain link fence... their big boney, wind chapped hands reaching through the fence” as they asked for food from the Welsh.<sup>25</sup> The Chinchinales camp, adjacent to the General Roca fort, became famous through Salesian propaganda, which highlighted the success the order had in converting the indigenous people there to Christianity.<sup>26</sup> Military

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<sup>22</sup> Bandieri, *Historia de la Patagonia*, 144; Navarro Floria, *Historia de la Patagonia*, 106.

<sup>23</sup> Julio Esteban Vezub, *Valentín Saygüequé y la “gobernación indígena de las Manzanas:” poder y etnicidad en la Patagonia septentrional (1860-1881)* (Buenos Aires: Prometeo Libros, 2009), 263–81; Delrio, *Memorias de expropiación*, 65–66.

<sup>24</sup> Walter Delrio and Ana Ramos, “Genocidio como categoría analítica: memoria social y marcos alternativos,” *Corpus. Archivos virtuales de la alteridad americana* 1, no. 2 (2011): 13, <http://corpusarchivos.revues.org/1129>.

<sup>25</sup> John Daniel Evans, *John Daniel Evans “El molinero”: una historia entre Gales y la Colonia 16 de Octubre*, ed. Clery A. Evans, 3. ed, Grandes hombres de la Patagonia (Buenos Aires: C.A. Evans, 1994).

<sup>26</sup> Delrio, *Memorias de expropiación*, 87, 97, 105; Masés, *Estado y cuestión indígena*, 145–46.



communication in the early 1880s mentioned “256 captives” in Valcheta and 1,547 in Chinchinales, but they do not discuss their legal status or if these “captives” were held in the camps themselves, or elsewhere.<sup>27</sup> Additionally, a group of about 1,500 “uncivilized Indians” (the followers of the Cacique Catriel) awaited their “eventual fate” somewhere between the Negro and Colorado rivers, according to an 1895 census. This is probably how Nahuelcheo and his family ended up in the lower Río Negro valley, hundreds of miles east from their homeland in the País de las Manzanas. This large displaced population would become a bureaucratic nightmare, and a human tragedy, once the Conquest officially ended and they were transferred to civilian authority.

A third stage of the Conquest, between 1882 and 1883, established small military bases along the Andes, to prevent the reentry of indigenous groups from the Chilean side of the mountains. These smaller bases along the valleys allowed the military to stage strategic expeditions to fight roving bands throughout the mountain range, blending combat and policing operations. In many ways, these mixed police-military “pacifying” operations continued into the following years, as the police forces in both Neuquén and Río Negro drew heavily from the veterans of the Conquest. The military spent the next two years pursuing and battling the remaining indigenous groups, confining them to the camps once their resistance had been broken. After the defeat of the last two “Great *Caciques*,” Namuncurá and Saygüequé in March 1884 and January 1885, respectively, General Vintter (the head of the military at the time) declared the “humiliating internal frontier” finally closed. He proudly notified the president that “the secular war against the Indian, begun in Buenos Aires in 1535, has finally been won.”<sup>28</sup> Of the estimated 20,000 people that lived south of the frontier line on the eve of the conquest, 14,500 had been captured or killed, 4,000 were under the military’s jurisdiction (either as soldiers, or in the concentration camps), and the remaining 1,000 remained scattered throughout Patagonia.<sup>29</sup>

By the time of Vintter’s proclamation in 1885, though, the national coffers struggled under the burden of “maintaining, transporting, and placing” the estimated 4,000 indigenous people under the care of the government in Patagonia, both in the camps and those occupying *tierras fiscales*.<sup>30</sup> With the military campaign officially over, statesmen debated at length how to integrate or manage those who had suddenly been left without a clear relationship with the land they once occupied.<sup>31</sup> No overarching policy was put in place, despite worries about the fate of unleashing a large landless population of demobilized and impoverished people into northern

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<sup>27</sup> Beatriz Moldes de Entraigas and Jorge Entraigas, “La población rionegrina durante la época territorial. Un aporte al conocimiento de las principales características demográficas: 1884-1955,” in *Horizontes en perspectiva. Contribuciones para la historia de Río Negro, 1884-1955*, ed. Ricardo Freddy Masera and Martha Ruffini, vol. 1 (Viedma, RN: Fundación Ameghino- Legislatura de Río Negro, n.d.), 12.

<sup>28</sup> Originally found in “Memorias del Departamento de Guerra y Marina, Año 1885” but quoted from Masés, *Estado y cuestión indígena*, 55.

<sup>29</sup> These figures are in constant revision and refinement by scholars as more information becomes available. The total of 20,000 is probably a conservative estimate. A Salesian missionary estimated that after the Conquest the territory of Neuquén *alone* had 20,000 indigenous people (quoted by Delrio and Ramos in “Genocidio como categoría analítica.”)

<sup>30</sup> Masés, *Estado y cuestión indígena*, 145.

<sup>31</sup> Delrio, *Memorias de expropiación*, 120–43.

Patagonia. Without a clear Indian policy to guide state action, the camps were slowly disbanded on a case-by-case approach. Some groups were able to secure a communally-owned tract, but since most of the land had been sold, granted as “war prizes,” or otherwise appropriated by the Argentine government, many became squatters. For many groups, this pilgrimage from the camps became a foundational myth for their communities, one which they used time and time again to defend their right to occupy that land. Either because the promises of land were not kept or because of the harshness of the marches, individuals, families, and entire communities ended up scattered through the plateau in a haphazard manner.<sup>32</sup> Soon they would become “invisible,” disappearing from the official records and beginning to blend into northern Patagonia’s growing rural population.

### **An invisible population in the desert: a problem of numbers**

Soon after the “Conquest of the Desert,” critics lamented the disappearance of the “noble savages” of Patagonia, even as their accounts noted the survival of indigenous individuals who were now part of the rural poor in the conquered lands.<sup>33</sup> The national census of 1895 and 1914, for example, did not have a category for indigenous people—as far as they were counted they were simply labeled as either Argentine or Chilean.

Although the state refused to recognize any ethnic distinction in the national census, an array of off-hand observations, local surveys, and a “Territorial Census” in 1886 paint a picture of the size and dispersal of Patagonia’s indigenous population. By some estimates, as much as 40% of the *total* population of the territory of Río Negro was indigenous by 1886. The distribution, however, was uneven. The disbandment of the camps after 1885 led to the settlement of indigenous people in marginal areas, the *tierras fiscales* that the state had not managed to sell. The majority of these fiscal lands were in the central plateau, and along the rugged southern shores of the Limay river (the present-day counties of El Cuy, 9 de Julio, and 25 de Mayo). In those districts, the indigenous population represented the overwhelming majority of the total population for decades. In 25 de Mayo County, for example, the population was considered to be 100% indigenous in 1886. Even after the arrival of large number of immigrants and Argentine settlers, some counties in particular remained significantly indigenous; for example, in El Cuy County they still represented as much as 29% of the total population as late 1920, and made up half of all “productive units” in that county. In counties surrounding

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<sup>32</sup> Bandieri, *Historia de la Patagonia*, 146–54; Navarro Floria, *Historia de la Patagonia*, 110–22; For a detailed description of the evolving, disjointed and ambivalent policy of the Argentine government towards the conquered indigenous people (and how the government came to think about the “Indian Problem” as part of a larger “Social Problem”) see: Masés, *Estado y cuestión indígena*, 18–24 (in particular), but entire work deals with the issue; For a detailed look at how the shifting “Indian Policy” affected one particular rural community (Colonia Cushamen), see: Delrio, *Memorias de expropiación*, 85–87; For a discussion of the ways in which Argentine statesmen struggled with different conceptualizations of citizenship and “otherness” regarding conquered indigenous groups, see: Ingrid de Jong, “Indio, Nación y Soberanía en la Cordillera Norpatagónica: fronteras de la inclusión y exclusión en el discurso de Manuel José Olascoaga,” in *Funcionarios, diplomáticos, guerreros: miradas hacia el otro en las fronteras de pampa y patagonia (Siglos XVIII y XIX)*, ed. Lidia Rosa Nacuzzi (Buenos Aires: Sociedad Argentina de Antropología, 2002), 172–191, in particular.

<sup>33</sup> Mónica Quijada, “¿‘Hijos de los barcos’ o diversidad invisibilizada? La articulación de la población indígena en la construcción nacional argentina (siglo XIX),” *Historia Mexicana* 53, no. 2 (October 1, 2003): 471–72.

Viedma, along the lower Río Negro Valley, the indigenous population represented less than 15% of the total since that area had experienced a longer period of Argentine settlement. Along the more fertile areas of Río Negro Valley, indigenous people made up about one third of the population of General Roca County and one fifth of the population in Avellaneda County in 1886, while as late as 1920 indigenous residents made up almost 20% of the arid areas south of the middle Río Negro Valley.<sup>34</sup>

Despite the government’s efforts to make them invisible by imposing national identities, indigenous people made up a significant number of northern Patagonia’s post-Conquest population. Their fates under Argentine rule were uneven. Those indigenous groups that received land grants to create reservations established them in isolation, often on marginal lands. Individual families, on the other hand, used a special law designed for immigrant families to settle in the region to obtain small plots at low costs. Despite their preference for European immigration as a colonizing force, the government hoped this workaround would serve as a “civilizing” process by forcing formerly nomadic people to farm—imitating what the United States had done with its western territories and France had done in Algeria.<sup>35</sup> Reservations and family holdings, however, were a not the norm. A large majority of indigenous people simple settled in *tierras fiscales* without titles, hoping to benefit from the state’s apathy and the booming “white gold” of Merino sheep-raising.

This patchwork of uneven legal statuses and different levels of state legibility made the indigenous population hard to find in the official documentation, but it obviously did not mean that they no longer *thought of* themselves as indigenous, or that they were no longer *treated as* indigenous, or that wielding that *perception* of indigeneity would not help them navigate the judicial process. To illustrate the subtle, but powerful, ways in which indigeneity continued to play a role in legal proceedings, recall Nahuelcheo’s request to “show no leniency to his wife” and her companion whenever the police apprehended them. This request might seem extreme considering a potential kidnaping (or home abandonment), but the removal of women from households had a different meaning in the frontier. The capture of women had, throughout the nineteenth century, been a contentious issue in frontier society.<sup>36</sup> In fact, the image of the captive woman (the *cautiva* of frontier lore) loomed large in the imagination of writers and statesmen in mid-century, as the expansion into indigenous-held territory was being discussed. Nahuelcheo’s articulation of his family’s small tragedy in coded language underscored the expectation that it would resonate with state authorities by augmenting Pazos’ offense and placing it in a longer tradition of outlawed indigeneity in the eyes of the police and judges. Before delving into how perceptions and expectations of “indigeneity” became entangled with

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<sup>34</sup> Beatriz Moldes and Jorge R. Entraigas, “La población del Territorio Nacional del Río Negro. Un aporte al conocimiento de sus principales características demográficas (1884-1955),” in *IX Jornadas Argentinas de Estudios de Población* (Asociación de Estudios de Población de la Argentina, 2007), 12–13.

<sup>35</sup> Delrio, *Memorias de expropiación*, 132–47; Masés, *Estado y cuestión indígena*, 165–70.

<sup>36</sup> Kristine L. Jones, “Calfucurá and Namuncurá: Nation Builders of the Pampas,” in *The Human Tradition in Latin America: The Nineteenth Century*, ed. Judith Ewell and William H. Beezley (Wilmington, Del: SR Books, 1989), 182–83-- Jones explains that: “The Iberian tradition that equated male honor with the control of wives and daughters meant that an elopement could most honorably be explained as a kidnapping, and local justices of the peace [in Buenos Aires] recorded dozens, if not hundreds, of such events. To the Araucanians, on the other hand, marriage traditionally involved mock kidnapping, with the warrior later providing recompense to the woman’s family.”

the development of the “skeletal state,” a few words on violence and indigeneity in the existing literature are necessary.

Scholars have previously zeroed in on the important role played by courts in instituting a private property regime by criminalizing and persecuting behavior deemed “indigenous.” Rustling, for example, was often “coded” as a particularly indigenous crime, which the state pursued systematically.<sup>37</sup> This approach has often led to an overemphasis on violence and mobility as proxies for indigeneity. One scholar explained that the first step in identifying indigenous subjects in the court records was to look for “indigenous crimes.” It should be no surprise, then, that a search that starts by looking at criminal activity concludes that the main relationship between indigenous subjects and the state was that of legal coercion. Shifting the focus away from criminality, however, allows for more comprehensive inquiry into what indigenous people and “indigeneity” looked like to the people and institutions of the state in Patagonia. How did state agents see the surviving indigenous people in the region? Did they relate differently to those they perceived as “indigenous”? Could the perception of “indigeness” ever be an asset to individuals as they engaged the state and became entangled in its workings? To what extent were non-state actors involved in the assimilation and administration of indigenous subjects in northern Patagonia?

### **Educating the “hijos del pueblo”: protecting indigenous children?**

When the police finally apprehended Juana Legipan, her husband asked that she be placed in the care of the Colegio de Hermanas de Caridad, which was run by Salesian nuns. However unsettling this turn of events, Juana could take comfort in the fact that she was probably not the only indigenous woman in the Colegio against her will at the time. In fact, the Salesian school was part of an ad hoc solution crafted by territorial administrators to try to cope with what they saw as a simmering social issue: the abandonment of indigenous children.

Hamstrung by an assumption at the highest level of government that the “social problem” (i.e.: the “Indian problem”) had ended with the Conquest, state-run institutions of social control were scarce and ill-equipped in the early period of Argentine administration. Famously, the prisoners in the Neuquén Territory public jail made a difficult pilgrimage through the rugged pre-Cordillera when the territorial capital was transferred from Chos Malal to Neuquén in 1904, only to find that the new jail was not completed, and would not be for another eight years. For almost a decade the convicts slept in the police headquarters, and even after that, no fence or wall was built around the jail until the 1920s, making prison-breaks in Neuquén a routine event during the 1910s.<sup>38</sup> Other institutions lagged further behind, as hospitals, schools, and orphanages would not appear until decades later. As far as housing, educating, and caring for women and children, especially indigenous women and children, these tasks fell on a particular group of non-state actors: the Salesian order.

The Salesian Order of Don Bosco and the Sisters of Maria Auxiliadora first arrived from Turin to Argentina in 1875, and began operating in Viedma in 1879, as the town became the

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<sup>37</sup> María E. Argeri, *De guerreros a delincuentes: la desarticulación de las jefaturas indígenas y el poder judicial: Norpatagonia, 1880-1930* (Madrid: Consejo Superior de Investigaciones Científicas, Instituto de Historia, Departamento de Historia de América, 2005), 91–100.

<sup>38</sup> Ernesto Bohoslavsky and Fernando Casullo, “La cárcel de Neuquén y la política penitenciaria argentina en la primera mitad del siglo XX,” *Nueva Doctrina Penal*, 2008, 297–99.

capital of Patagonia.<sup>39</sup> Their arrival in the frontier coincided with a moment of heightened tension between the state and the church: liberal reforms to the civil code reserved for the state the right to record births, marriages, and deaths, to the dismay of the clergy, while the national education reform of 1884 secularized all schools.<sup>40</sup> Despite these tensions, the Salesians established a decisive foothold in northern Patagonia, and in the first decades after the Conquest they not only began to Christianize the indigenous people captured by the state, but they also buttressed and complemented a deficient state infrastructure with schools and hospitals. They temporarily housed “malcontent” women and youth.<sup>41</sup> By 1890 Salesian brothers and sisters had established four schools in Río Negro: two for boys and two for girls, spread between Viedma and the neighboring town of San Javier, serving the area with the oldest white settlements, which was also the area around one of the detention camps discussed earlier. According to a report sent to the Interior Minister in 1900, the Territory of Río Negro had six state-run primary schools, serving 350 students, and eight Salesian schools, serving 455 students, underscoring the outsized role of the Order in northern Patagonia in the first few decades after the Conquest.<sup>42</sup> In the Andean valleys, a Chilean group of Salesian brothers established a boy’s Colegio in San Martín de los Andes, in 1896, and Domingo Milanés, a Salesian brother, established a pair of Colegios (one for boys and one for girls) in Junín de los Andes, explicitly to educate indigenous children.

The schools, according to a beaming report by one of the administrators in 1890, had at least 90 “boarders” with a significant number of “orphaned indigenous children or minors referred to them by the local authorities.”<sup>43</sup> The process of “referring” children to the schools often fell to the representatives of the judiciary, in particular prosecutors, judges and, in later decades, children’s advocates. That ad hoc practice would become institutionalized in 1894, when a presidential decree made the Colegio in Viedma (as well as the rest of the Order’s convents and schools) into makeshift public jails for minors and women until the government finished building prisons for women in the National Territories, in the 1930s.<sup>44</sup> In effect, the

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<sup>39</sup> María Andrea Nicoletti and Ana Inés Barelli, “La Virgen Auxiliadora, patrona de la Patagonia y la Virgen Misionera, patrona de la provincia de Río Negro: construcción identitaria y territorial en el espacio rionegrino,” *Sociedad y Religión: Sociología, Antropología e Historia de la Religión en el Cono Sur* 22, no. 38 (2012): 106–12.

<sup>40</sup> Gabriel Carrizo, “Hombres, soldados y mecánicos de la Patria. La construcción de una identidad masculina en el Colegio Salesiano Deán Funes,” in *La educación en la Patagonia* (3ra Jornadas de Historia de la Patagonia, San Carlos de Bariloche, 2008), 3-- Carrizo explains that: “Las leyes de Registro Civil y de Matrimonio Civil, inspiradas en la legislación europea más progresista, impusieron la presencia del Estado en los actos más importantes de la vida de los hombres (el nacimiento, el casamiento y la muerte), hasta entonces regulados por la Iglesia. Además, en 1884 (según la ley 1420) la educación pasaría a ser laica, gratuita y obligatoria. Mediante esta disposición, el Estado desplazaría a la Iglesia en este terreno.”

<sup>41</sup> Masés, *Estado y cuestión indígena*, 70–80--The Salesian presence in the frontier was so widespread that in 1934 the church erected a Diocese in Viedma, and made the Virgin Maria Auxiliadora the patron saint of Patagonia.

<sup>42</sup> *Memoria Del Ministerio Del Interior (1900)* (Buenos Aires: Impr. de El Siglo, n.d.), 116.

<sup>43</sup> Consejo Nacional de Educación (Argentina), ed., *El monitor de la educación común*, vol. 8 (Buenos Aires: Consejo Nacional de Educación, 1890), 428–30.

<sup>44</sup> Maria E. Argeri, “Las niñas depositadas, el destino de la mano de obra femenina infantil en Río Negro a principios del siglo XX,” *Boletín americanista*, no. 49 (1999): 68 (fn 5).

Colegio continued the colonial-era juridical practice of “depósitos,” serving as a repository for indigenous children removed from their families to acculturate them.<sup>45</sup> During Juana Legipan’s short stay at the Colegio in 1890, she probably interacted with dozens of other indigenous people confined to the care of the sisters.

Although Nahuelcheo requested that his wife be held in one of the schools, patriarchs and family members usually did not have a say on whether their loved ones ended up under the care of the Salesians. Once a minor was deemed an orphan by the state and placed in the care of the religious institutions, the parents or guardians had an uphill battle ahead of them to reclaim their children. Dearth of legal proof of parenthood, in particular, limited indigenous parents’ ability to establish their claims on their progeny and made internment in a religious institution a one-way trip for many children.<sup>46</sup> Consider a case from 1889, involving Marta Acosta (a twenty-seven year-old washer woman) who fought what she came to understand as the abduction of her daughter by the state, with no success. Marta was married to a soldier (Luis Rivero, stationed in General Roca with the Seventh Cavalry Regiment) and had decided earlier that year to cede her ten-year-old daughter to the family of her husband’s supervisor, Master Sergeant Cabrera.<sup>47</sup> This was not an unusual practice for impoverished Patagonian families. Marta expected that the girl, Carmen, would receive an education from her wealthier guardians in exchange for “accompanying” Mrs. Cabrera and helping the family with domestic chores. Her daughter, however, suffered a different fate.<sup>48</sup>

Marta could not believe the rumors she heard that Carmen had been seen wandering the streets in Viedma, especially since the Cabrera family had moved to Buenos Aires (presumably taking Carmen with them), and she decided to inquire with the authorities. After picking her up from the streets the state had deemed Carmen “abandoned” and placed her in the care of the Sisters. Unable to read or write Marta had one of her neighbors, Ezequiel Vazquez, pen a letter to the judge requesting that the court return her daughter “at their earliest convenience.” Arguing that the letter lacked any evidence of her maternity, the court’s ad-hoc advisor for minors swiftly dismissed Marta Acosta’s request and demanded that she submit herself to a rigorous interview to determine her parentage.<sup>49</sup> Unconvinced by Marta’s answers and suspicious about the lack of any documentation, the court requested testimonies from neighbors and acquaintances in General Roca to corroborate maternity. When the testimony of a high-ranking military commander failed

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<sup>45</sup> Argeri, *De guerreros a delinquentes*, 246-- for the colonial context, see J. M. Kobayashi’s “La educacion como conquista.”

<sup>46</sup> The lack of basic government documents (like birth certificates) was a similar barrier for destitute people elsewhere in Latin America at the time. See, for example Brodwyn M. Fischer, *A Poverty of Rights: Citizenship and Inequality in Twentieth-Century Rio de Janeiro* (Stanford, Calif: Stanford University Press, 2008).

<sup>47</sup> “Acosta, Marta—reclama su hija” Leg#7-204, AHP-RN, JL

<sup>48</sup>As mentioned earlier, deducing indigeneity from the archive can be an exercise in typecasting and educated guesses. A few clues in the file suggest to us that Marta was indigenous: her Spanish illiteracy, and her job as a laundress “attached” to a military base, as well as the lack of official documentation of her marriage, the birth of her daughter or her baptism suggest that she was indigenous. Additionally, in 1886, an estimated 30% of the residents of the county where Marta Acosta lived were identified by government officials as indigenous.

<sup>49</sup> The questionnaire proposed by the advisor ranged from the inquisitive (where was she baptized? How old was she? Who is her father?), to the accusatory (Why did she give her daughter up? Why had she failed to present her husband’s authorization to deal with legal matters in the original letter?).

to sway the court Marta redoubled her efforts, sending the judge a sharply written letter, probably authored by a lawyer instead of a neighbor this time. The second letter was strikingly different from the first one. In it, Marta Acosta demanded (rather than requested) that her “abducted” (rather than “ceded”) daughter be returned to her immediately, citing *patria potestad*, natural law, and the civil code.<sup>50</sup> Judge Abraham Arce agreed with the ad-hoc advisor and refused to release the minor to Marta’s care until she could prove her relationship to her. Judge Arce placed Carmen in the care of the Salesian nuns “to receive an education” until a more permanent solution was found (usually in the home of a prominent family).

Arce, it turned out, was in the midst of attempting a massive social experiment in Patagonia with far-reaching legal implications. One of the first federal judges in the region, *Juez Letrado* Abraham Arce articulated an ambitious social program to systematically institutionalize the children of indigenous families, with the Salesian missions at its very core. In 1890, he ordered all the justices of the peace in the Río Negro territory to “round up” and send to Viedma any unsupervised children they found in their districts. He felt that it was his implicit mandate to “protect the scattered youth” of the region, particularly those who were “orphans, abandoned, under bad examples, or denied an education.”<sup>51</sup> During the previous decade, as the Conquest was winding down, indigenous families fearful of having their children sent to the camps attempted to hide them, and many ended up orphaned when their parents perished.<sup>52</sup> Arce mobilized the police and the justices of the peace, ordering them to detain any at-risk youth. He intimated that his office would cover any and all expenses related to transporting them to Viedma, where they would be placed in one of the two “comfortable and well managed” Salesian schools or in the care of prominent local families.

Judge Arce believed that such a drastic measure would not only prevent the development of future criminals by removing children from perceived dangerous situations, but would also help suffocate the trade in humans that seemed to persist in the territory. As the next section will discuss, merely five years after the end of military activities in Patagonia, with scores of indigenous people still wandering in search of unclaimed *tierras fiscales* to occupy, his concern for a flourishing trade in sex slaves seems noteworthy.<sup>53</sup> Arce’s supervisors (and eventually even the Supreme Court) found the idea of summarily detaining, transporting, and housing minors to be legally untenable and economically unappealing, ordering him to desist.

In his appeal to the Supreme Court Arce alluded to the common practice, during the military campaign, of commanders “gifting” orphans (and other children) to supporters and followers. He intimated that the practice continued unabated after the end of the Conquest and its eradication required “energetic action.” The case of Marta Acosta’s abducted daughter fits this pattern of abuse by military leaders: a young girl presented to a military commander as a domestic servant ended up in the streets without much explanation. In his brief Arce argued that

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<sup>50</sup> The original reads: “me concreto solamente a pedir a la autoridad me haga restituir una hija menor sustraída, sobre la que tengo con su padre, el derecho de patria potestad, que las leyes legales, tanto naturales como civiles, nos las acuerdan como a otros padres respecto de sus hijos legítimos menores de edad...”—emphasis added.

<sup>51</sup> *Fallos de la Corte Suprema de Justicia de la Nación: con la relación de sus respectivas causas ...*, vol. 39, 1891, 257–65.

<sup>52</sup> Delrio and Ramos, “Genocidio como categoría analítica,” 16.

<sup>53</sup> He probably had cases like Flora’s in mind (discussed in the following section), in which the “sale” of indigenous girl was more of an ideological construct by outsiders than an actual crime.

without the ability to preemptively step in to remove “at risk” indigenous children from precarious situations, the government’s legitimacy would suffer in the eyes of the “indigenous classes.” After all, he claimed, they already feared civilian state-representatives just as much as they did armed enemies.<sup>54</sup> In Arce’s thinking, the state needed to remove indigenous children from their homes, preventing them from being “ceded” to powerful families, to make indigenous people fear the state less. In other words, according to the top authority in the Territory, *not* removing indigenous children from their families was a hurdle to the full incorporation of indigenous people into the nation.

Arce’s plan failed to gain significant traction with his superiors and was ultimately abandoned altogether. Crucially, the Supreme Court declined to provide funds for the program, and questioned the legality (and wisdom) of summarily rescinding *patria potestad* rights for large swaths of the population. In trying to convince his superiors of the economic feasibility of his plan, Arce highlighted the possibility of using the religious order as an institutional repository for the children, saving the government considerable sums. He explained that “here in Viedma we have a [pair] of comfortable and well-managed schools [one for boys and one for girls] run by the Sisters of Charity... where the most prestigious families send their children, and they open their doors to the orphans and any minor that requests it, who are fed and taught without charge, and without any contributions from the government... they are always willing to accept any *incapaz* [uneducated child] seeking to educate themselves.”<sup>55</sup> Having found a way to defer the cost of boarding and educating indigenous children, Arce only needed funding for the transportation of the minors, but the government balked at spending any funds on a scheme that seemed imprudent and unnecessary. In this context, Arce happily “referred” abandoned children picked up in the streets of Viedma—like Carmen—to the Salesian order in an ad hoc manner, even if his superiors continued to balk at a systematic policy for the entire Territory.

Carmen’s journey through the bureaucracy of the “skeletal state,” however, was not over with her arrival at the Colegio. Three years later, in 1892, one of the Salesian Sisters wrote to the judge to keep Carmen from leaving their care. The nun, aware that the court was considering a “permanent placement” for the teen in a family home, wanted to request permanent custody of the girl. The placement of orphans and other vulnerable minors in the homes of prominent families served the dual purpose of cheaply monitoring the minors and purportedly teaching the minors skills, usually related to domestic chores, in a “positive” family atmosphere. In this case the nuns wanted to keep the “orphaned teen Carmen Costas” permanently in the Colegio and justified their request in unusual terms. The nuns argued that the practice of placing the girls in family homes after they had spent some time in the Colegio had two negative effects: it prevented the teens from continuing to receive an education and learning “a variety of small domestic tasks,” while also depriving the Colegio from collecting “some money” from those skills. Without “some kind of reward” for having educated the girl, the nuns argued, they could not feasibly continue “educating and training *the poor children of the people* [hijos del pueblo].”<sup>56</sup> Like many colonial-era Colegios, the nuns in Viedma depended on charity and the

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<sup>54</sup> *Fallos de la Corte Suprema de Justicia de la Nación* (1890), 39:261.

<sup>55</sup> *Fallos de la Corte Suprema de Justicia de la Nación* (1890), 39:261–62.

<sup>56</sup> The original reads: “irrogando (sic) perjuicios al Establecimiento que has (sic) no llenar sus fines que son los de dar una completa educación e instrucción a los hijos del pueblo y enseñarles alguna labor con la cual se puedan ganar honradamente la vida se ve privada del auxilio que le podría proporcionar con sus pequeños trabajos



labor of the orphans to continue to operate as auxiliaries of the state, especially since they were not receiving any public funds to operate as makeshift jails. The judge agreed with the nuns’ argument, placing Carmen under the tutelage of the nuns until she got married, or turned eighteen.

Judge Arce and other state officials in Patagonia continued to upend parental rights—like summarily dismissing Marta Acosta’s claims—in order to remove children from what they considered to be dangerous situations for them. These practices form part of what scholars have labeled as the “systematic disarticulation of indigenous society,” by the Argentine state.<sup>57</sup> When the police decided to remove minors from female-led indigenous households (commonly widows, who had a weaker *patria potestad* claim), placing them in family homes or convents, the prosecutors and judges rarely questioned their judgments, often rubber stamping the investigations since “immoral women could not have parental rights.”<sup>58</sup> These cases remain hard to isolate in the court documents—scholars looking specifically for indigenous children found only six cases between 1880 and 1910 that mentioned indigenous minors being removed from their homes, but oral tradition and travelers’ accounts suggest that the number of cases that show up in court documents do not capture the full extent of the practice. Ultimately, as far as the judiciary “disarticulated” indigenous culture in the frontier, the process was more piecemeal than systematic as each case was decided ad hoc.

The Colegio in Viedma, as well as other religious institutions, played a key role in the functioning of the early “skeletal state.” Without the resources to better assimilate the scattered indigenous groups, or to prevent the abuse of minors by unscrupulous adults, state representatives, spearheaded by judge Arce, experimented with different arrangements that would help shore up the state’s legitimacy. By necessity, these temporary arrangements became more permanent, as lack of resources made children’s labor a particularly affordable solution for the state and the Colegio. Part for the impetus for these ad hoc actions came from an understanding, a perception, that the indigenous population in Patagonia lived under an entirely different set of legal codes and traditions, an unwritten “Ley de Indios.”

### **Indigeness as reasonable doubt: the “Ley de Indios”**

In the decades after the military conquest of Patagonia, people inside the administration and in the population at large believed that a parallel legal system continued to exist despite Argentina’s hegemony in Patagonia: a so-called “Ley de Indios.” A collection of practices and cultural norms rather than a codified set of laws, this legal framework was *understood* to operate alongside the official legal regime, uncontested and tolerated by state officials. The perception

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domésticos, aún antes de recompensar de alguna manera los beneficios que en él se le han prodigado... Y si V.E. considera que nuestros Establecimientos solo viven de la caridad pública y del trabajo manual de esas mismas huérfanas recogidas, bien podrá echar de ver cuán justo es que se provea de conformidad con lo pedido."

<sup>57</sup> For example, a survey of the index of court cases in the archives returns 18 cases in which individuals challenge someone else’s *patria potestad* claims. Twelve of those came in the first 25 years of Argentine rule, while only six of them in the second 25 years. This is an imprecise measure, but it seems to confirm Maria Argeri’s claim that the Argentine state systematically challenged the parental rights of indigenous peoples, who made up a larger proportion of northern Patagonia’s population before 1910.

<sup>58</sup> Argeri, *De guerreros a delincuentes*, 245.

of this enduring indigenous legal sub-culture prompted state officials to reinterpret criminal investigations in positivist ways, bringing indigenusness into judicial proceedings.

One case in particular offers a window into this world, one that came to the attention of the authorities with a dramatic accusation of human trafficking. One of the residents of the hamlet of Aguada de los Loros complained to the authorities that his indigenous neighbor, Martín Suárez, “had *purchased* an Indian girl” as a slave.<sup>59</sup> In the early days of 1892, in the northeastern corner of the Río Negro territory the justice of the peace of Cubanea, Manuel Rial, forwarded the case to the judge in nearby Viedma citing the gravity of the case as the reason for such an irregular transfer of jurisdiction. The file that judge Abraham Arce received from Rial contained a reference to the anonymous complaint against Suárez as well as testimonies from two prominent landowners (Santiago Moreno and Jose Quiñelas) corroborating the original complaint. Both testimonies matched each other almost perfectly, including the age of the victim (“eleven, or twelve at most”) and the payment offered for her (“eight healthy animals”). Moreno even claimed to have been present at the exchange. The girl was being sold to Suárez by her step-father, Don Juan Sefiche, apparently with the tacit consent of the girl, Flora. Judge Arce responded swiftly, commissioning a special prosecutor (“fiscal ad-hoc”) to oversee the investigation. The Chief of Police, aware that Suárez and Sefiche were in Viedma on business at the time, arrested them. They were placed in the local jail while Flora, her four-year-old sister, and their mother Maria were placed under the tutelage of the Colegio de las Hermanas de Caridad.

The police took the two suspects’ depositions the next day. Martín Suárez, an unmarried forty year-old sheep herder from Chile confirmed that Flora had been “ceded [by her parents] to be [his] wife and as a reward [he] gave them two horses and two mares, and since receiving her [he] has lived a ‘married life’ with her in his house, following the *Ley de Indio*.”<sup>60</sup> He denied intending to turn the girl into a slave, indicating that he simply lived with her as husband and wife.<sup>61</sup> For the most part, Juan Sefiche (a fifty-five year old sheep herder born in Argentina) confirmed that account, claiming that he and his wife “ceded” Flora to Suárez to become his wife, and that for the previous four months they had been “living a married life.” Another key detail emerged during the investigation: by agreeing to marry Flora, Suárez was in fact attempting to safeguard her reputation.

Flora testified that she had suffered a violent crime that forced her and her parents to accept Suárez’ otherwise mediocre marriage offer. The police declined to register a last name for Flora, who simply appeared in the records as an “approximately 12- or 15-year-old Indígena” from the “País de las Manzanas” without a profession, but a self-described “wool spinner.” She was questioned the same afternoon as her husband and step-father, but given her age and “as a consequence of not displaying the corresponding judgment” her testimony was not considered

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<sup>59</sup> “Suárez, Martín—corrupción de menores” Leg# 40-1534, AHP-RN, JL. The original reads: “Martín Suárez ha *comprado* una indígena.”—emphasis added here.

<sup>60</sup> The original reads: “me la cedieron a mí para mujer mía y yo les di una recompensa a cambio, dos caballos y dos yeguas, y desde que me la cedieron la lleve y la tuve en mi casa a dicha menor haciendo vida marital con ella, como *Ley de Indio*.”

<sup>61</sup> Cryptically, when asked if he had a criminal record, he said that he had been in jail nine years prior (1883) “por causas de una mujer.” Nothing else is noted of that earlier case.

legally binding.<sup>62</sup> She confirmed most of the story, adding that she had accepted Suárez’ marriage proposal and that “as a reward” her parents had received some animals. She revealed that she “was forced to accept Suárez’ proposal, because a *gringo* from Aguada de los Loros called Antonio Pilla took advantage that I was alone in a clearing, [...] grabbed me, and forcefully raped me, about ten months earlier.”<sup>63</sup> Her mother, María, confirmed that her daughter had been “forced by the circumstances” of that rape to accept Suárez’ marriage proposal. The family had reported the rape but claimed that Alcalde Contreras “offered no justice.”<sup>64</sup> Frustrated by the lack of any investigation, and feeling that they could arrange no better marriage for their daughter, María and Sefiche “ceded” Flora as a wife to Martín Suárez, who “gifted us some animals as reward, according to the custom among *Indios*.”<sup>65</sup>

The introduction of an alleged rape and the potential cover-up by a local official did not seem to trouble the police, as the prosecutor decided to proceed with the charges against Suárez for corrupting a child, and Sefiche for “enabling prostitution.” After languishing in jail for a month while the state prepared its case against him, Suárez appealed to the judge in a letter to release him: “I am suffering an unfair punishment, since it is my wish to [legally] marry Flora.”<sup>66</sup> The judge determined that Flora was also willing to marry him but would need to be baptized first, so she would remain in the “Colegio” until her Catholic education was completed.<sup>67</sup> Their marriage at the end of the year ended all criminal proceedings against Suárez and Sefiche, and the couple returned to Aguada de los Loros to tend to their sheep—but their case left behind an illuminating document written by a public defendant articulating exactly how the victim’s and the accused’s indigenoussness affected their legal standing.

While Flora was in the care of the nuns in the Colegio, the state assigned her a Public Defender (“asesor de menores”) by the name of David Logan to look after her legal interests. Logan reviewed the information in the case and took the unusual step of writing the judge a scathing critique of how the state had handled the case. He challenged the idea that Flora had been “sold” at all since the witnesses spoke in terms of reciprocity, pointing out that “all of them are *indigenas*: as such they do not speak, let alone understand, Spanish very well, so it would not

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<sup>62</sup> The original reads: “no creyó prudente recibirle juramento por demostrar no tener el discernimiento correspondiente.”

<sup>63</sup> The original reads: “Me vi obligada a acceder a Suárez porque un gringo de la Aguada de los Loros llamado Antonio Pilla, valiéndose que estaba yo sola en un despoblado [...] me agarró y haciéndome fuerza me violó, hace diez meses: este hecho me decidió a acceder a la proposición de Suárez.”

<sup>64</sup> The original reads: “pero este no más hizo justicia.”

<sup>65</sup> The original reads: “nos regaló en recompensa algunos animales como es costumbre entre Indios.”

<sup>66</sup> The original reads: “estoy sufriendo un castigo injusto puesto que mi voluntad es de contraer matrimonio con la aludida menor.”

<sup>67</sup> Flora ended up spending almost nine months in the Colegio—and the *Juez* had compelled all the adults to remain in Viedma until the marriage was completed. Both Suárez and Sefiche eventually requested special permission to return to their flocks, lest they lose their livelihood while waiting idly in Viedma for Flora to finish her religious education. Once she had converted, Flora was deemed ready to be married and her husband-to-be was summoned to Viedma. While they were waiting for Suárez and her parents to arrive for the marriage, Sor Anfela Caputo, of the Colegio informed the judge that Flora had run away overnight. The police began a manhunt to retrieve her, fearing that she had been kidnapped, and eventually arrested her and Suárez as they were signing their marriage certificate in the office of the justice of the peace.

be strange that Suárez spoke poorly of the girl being ‘delivered to him,’ or that he ‘offered a reward’ for her.”<sup>68</sup> He went on to explain the so-called “Ley de Indios” which included the practice of exchanging gifts for a wedding:

Very few people are unaware of the habits of these poor beings. It is known that *the Indian is haughty and proud* of the fact that he does not purchase the woman he takes as wife, since it is his custom—or one could say *a law unto his race*—that upon being presented with a future partner, he has the duty to gift in exchange, to the parents and family members, clothing and animals which showcase his relative wealth.<sup>69</sup>

Besides explaining, as an amateur anthropologist, the milieu of the *indígenas* caught up in a legal entanglement due to a series of cultural misunderstandings, he also explicitly reinforced the often-implicit assumptions guiding how cases against people of indigenous descent were handled on the frontier.<sup>70</sup> Individuals handling a criminal case used an array of cultural markers to frame a defense for a suspect. Difficulty speaking Spanish, for example, served as a marker not of poverty but of *otherness*, in this case indigenousness. The indigenousness of these individuals was used to buttress (rather than undermine) their innocence, bringing positivist and colonial-era legal ideas of indigenous judicial exceptionalism to bear in a supposedly liberal tradition.

The prevailing understanding of the judicial system in Patagonia as primarily a tool to disarticulate, disband, and destroy indigenous culture has little room for people like David Logan. In the disarticulation narrative, the entire judicial apparatus worked to “civilize” indigenous subjects by criminalizing their cultural practices. However, Logan—as well as the unknown persons who helped Nahuelcheo and María Acosta with their complaints—used the *perception* that indigenous subjects followed “a law unto [their own] race” as a legal tool in framing their cases. Considering the zealotry with which judge Arce (in particular) attempted to remove indigenousness from the region, and the use of the courts to delegitimize other indigenous cultural practices (like rustling), cases like Flora’s are surprising and suggest an unexpected degree of flexibility by regional authorities. Part of the endurance of a sociopolitical arrangement like the one that developed in northern Patagonia were the spaces it provided for an array of actors to inject themselves and their sensibilities into the process.

Sympathetic state agents could use a person’s perceived indigenousness as a way to justify, excuse, or contextualize their behavior. Consider a case surrounding the mysterious

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<sup>68</sup> The original reads: “todos ellos son indígenas: como tales no hablan ni aun comprenden bien el castellano, así pues, no debe extrañar ni debe confundirse lo que Suárez en su declaración quiere decir ‘que le fue entregada la menor y dio una recompensa!’...”

<sup>69</sup> The original reads: “Las costumbres de estos pobres seres son muy pocas las personas que las desconocen. Es sabido pues que *el Indio es altivo y orgulloso* que él no compra a la mujer que toma por compañera si no que está en sus hábitos puede decirse *es una ley propia de su raza* que al serle entregada la que va a ser su compañera tienen el deber de osequiar [sic] en el mismo acto a los padres y aun a los parientes con prendas y animales en cuya demostración prueban o manifiestan el estado de sus fortuna.”—emphasis added.

<sup>70</sup> The case, of course, also reflected an apparent vendetta by prominent neighbors of the village against poor shepherds who had overstepped their boundaries by accusing someone in town of rape. That particular angle will be addressed more forcefully in Chapter Five, which deals with the power of *Vecinos* and the ways in which they used the legal system to solidify their power.

disappearance of a toddler in the desert and the ways in which the state’s main suspect was exculpated by a direct appeal to her indigenoussness. In the heart of the desolate central plateau, early in the winter of 1907, a very pregnant Margarita Anelaf de Cayul and her three-year old niece Leonarda slowly refilled three canteens of water from the Laguna Grande.<sup>71</sup> Not wanting to be caught outside after dusk, Margarita grabbed two canteens (giving the other one to the girl), and began the approximately four hundred meters (about a quarter of a mile) walk back to their hut (*choza*). When they were still some distance away, Margarita—who was only nineteen at the time—needed a rest and ordered Leonarda to hurry back home while there was still some daylight.

When Margarita finally reached the *choza* she could not find the child and despaired, frantically calling for her without any success. Her husband, Higinio Cayul (a 30-year-old cattle breeder from Chile), organized a search party with a couple of the neighbors, scouting the area between the hut and the Laguna throughout the night. They could not find her, and considering the overnight hard freeze, they feared the worse. The next day Higinio contacted the police, who took over the search and continued to look for the girl for a week. The hard, frozen ground and the girl’s light footsteps made a sustained tracking almost impossible. When the trackers did find her footsteps, they followed them up a rocky, scraggly hill about a mile and a half away from the hut but lost all trace of her after reaching the top. Unable to find the girl (dead or alive) or even the canteen she was supposed to be carrying, the investigator suspected foul play.

The investigator deposed Margarita Anelaf de Cayul eleven days after the incident when the search efforts had died down, treating her as a potential suspect in the disappearance of her niece. She feared that Leonarda had probably perished due to the cold, or might have been eaten by a mountain lion (*puma*)—but after some further questioning she suggested that perhaps “some malicious person hiding in the hills” might have kidnapped her.<sup>72</sup> Intrigued, the investigator asked her if she had reason to suspect this. She simply claimed that she “thought it was possible” but did not have any firm suspicions. According to Margarita, the little girl was familiar with the area around the Laguna, though she was not usually allowed to roam around it unsupervised (but she tended to regardless), discounting the idea that she had simply taken a wrong turn. In her description of Leonarda she mentioned that the girl “spoke the indigenous language easily, but only a little of the national language.”<sup>73</sup> The police found the account puzzling—how would a child familiar with the area get lost so close from her destination? How could Margarita fail to see her wandering away from the path? Why would Leonarda wander off almost two miles out of her way onto a rocky hill while holding on to her canteen? —but declined to arrest Margarita (or anyone else) in connection with the disappearance. They issued a missing person report placing the police of the whole territory on alert, but after three fruitless winter months the child was assumed dead and the case was closed early the next spring.

In almost all criminal investigations, when the local police decided that their job was complete (that there were no more leads to follow, or witnesses to depose) they would elevate the case to the Police Chief in the territory’s capital, who would normally pass it on to the prosecutor for assessment. The investigator would craft a summary of the findings of the case,

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<sup>71</sup> “Reuque, Leonarda- su desaparición,” Leg. #33-1228 (AHP-RN, JL).

<sup>72</sup> The original reads: “alguna persona mal intencionada oculta en el monte.”

<sup>73</sup> The original reads: “hablaba indígena con facilidad y poco el idioma nacional.”

indexing the testimonies and including the most salient pieces of evidence from each deposition before sending the file to the Chief. In very rare cases they would add a line or two of context, like the social standing of a suspect, or the reputation of a victim.<sup>74</sup> Sometimes their explanations offered a deeper perspective into the case and into the workings of the police force.

The investigator in Leonarda’s case summarized the findings as usual, explaining that he had not arrested Margarita even though her explanation did not add up. He exempted her because, he believed, “her carelessness was a result of her pregnancy and *the ignorance that is ingrained in the indigenous folk*, which led her to carelessness in the guise of kindness.”<sup>75</sup> The investigator’s perception of the “ingrained ignorance” of the indigenous suspect justified and explained away the (potentially criminal) actions of an individual.<sup>76</sup> These subtle injections of personal beliefs and social norms affected the functioning of the judicial system, offering an example of how administrators and state employees shaped the broader development of the state in Patagonia. Margarita herself might have encouraged this interpretation by emphasizing that her niece spoke “the indigenous language” better than Spanish, introducing into the investigation her self-identification as an *indígena*. Even though the openness of this underlying “excuse” for apparently negligent childcare was remarkable, the sentiment itself was not. Much like David Logan, the unknown investigator in Leonarda’s case introduced his own positivist legal understanding into a judicial process, not to criminalize and punish indigenous behavior, but to exempt it.

Whether the “Ley de Indios” existed in practice or it was a positivist construct, representatives of the state on the frontier *acted* as if it existed. Unexpectedly, considering the relentlessness with which other indigenous behavior was prosecuted, they continued to see the surviving indigenous cultural practices as attenuating circumstances for potential crimes. This *Ley* would continue to exist in the background, away from the gaze of state agents, and occasionally intersecting with criminal investigations by the state in the first decades of the twentieth century, suggesting at best a *partial* disarticulation of indigenous practices.<sup>77</sup> Allusions to people’s indigeness made their way into official documents, ultimately changing the way those individuals were treated. The changes in the documents were subtle—more a shift of *tone* and attitude on the part of the witnesses, lawyers, prosecutors, or investigators rather than a

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<sup>74</sup> For example, Leg# 415-16398 (“Sandalo, Roalndo- denuncia fuga del hogar conyugal de su esposa”), where the police investigator noted “the general negative opinion of the population towards Sandalo, as well as his involvement with illegal activities.” Similarly, Leg# 413-16348 (“Fornagueira, Ines—fuga del hogar de la menor María Domínguez”) the investigator added that “it is public knowledge that Maria Dominguez had been making marital life with low-lives, which leaves no doubt that she left Carro’s house on her own initiative.” Both cases came from the AHP-RN, JL.

<sup>75</sup> The original reads: “por cuanto la imprudencia la motivó su grave estado y la ignorancia de que esta embatado [sic] el indígena la hizo cometer un desativo [sic], en la creencia que hacia un bien.”—emphasis added.

<sup>76</sup> Even in the best-case scenario she had been negligent in her care of the minor.

<sup>77</sup> For example Leg#415-16398 (Sandalo, Rolando—denuncia fuga del hogar conyugal de su esposa”). During this investigation, the police learn that Sandalo had kidnapped his wife, Remigia, when she was 15, and her family had declined to press charges, conceding that he had taken her rightfully. This echoed the indigenous practice of raiding for *cautivas*, which had been outlawed after the *Conquest of the Desert*, but appeared to continue as an acceptable practice in some social settings, like the earlier example of Juana Pazos’ “kidnapping” also illustrates.

marked transformation of the legal process itself. Often, these shifts in attitudes against indigenous subjects were carefully crafted by suspects to attempt to scapegoat them.

### **Indigenusness as probable culpability: scapegoating and innuendo**

Although positivist jurisprudence allowed for special dispensations for certain social groups perceived as legally immature—like the indigenous subjects in the previous section—indigenusness could also be used to inculcate someone. During police investigations, suspects and their allies used allusion to *other suspects’* indigenusness in order to shift suspicion away from themselves. The success of this strategy depended on an array of contingencies, from the prejudice of local authorities, the absence of firm evidence, and the predisposition of regional authorities to allow this scapegoating to stand. The two cases in this section show how powerful the mere suggestion of indigenusness could be in radically altering the course of an investigation. In the first case, a grieving community tried to inculcate an indigenous suspect, an effort that was only thwarted by authorities outside of the town who proved impervious to those efforts. The second one shows how a suspect’s suggestion that one of his accusers had “indigenous morals” completely redirects an investigation, eventually absolving him. These local authorities were similar to David Logan or the investigator in Margarita Anelaf’s case, but instead of seeing indigenous subjects as a protected group they saw them as outsiders, and thus worthy of suspicion.

Consider the protracted case surrounding the death of a teenager while giving birth, and the efforts by the community to pin her death on the indigenous midwife that had tried to save her life. The region’s only doctor led the charge, as his coronary report quickly identified the “irrational assistance” offered by the midwife, “la India” Manuela Millan. The members of the Italian immigrant community, including the doctor, the neighbors, and even local authorities, found it easier to single Manuela out than to come to terms with the painful role one of their own countrymen played in the tragedy. The particulars of how a teen came to give birth in secret in a remote farm without any medical assistance, and why she died in childbirth, became the focus of two separate police investigations between 1905 and 1907.

At the center of the tragedy was the family’s patriarch, Miguel Aveli—described by witnesses as a fifty-year-old Italian merchant, who spoke slowly with a clumsy Spanish, dressed his tall, slender frame carelessly, and whose curly brown mustache failed to hide his perpetual drunkenness. Like many other Italian immigrants arriving in Patagonia in the early twentieth century, Aveli and his extended family settled in the growing agricultural colonies around the military base in General Roca. Aveli suddenly closed his very successful general store in downtown Cipolletti to move his family to a *chacra* (a small family-run farm) just outside of town, which he proceeded to mismanage.<sup>78</sup> According to small-town gossip Aveli used to beat his wife Sunta mercilessly, who would in turn take out her frustrations on her little thirteen-year-old sister Elisa, beating her and verbally assaulting her. The neighbors noticed that often, after Aveli and Sunta fought, she would sleep outside while he spent the night in Elisa’s bedroom. When the teen became pregnant Aveli moved the household to the countryside, away from curious eyes.

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<sup>78</sup> “Aveli, Miguel—corrupción de menores y otros delitos contra la honestidad,” Leg #31-1169 (AHP-RN, JL).

Less than a month after resettling in the *chacra*, Elisa went into labor in the middle of the night, prompting Miguel and Sunta to try to quietly handle the situation by themselves. They were quickly overwhelmed as the teen’s screams and cries intensified—the birth was breech. When they saw legs emerging instead of a head they realized they needed skilled help. After several hours, Sunta returned with the local midwife Manuela Millan, a sixty-year-old widow known around town as “La India Manuela.” In her testimony years later, the experienced midwife still recalled pausing after hearing the harrowing screams coming from inside the bedroom. The scene was chaotic, as the girl “howled for help” and Aveli violently begged the midwife to “save my Elisa, I’m losing her!” Manuela, however, refused to intervene, explaining that since the baby appeared stuck right under the elbows any attempt to pull the body out without surgery would endanger the life of the suffering mother. She implored Aveli to call the doctor from General Roca (about 20 miles east) to have any chance of saving Elisa, noting that anything else would be “futile and dangerous.” Overcome with grief, Aveli threatened the midwife physically, forcing her to attempt the risky maneuver. She pulled the already dead infant out from the waist, causing the mother to scream and “bleed tremendously.” Elisa died shortly after, as the midwife and the Italian couple were unable to stop the hemorrhaging.

During the wake, the Italian community tried to come to terms with the tragedy. Some of the neighbors believed Aveli was “responsible” for Elisa’s pregnancy, not to mention her death. Adrian Borrajo (the twenty-six-year-old landowner who had rented the *chacra* to the Italian family) noted that Aveli cried uncontrollably at the funeral, while his wife did not. This confirmed his own suspicions of the “public and notorious” affair. Borrajo recalled confronting Aveli several times about his “moral responsibility” for Elisa’s pregnancy before her death, but he would simply “shrug his shoulders and change the subject.” Others, like the Italian bricklayer José Felice who lived in the *chacra* with the Aveli family, denied any disorderly conduct and attempted to explain away Aveli’s behavior towards his teenage sister-in-law. Witnesses recalled seeing the local doctor, Enrique Rodríguez (also a recent immigrant who identified as “Italian”), at the wake confronting Aveli and his wife energetically, angry at them for not calling him in time to save Elisa.

The Italian community banded together once the police investigation started—rather than assess responsibility for a disorderly household and ill-prepared birthing to Aveli, they turned on “la India Manuela.” Despite his very public confrontation with Aveli over his responsibility in Elisa’s death, in his medical report the doctor singled out the “irrational” work of “la India Manuela”. Manuela offered Rodríguez, and the other witnesses that backed his account, an easy scapegoat: an impoverished elderly widow known around town primarily for her indigenoussness. Doctors often feuded with midwives when a patient suffered or died, but as the examples in Chapter Six show, doctors did not target non-professional healers when they deferred to them as Manuela had done when insisting to Aveli that he call for the doctor. Small-town doctors usually had more patients than they could adequately care for, and as long as they were not contradicted or ignored they relied on midwives, healers, and pharmacists to assist them in providing care. This seemed to be the case here, as Manuela’s account of the events that night (in which she begged Aveli to seek out the doctor) were uncontested by other witnesses.<sup>79</sup> When

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<sup>79</sup>Aveli continued to live in the *chacra* for half a year after Elisa’s death, before moving his family across the river, to the city of Neuquén, in the middle of 1906 with the intention of starting a business with his friend Felice. By the time the police investigation tried to find Aveli to question him about the events, they could not find him, concluding that he had probably left the country and returned to Italy, “to avoid justice” as one neighbor put it.



the police confronted the doctor about his heated exchange with Aveli—which seemed to contradict his professional assessment of guilt—the doctor tried to downplay it, explaining that the heightened emotions of the moment led him to say those incriminating statements that witnesses overheard.

After hearing from the Italian community, the midwife, and the landowner (whose testimony incriminated Aveli but did little to support Manuela), the local police submitted a report to the prosecutor recommending charges against Manuela. The prosecutor disagreed. Unable to find enough proof to charge anyone, the Viedma-based official expressed doubt that a crime had even been committed in the first place but that Aveli should have been the center of the investigation, not the indigenous midwife. In a pattern that later chapters will confirm, the power of federal appointees in the territorial capitals proved instrumental to defusing local prejudices and attempting to prevent brutal frontier justice, even when the investigations themselves were disruptive to local communities. The courts proved surprisingly resilient to easy scapegoating of indigenous subjects, even if they were not particularly sympathetic to them.

Decades later, in the mid-1930s, these strategies of *otherizing* suspects continued despite the very different socio-economic make-up of northern Patagonia. For example, during the fallout surrounding the charges against Cayetano Pampinella and Stanko Suvachor for the sexual corruption of Luciana Saavedra, those involved quickly resorted to racial and ethnic labeling in an effort to divert the state’s attention away from themselves.<sup>80</sup> Primarily, this case exemplifies the ways in which children and mothers could attempt to manipulate the investigation to use the state as a tool to get back at the abusive men in their lives, and the limits to those possibilities, which are further discussed in Chapter Four. But this case has an added ethnic layer. A surprising revelation reframed the alleged crime in starkly racialized terms, with the original suspect recasting himself as a tragic victim of scheming eastern Europeans and morally corrupt “Indians.” Half a century after the Conquest, in a county like Valcheta that still had a substantial proportion of indigenous population in the rural areas, labeling someone as “indigenous” (or, oddly, “aboriginal”) still carried enough weight to upend an investigation.

When two Valcheta neighbors (César Reavitz—a forty-eight-year-old Austrian breeder—and Aniceto Carranza—a peon) found a mother, Dominga Saavedra, and her three children whimpering in the street during chilly spring night in mid-October, 1934, they immediately notified the police. Sergeant Arce’s quest to uncover why they ended on the street took many circuitous turns: at times he believed he was investigating domestic abuse by a drunk concubine, at times uncovering child prostitution, and ultimately settling a family vendetta. Dominga

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The original investigation into Elisa’s suspicious death began in late 1905, shortly after her wake, but the investigator lost the file sometime in 1906. A new investigator was finally appointed in the summer of 1907, to both solve the original case, and investigate any possible corruption surrounding the disappearance of the first file. This unusual situation makes it hard to determine who initiated the police complaint against Aveli, but it was probably the landowner Borrajo or the doctor Rodríguez, since the second investigation starts with their testimonies, and reconstructs the case out from their list of witnesses. The second investigation determined that there had not been any wrongdoing in the first investigation, and the file had simply gotten lost. The time elapsed between the crime and the second investigation obfuscated the actual crime being investigated, as people’s testimonies were riddled with imprecise details and emotionally charged specificities (like the midwife’s recollection of Elisa’s bone-chilling screams as she arrived to the *chacra*).

<sup>80</sup> “Pampinella, Cayetano- supuesta corrupción menor; y Suvachor, Stanko- presunta violación de menor” Leg #1221-53779 (AHP-RN, JL).

accused her concubine, Cayetano Pampinella, of attempting to sell her daughter Luciana to a Yugoslav peon nicknamed “Tango,” a charge the police took seriously. When the accounts by Luciana and Dominga, as well as Cayetano’s own reputation in town as a violent drunk, made it seem like he would be charged with “corruption of a minor,” the Italian peddler changed the narrative by bringing attention to his accuser’s indigenoussness—specially Luciana’s “interest in boys” and Dominga’s “different concept of honor.”<sup>81</sup> For good measure, he also cast his supposed “customer” in the transaction, Stanko, as a morally bankrupt recent immigrant with strange and dangerous sexual rituals. The Yugoslav was confused by the entire situation, unsure why his soon-to-be wife and her mother were alleging that he had purchased her from Pampinella. Arce’s investigation not only had to piece this complicated narrative together, but also had to parse the accusations, innuendos, and lies to determine if a crime had been committed at all.

Sergeant Arce uncovered three contradictory narratives. The first narrative, advanced by the town’s rumor mill, suggested that Cayetano had thrown Dominga and her daughters out because she had refused to allow him to “turn Luciana over” [“entregarla”] to one of his friends, who had paid him money to “acquire” the teen. The testimony by Dominga and Luciana buttressed this version of the story. Dominga described a strange situation unfolding over several weeks: Stanko (who everyone called “Tango”) had been courting Luciana with gifts and making strange advances towards the teen, including an awkward, half-naked encounter in the backyard that Pampinella had facilitated.<sup>82</sup> Dominga recalled witnessing an exchange of money between “Tango” and Pampinella, which she suspected was payment for the teen. Luciana testified that she had returned to the house on the afternoon of the confrontation when “Tango” tried to force himself on her, while Pampinella attempted to convince her that she “ought to sleep with her boyfriend.” When she began crying, they relented and kicked her out of the house. Dominga arrived home later, found Luciana on the street and confronted Cayetano, who told her to leave as well. Based on these testimonies the police proceeded to detain him, noting that he “appeared clearly drunk” and deposed him a few days later.

The second narrative, advanced by a desperate Pampinella after a couple of sobering days in the town’s jail, not only exonerated him but shifted the blame to the teen and her mother. Cayetano Pampinella—a fifty-five-year-old Italian peddler, who had arrived in Argentina a quarter century earlier—had settled in Valcheta to cater to the growing workforce extending the rail line westward to the Andes.<sup>83</sup> Pampinella peddled fruits and pastries at the train station, where he met “Tango” and recruited him as a customer for Dominga’s laundry service. After dropping off laundry one day the Yugoslav had expressed interest in marrying Luciana, and had begun bringing Luciana presents and giving Dominga and the younger children sweets in order to court the entire family. Pampinella suggested that Luciana and her mother welcomed the

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<sup>81</sup> The original reads: “que tenía otro concepto del honor que los aborígenes, se negó a que en su casa se realizara la prueba.”

<sup>82</sup> She recalled one occasion, when Pampinella was not home, she saw the suitor take Luciana to the backyard. When she went to check on them after she heard Luciana whimpering, she noticed the girl's underwear were around her ankles, and she was "mojada en las partes genitales... Y que su novio le había estado refregando el miembro y la había mojado mucho." She did not tell her concubine, since “he would not pay any attention” to her.

<sup>83</sup> Police records indicated that he had been charged with murder in self-defense once in Carmen de Patagones, but he was absolved of any wrongdoing.

courtship and claimed that he had caught them *in flagrante* once after arriving home early (he knew they were up to something when he saw the Yugoslav’s “exposed genitals”). Having challenged the idea that he had tried to sell Luciana, Pampinella shifted gears in his deposition and began making allegations against the Yugoslav and the women. Pampinella claimed that he had long noticed Luciana’s heightened attention to boys and feared that she was becoming too involved with people of dubious morals, and pressured Dominga to find a suitable match. The Yugoslav was undeterred by the teen’s reputation and began to press for a “night date” with Luciana as a final “test” before marriage, as was “tradition in his homeland,” according to Pampinella. In explaining his opposition to this “premarital test” in his home, the peddler claimed that he had a “different concept of honor than the *aborigenes*”—which explicitly introduced their indigenusness into the investigation.<sup>84</sup>

Even before Pampinella’s attempt to reframe the investigation around the women, the police had already gleaned subtle clues of the women’s cultural background. For example, the doctor’s forensic report on Luciana’s physical and psychological wellbeing (an automatic step in cases of child abuse) had coded language suggesting indigenusness. The doctor concluded his assessment of the teen by arguing that “given the rudimentary mentality of the child, and the *disastrous domestic moral environment in which she lives ... she is not capable of properly assigning moral value to her actions, or to actions done to her.*”<sup>85</sup> The doctor’s assessment echoed the prosecutor’s positivist assessment of Margarita forty years earlier, even if the indigeneity of the teenager was not explicitly mentioned. Another clue came from Dominga’s inability to produce a birth certificate for Luciana, who she believed was fourteen, but the doctor estimated she was “about twelve.” Dominga claimed that she had forgotten to register the birth with the state and she “seriously doubted” that the teen’s father, Gerónimo Railef (an indigenous last name), had done so. Despite having all these implicit clues since the beginning of the investigation, it was not until Pampinella’s explicit mention of a different (looser) set of *indigenous* morals that the police began to consider an alternate narrative—which he corroborated with a series of informal interviews with the women.<sup>86</sup> The contents of those interviews never made it to the court records, and are only alluded to tangentially, but the women seemed to have admitted that there had not been an attempt to sell the teenager.<sup>87</sup> The investigator wrote a small summary in the file dryly stating that he was changing the direction of

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<sup>84</sup> The original reads: “que tenía otro concepto del honor que los aborígenes, se negó a que en su casa se realizara la prueba.”

<sup>85</sup> Emphasis added. The original reads: “dada la rudimentaria mentalidad de la misma y el *ambiente moral familiar* en que vive que es desastroso, no está capacitada para asignar valor a los actos que ella cometa o efectúen contra ella.”

<sup>86</sup> It would be hard to understate how intimidating the inquisitive nature of the Argentine judicial process could be for the witnesses. The investigators and the prosecutors would ask very pointed questions designed to elicit particular answers from them, occasionally allowing them to offer open-ended answers, but not often. In this case, the investigator’s off-the-record questions might have intimidated the women into changing their testimony, but the addition of other dissenting testimony collected afterwards suggests that Luciana’s “confession” was legitimate.

<sup>87</sup> Although it would not be hard to imagine coercion or foul play to intimidate the women into changing their testimony, the investigator seemed genuinely zealous in his attempts to find and punish the people involved in the alleged attempted rape, making him an unlikely candidate to intimidate the key witnesses.

the investigation since he now believed that the original narrative had been an attempt by the women to get back at Pampinella for his constant abuses and harassment.

Having abandoned the original narrative and unconvinced by the second narrative, the police investigator still had one last crime to investigate: the statutory rape of the minor. The doctor’s report noted that the teen had in fact had intercourse at least once and both Pampinella and the women agreed that Stanko Suvachov had had intimate encounters with the teen, making him the prime suspect. When the police finally deposed Suvachov, a thirty-one-year-old Yugoslavian peon living in the country for about four years, he seemed confused and angry about the investigation, unaware of his involvement in the family drama. He denied courting the teen for months, claiming that two weeks earlier, when he had come to pick up his clean clothes from the laundress (Dominga), Pampinella introduced the teen to him. He recalled Cayetano offering Luciana to him in marriage but no exchange of any kind had been discussed, and with the mother’s blessing he had begun courting the teen. He had brought presents for Dominga and her daughters which they “rudely” refused, and routinely visited Luciana since he wanted to “get to know” his future wife. He denied the allegations that he had had sex with the teen, much less forced himself on her, as she had alleged in the original complaint. This third narrative, substantially different from Luciana and Dominga’s recanted original testimony as well as Pampinella’s understanding of the events, was also the simplest one. However, without any material evidence or corroborating witnesses (like the neighbors and bystanders who repeatedly intervene in he-said-she-said cases of domestic disputes in Chapter Four), the police continued the investigation.

In a highly unusual step the police investigator assigned Sergeant Arce to secretly follow Stanko and Luciana for several days to corroborate their story. Arce reported that almost every afternoon, after Pampinella had left the house to go to work, Suvachov would sneak in and stay for several hours (“well after sunset”) alone with Luciana. They confronted Dominga and Luciana with the information provided by Suvachov’s testimony as well as Arce’s observations. Beleaguered, Luciana finally corroborated the Yugoslav’s narrative, and confirmed the “secret” encounters in Pampinella’s house, which Dominga had agreed to. Within days the couple was married and all the charges against both Cayetano and Stanko were dropped. In a concluding deposition, the Yugoslav, upon being told of Pampinella’s concerns about the girl’s sexuality, reaffirmed his commitment to marrying Luciana. He believed that he could “shape her” [“amoldarla”] into the kind of wife he wanted, since he had always wanted a “poor wife.”

This case exemplifies two key features of the “skeletal state” arrangement—how accessible it was for residents to access justice, and how susceptible the process was to innuendo. Luciana and Dominga were able to easily craft a narrative of Cayetano Pampinella as a quasi-pimp, which they probably knew would compel the police to arrest him and thoroughly investigate the events, given his reputation in the community as an abusive drunk. Pampinella’s counter-narrative, on the other hand, painted everyone else as “other” in an attempt to exonerate himself: Dominga’s indigenous culture made her “promiscuous and dishonorable,” Suvachov’s status as a “strange” new immigrant with odd rites made him an easy scapegoat, while Luciana was recast as a sex-crazed teenager in dire need of discipline and guidance. Ultimately, Pampinella’s strategy worked; he managed to convince the investigator to start the off-the-record interviews, turning the investigation away from him and ultimately exonerating him. In and of itself that original narrative spun by Luciana played on anxieties and expectations of teenage indigenous girls being sold into marriage, or exchanged for gifts. All the sordid and lurid details of exposed bodies and coercive behavior adorn an otherwise straightforward family dispute that

attempted to recruit the state apparatus in Patagonia to their behest in punishing an abusive patriarch. Given his reputation in town, Pampinella’s gambit of taking advantage of the prejudices, anxieties, and expectations against indigenous people and recent immigrants (collectively a large swath of the population) to deflect the investigation proved to be clever. In a recently incorporated frontier zone like Patagonia, “otherness” and the perception of acting like an outsider could be a singularly powerful weapon in trying to determine if someone’s behavior was criminal.

### Conclusion

Until fairly recently, most studies of indigenous peoples in Patagonia aimed mainly to prove that they survived the Conquest of the Desert. From demographic studies of original census forms and oblique government communications, to careful examinations of travel narratives and local histories, scholars established the baseline survival of indigenous subjects in Patagonia which the triumphant narratives of the 1890s and beyond had managed to erase. The disjointed nature of the government action in Patagonia during the military campaign and immediately after left a large number of indigenous people dispersed across the region, with the expectation that they would slowly incorporate into the nation. This chapter has argued that the structure of the state in northern Patagonia (the centralization of power in the judicial branch, the absence of local government, and the reliance on non-state institutions of social control) proved critical to the partial assimilation of indigenous people to broader Patagonian society. It has also pushed back on the notion that the judicial system in Patagonia was geared *primarily* towards breaking down (“disarticulating”) indigenous cultural norms, criminalizing their economic activities, and disbanding their families. Although these actions took place—as the example of judge Arce’s ambitious scheme—they were part of a broader, more accommodating judicial attitude towards indigenous subjects.

The courts offered indigenous people in Patagonia an array of tools with which to interact with the state to achieve their goals. Together with their allies and advocates, indigenous people were keen to mobilize “indigenusness” to both compel the state to act, or to block its actions. Nahuelcheo, for example, emphasized his own “civilized” behavior in his attempt to spur the state into action, while subtly painting his rival’s behavior as “indigenous” and worthy of police attention. The existence, or the perception of the existence, of a “Ley de Indios” existing under the surface was used by indigenous people and their advocates to inject positivist judicial principles into the proceedings, resulting in the legal incompetence of suspects and victims. Similarly, the perception of a wide-ranging cultural network of indigenous practices (like the sale of teenage brides) justified the creation of an ad hoc system of abduction, detention, and indentured to the prominent families or religious institutions. In local disputes, cases in which individuals attempted to displace guilt away from themselves and towards marginalized indigenous subjects proved surprisingly unsuccessful. Ultimately, the centralization of state power in the judiciary, in particular prosecutor and judges in Viedma and not in local governments, meant that the concerted efforts by communities and individuals to try to scapegoat indigenous people by alluding to their “otherness” had very limited success. In the eyes of the state officials indigenous people were more than “warriors turned into criminals.” In idiosyncratic ways, they helped shape Patagonia’s own variety of citizenship and established the parameters of exclusion, belonging, and access to justice.

## Chapter Two- “Embracing Civilization”

Shorthanded, the state began to lean more heavily on non-state actors to help it administer the national territories; these relationships prioritized economic convenience over establishing legitimacy. Religious orders, military bases and private families became *ad hoc* solutions to house, educate, and punish poor (mostly indigenous) transient people. Government policy towards the conquered indigenous people lacked any overarching guiding principle, oscillating from incorporation to exclusion, and leading to the *perception* that indigenous people—or at least indigenous culture—had disappeared. Throughout the period, however, state representatives, settlers, and indigenous subjects used indigeneity as powerful legal tool to either incriminate or exculpate suspects, tapping into a deep reservoir of shared cultural misreadings.

**Part II: People and Networks (1890s-1920s)**

The first two decades of the twentieth century saw northern Patagonia undergo a radical transformation. Transatlantic immigrants followed the rails south and west, while Chilean immigrants settled eastward from the Andean valleys, mixing with Argentine settlers and the surviving indigenous peoples. The growth, and heterogeneity, of Patagonian society in the early decades of the century gave the “skeletal state” arrangement an increasingly nimble character. Social relationships—carefully expanded, curated, and protected—within towns and throughout the region became important ways to insulate civil society from the arbitrary power of local authorities.

The chapters in this section—the first one dealing with the arrival of immigrants and the consolidation of immigrant society in the frontier, and the second one with the negotiation of patriarchy and state power in family disputes—explore the creation and interplay of two types of social networks. The first type included municipal elites and local representatives of the state, like policemen, who created an extra-legal social order designed to resolve social conflict quietly and away from the courts. The second kind of social relationships developed as a way to bypass those local arrangements. These second types of social networks were highly dependent on social standing, and worked by mobilizing outside influences (federal judges, governors, and authorities in Buenos Aires) either directly or through the media, to break through local arrangements and facilitate access to justice. Chapter Three focuses mainly on public conflicts and the ways access to social networks worked to solve, or suppress, them; while Chapter Four explores how resolving private conflicts depended on the public perception of those involved.

## Chapter 3

### Under an Uncertain Flag:

#### Immigrants and the State

*“The plant of civilization does not grow from seeds, but rather, like a vine, takes hold from a cutting.”*

—Juan Bautista Alberdi, in his influential treatise advising the 1852 Congressional Convention, which enshrined the pursuit of immigration into the Argentine Constitution.<sup>1</sup>

While out on a routine patrol on the morning of 6 April 1930, the *sub-comisario* of Neuquén noticed that Carlos Busso, a sixty-year-old Italian merchant who had lived in the country for almost half a century, had raised an Italian flag in the heart of the city, a mere block from the governor’s residence. Fearing sedition, the *sub-comisario* charged that the Italian flag flew defiantly alongside the Argentine one in violation of 1889 presidential decrees regulating the display of foreign symbols.<sup>2</sup> The merchant explained that he had decided to fly the flag to commemorate the opening of his new store in a prominent downtown location, assuming that he would not run into any trouble even though it was not one of the pre-approved “national celebrations days” (when he could normally fly the Italian flag).

The location of the defiant flag underscored the important role of immigrants to urban life in Patagonia, as they tended to be overrepresented in the commercial, industrial, and financial sectors in most frontier towns. Busso’s success had allowed him to open a store close to the seat of regional power, and he thought to celebrate his achievement by proudly displaying his national flag during the opening. The success of the Argentine state depended on these kinds of self-styled “pioneers” setting up, expanding, and consolidating their enterprises in the frontier, attracting more immigrants to the area as it developed. Paradoxically, the success of immigrants in Patagonia made their alliance with the state an uneasy one, as the concentration on the frontier of foreign-born individuals of uncertain allegiance was seen by some as a threat to Argentina’s territorial integrity. Beyond the flag itself, the interaction between the immigrant and the *sub-comisario* showcased the vulnerability of the former and the power of the latter.

The *sub-comisario* chastised the immigrant merchant during the deposition, reminding Busso that the offense was severe enough to land him in jail for four days if he did not pay the (very small) fine. The Italian merchant refused to budge, daring the police to escalate the situation, which the *sub-comisario* happily did. The file was sent to the justice of the peace, who usually collected fines for small infractions of the rural and municipal codes. The justice of the peace noted that this particular infraction violated a presidential decree instead of a local law,

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<sup>1</sup> Juan Bautista Alberdi, *Bases y puntos de partida para la organización política de la República Argentina* (Buenos Aires: Ed. Libertador, 2005), 59-- the original reads: “La planta de la civilización no se propaga de semilla. Es como la viña: prende de gajo.”

<sup>2</sup> “Busso, Carlos- infracción (vuela bandera italiana más altamente que la argentina),” Leg# 1930-314, f.689 (Archivo Justicia Letrada, Territorio de Neuquén, hereafter AJL-TN).



and thus forwarded the file to the federal judge's office. The file remained unattended in the judge's office for over a year. Eventually the prosecutor recommended the case be dismissed, given the casual nature of the infraction and time elapsed since the arrest. The judge agreed, ending the case in an anticlimactic dismissal.

The *sub-comisario's* zealous pursuit of the infraction, and the judge's rather indifferent response to the case, offer a glimpse into the uneasy, ambivalent relationship between immigrants and the "skeletal state." The *sub-comisario* probably knew Busso beforehand, and the shakedown could have had deeper roots (merchants and police had a fraught, co-dependent relationship in northern Patagonia, which Chapter Five explores in detail), but on the surface it appears to be a chauvinistic reaction to a perceived disloyalty. The judge, on the other hand, had no reason to fear Busso, nor did he seem particularly worried about enforcing a forty-year old presidential decree. His isolation guaranteed a semblance of outside accountability to immigrants enduring the excesses of local authorities. Even so, the case underscores how even in 1930, after half a century of settlement and Argentine rule, anxieties over immigrants and their role in frontier society remained.

Following the removal, dispersal, and marginalization of indigenous peoples during the Conquest of the Desert, the government needed to repopulate Patagonia to solidify its hold on the region against competing international claims. The frontier proved a particularly advantageous setting for the emergence of a well-connected immigrant elite, who played an important role in developing northern Patagonia. Immigrants benefitted from the absence of a preexisting political or social elite following the Conquest, and they were able to establish an economic foothold in the main urban centers, spearheading a commercial expansion into the hinterlands. They consolidated their economic gains by forging tight socio-cultural associations that operated within their communities and even spoke at times for the broader public. The waves of immigrants arriving in northern Patagonia from Chile, Europe, and the Middle East created dense social networks—a web of formal associations and informal relationships—which they used to deflect the coercive power of the state. Immigrants also found those networks useful in enlisting the state's power to protect compatriots and harass rivals. Through their extended social networks, the influence of their formal associations, and their staunch allegiance to the Argentine government, immigrants in northern Patagonia found in the bare-bones institutional framework of the "skeletal state" a beneficial arrangement which they were particularly well suited to exploit.

Despite their critical role in securing and developing the frontier, immigrants between the 1890s and 1930s held an uncertain place in the plans of government officials at the highest levels. The ambivalence stemmed from two competing visions for the country in late-nineteenth and early-twentieth century Argentina: a "nationalist" one and a "cosmopolitan" one. The cosmopolitan current sought an "open, tolerant, and integrated" nation—if not for altruistic reasons, simply because of the urge to attract European immigrants to populate the country.<sup>3</sup> The nationalist current, feeling "suffocated" by the daily arrival of thousands of unassimilated Europeans, sought to ensure the Argentinization of that immigrant "threat"—in particular given the palpable fear that their home country might use them to undermine Argentina's sovereignty.<sup>4</sup>

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<sup>3</sup> Lilia Ana Bertoni, *Patriotas, cosmopolitas y nacionalistas: la construcción de la nacionalidad Argentina a fines del siglo XIX*, Sección de obras de historia (Buenos Aires: Fondo de cultura económica, 2001), 10.

<sup>4</sup> Bertoni, *Patriotas, cosmopolitas y nacionalistas*, 17–21.

As early as the 1910s, and decisively in the 1920s, the nationalist current won out, restricting foreign-language education, limiting celebrations of national holidays, and undermining immigrants' sociopolitical rights, in particular after immigrants were linked to the social unrest of the early part of the century. Embodying the nationalist current was the Liga Patriótica Argentina. The Liga Patriótica was a violent nationalist association of military men and members of the political elite, established in 1919 as a response to social unrest, which grew in importance during the 1920s. Members of the Liga Patriótica were key players in the massacre of about 1500 workers in the Far South between 1920-1922 (an event known as the "Patagonia Trágica" or "Patagonia Rebelde") and helped usher in a conservative coup in 1930 by fomenting unrest.

In northern Patagonia, the struggle between openness and exclusion was particularly difficult to negotiate, in part because of the absence of an established national elite, and in part because of the critical role played by immigrant groups in developing the region. Immigrants in the frontier learned to navigate the "skeletal state" arrangement by using their ambiguous status within it, and by mobilizing their far-reaching social networks. In fact, immigrant groups proved particularly adept at establishing and expanding social networks, from their employees in remote outposts, to their commercial partners in the regional capitals and beyond. Eventually, they grew adroit at managing the overlapping levels of state bureaucracy, occasionally even relying on their national, and international, connections to apply pressure on local officials. Argentina was caught in an untenable situation, by relying heavily on immigrants to shore up its claim on Patagonia it filled a contested border region with people of unclear loyalty. Unsure of the immigrants' allegiance, Argentine statesmen responded with ambivalence, accommodating immigrants even as they remained uncertain of which flag they followed.

Busso's case offers a launching pad to examine immigrants in northern Patagonia and their unique relationship to the frontier state. How significant were immigrants, individually and as a group, to northern Patagonia? What tools did they have to ensure their own success in the frontier, both within the institutions of the state and outside of them? How did the Argentine state try to gain the allegiance of immigrant communities? In short, how did the arrangements of the "skeletal state" work for immigrant groups?

This chapter looks at how immigrants arrived in Patagonia, where they settled and why, before turning to the conflicting efforts by state representatives to make immigrants into loyal subjects. Finally, using three examples of how immigrant social networks operated to alternately engage and deflect the state, this chapter offers a "typology of conflict" to illustrate how the ambivalence and anxiety about immigrants played out on the frontier. The chapter ends by revisiting the case of Busso's flag, placing it in the context of a changing attitude towards immigrants, nationally and regionally.

### **Background: Chileans, Europeans and Argentines in northern Patagonia**

The population of northern Patagonia grew progressively more Argentine-born each decade, but this broad trend obscured subtler changes in the provenance and distribution of foreign-born settlers: the Chilean-born population was replaced by trans-Atlantic immigrants, who tended to settle in urban areas. The data from the two national censuses during this period (1895 and 1914) offer a limited and somewhat problematic picture of the demographic changes in northern Patagonia. Critics have noted the absence of categories for indigenous people, who were either labeled as Argentinean or Chilean, and the unreliability of the figures for the more

Table 1

Total population breakdown for northern Patagonia, divided by nationality.

Year	Río Negro			Neuquén			Northern Patagonia		
	Argent.	Foreig.	Total	Argent.	Foreig.	Total	Argent.	Foreig.	Total
1895	7,614	1,627	9,241	5,505	9,012	14,517	13,119	10,639	23,758
	82%	18%	100%	38%	62%	100%	55.22%	44.78%	100%
1914	27,369	14,873	42,242	15,545	13,319	28,864	42,914	28,192	71,106
	65%	35%	100%	54%	46%	100%	60.35%	39.65%	100%
1920	29,490	13,162	42,652	17,492	12,292	29,784	46,982	25,454	72,436
	69%	31%	100%	59%	41%	100%	64.86%	35.14%	100%
Post- 1930	111,683	22,667	134,350	30,506	11,735	42,241	142,189	34,402	176,591
	83%	17%	100%	72%	28%	100%	80.52%	19.48%	100%

Note: the last row contains data from a Territorial census in the case of Neuquén (1931), and a national census in the case of Río Negro (1947).

remote and rural districts which suffered from dramatic underreporting.<sup>5</sup> Additionally, the labels ascribed to settlers sometimes obscured their national origin, as German immigrants who had first settled in Chile before arriving in Patagonia were alternately identified as “Chilean” and “German,” making extrapolations necessarily inexact. Refining the census data with a series of small, regional demographic surveys reveals how heterogeneous northern Patagonia became during the “skeletal state” period, and how much of its demographic growth came from immigration.

Demographic growth in northern Patagonia was surprisingly fast in the first couple of decades after the Conquest. In fact, as discussed in Chapter One, the Territory of Río Negro had already reached the required 30,000 inhabitants threshold to convene a legislature by the 1914 census, and the Territory of Neuquén had almost reached that milestone as well (see Table 1 above), a growth fueled in no small part by immigrants. Consider that in Río Negro the Argentine-born population increased by a factor of 3.5 in the twenty years between the 1895 and 1914 census, while the foreign-born population increased almost ten times. In Neuquén the trend was reversed (the Argentine-born population tripled while the foreign-born population increased by a mere 50%), but foreigners there accounted for almost half of the total population, with an overwhelming preponderance of Chilean-born settlers.

During most of the period of the “skeletal state” the largest immigrant community in northern Patagonia came from nearby Chile (see Table 2). Chileans were the least visible immigrant group in the region as they filled the ranks of landless peons, and they formed fewer

<sup>5</sup> Beatriz Moldes and Jorge R. Entraigas, “La población del Territorio Nacional del Río Negro. Un aporte al conocimiento de sus principales características demográficas (1884-1955),” in *IX Jornadas Argentinas de Estudios de Población* (Asociación de Estudios de Población de la Argentina, 2007), 3; César A. Vapnarsky, *Pueblos del norte de la Patagonia, 1779-1957* (Buenos Aires: Centro de Estudios Urbanos y Regionales, 1983), 41, 104.

cultural associations, because of their larger numbers, the intended temporary nature of their stay in Argentina, and their reluctance to *become* Argentine.<sup>6</sup> The consolidation of land into *latifundia* in Chile after 1880 forced thousands of displaced peasants into Argentine Patagonia, settling as subsistence farmers and ranch-hands in the Andean valleys, at least at first.<sup>7</sup> By 1890, in northwestern Patagonia the population was fairly evenly split between Argentine and Chilean settlers. Those classified as “Argentine” were mostly demobilized military personnel and those in supporting roles to the military, including “friendly” indigenous people. Those labeled as “Chilean” were members of the displaced rural population of southern Chile who settled down in the Andean valleys, interspersed with people of indigenous descent who had been concentrated there by the Conquest.<sup>8</sup>

The broad census label of “Chilean” covered a heterogeneous population. The majority of the people crossing the Andes and heading to the plateaus were unskilled laborers from the island of Chiloe (known as “Chilotes”), followed by residents of the Araucania region, and a small but important group of second-generation European immigrants who sought to turn their family connections on the Pacific coast into profitable commercial networks in northern

Table 2

National origin of immigrants in Northern Patagonia

Year	Río Negro			Neuquén			Northern Patagonia		
	Chilean	Other	Total	Chilean	Other	Total	Chilean	Other	Total
1895	689	938	1,627	8,861	151	9,012	9,550	1,089	10,639
	42%	58%	100%	98%	2%	100%	89.76%	10.24%	100%
1914	5,454	9,419	14,873	11,806	1,513	13,319	17,260	10,932	28,192
	37%	63%	100%	89%	11%	100%	61.22%	38.78%	100%
1920	4,032	9,130	13,162	10,590	1,702	12,292	14,622	10,832	25,454
	30%	70%	100%	86%	14%	100%	57.44%	42.56%	100%

Note: The category of “others” include a significant number of Spanish and Italian immigrants, as well as small contingents of German, French, English, Swiss, Russian, and Middle-Eastern immigrants.

<sup>6</sup> Laura Méndez, *Estado, frontera y turismo: historia de San Carlos de Bariloche* (Buenos Aires: Prometeo Libros, 2010), 98–100.

<sup>7</sup> Gabriel Rafart, *Tiempo de violencia en la Patagonia: bandidos, policías y jueces: 1890-1940* (Buenos Aires: Prometeo Libros, 2008), 96–99.

<sup>8</sup> Graciela Iuomo, “La historia política en Neuquén. Poder y familias libanesas,” *Centro de Estudios Históricos de Estado, Política y Cultura (CEHEPYC)- Working Papers*, Consejo Latinoamericano de Ciencias Sociales (CLACSO), 2000, 3.

Patagonia.<sup>9</sup> The more remote and isolated Andean districts, like the *departamentos* of Chos Malal, Ñorquin, Las Lajas, Minas, Los Lagos, and Bariloche, had a significant population of Chilean origin. In most of those districts the number of Chilean-born residents matched fairly evenly with the number of Argentine-born ones, as late as the 1914 census. In one remote *departamento*, Minas, Chileans even represented an absolute majority, 1,613 out of 3,203 total residents.<sup>10</sup> Until the third decade of the twentieth century, the overwhelming majority of non-Argentine population in the Andean valleys was Chilean, as part of a largely ad-hoc migratory process that Argentine authorities neither encouraged nor fully accepted.

The arrival of European-born immigrants to northern Patagonia, however, was not accidental. As the epigraph for this chapter suggests, the Argentine government had a longstanding plan to transplant European bodies, and crucially also European civic virtues, into the frontier. In the first few years of the twentieth century, the Argentine government distributed booklets in several languages across Europe to encourage migration to northern Patagonia. The booklets announced favorable deals to acquire land along the Río Negro valley, with minimal initial investment and flexible payments if tenants made infrastructural improvements to their parcels.<sup>11</sup> The campaign was a success, as the foreign-born population of the upper and lower Río Negro valley exploded in the following decade, and as individuals and entire “immigrant colonies” acquired land. Efforts to encourage population growth outside of the fertile valley had mixed results. The ambitious *Ley de Fomento de los Territorios Nacionales*— a 1908 plan to systematically develop and distribute land in the central plateaus— managed to attract settlers to the region, even if it failed to reach the policymakers’ lofty expectations and was largely abandoned by 1916. Demand for land had remained low throughout the program’s life, but it did spur construction of the state-owned railroad line that would slowly and steadily open up the central plateaus to migration.

By the first decade of the twentieth century European-born populations had begun to displace Chileans in the principal urban centers. For example, a 1903 informal survey by the Telegraph and Post Office in Neuquén (which would become the territorial capital the following year) reported that out of 427 residents, 257 were foreign-born, mostly from Chile. A short ten years later, the town of Neuquén and the surrounding county (Confluencia) boasted 521 Spaniards and 146 Italians (up from 20 and 8, respectively, in 1895) compared with less than 1,300 Argentines (barely up from the 1,130 registered in the 1895 census), and around 400 Chileans (severely reduced from the almost 1,200 from the 1895 census).<sup>12</sup> This reflected a

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<sup>9</sup> Susana Beatriz Torres, “Grupos inmigratorios y relaciones identitarias en algunos centros urbanos de la Patagonia,” in *Hecho en Patagonia: la historia en perspectiva regional* (Neuquén: Universidad Nacional del Comahue, 2006), 260–61.

<sup>10</sup> These correspond to the 1904 *departamentos*, and reflect the census data from 1914. Armed with the new demographic data, the Argentine government further subdivided Río Negro and Neuquén in 1915, creating several smaller *departamentos* which they believed would better help administer the region. *Tercer Censo Nacional (1914)*.

<sup>11</sup> Vapnarsky, *Pueblos del norte de la Patagonia*, 166.

<sup>12</sup> *Tercer censo nacional, levantado el 1° de junio de 1914* (Buenos Aires: Talleres gráficos de L. J. Rosso, 1916), 2: 380; *Segundo censo de la República Argentina, mayo 10 de 1895, resúmenes definitivos: población nacional y extranjera, urbana y rural* (Buenos Aires: Taller tipográfico de la penitenciaría nacional, 1897), 2: 661.

displacement of earlier settlers (perhaps with tenuous land claims) by newly arriving ones with resources and connections to not only occupy the territory but to dictate how it would evolve. In other words, European-born immigrants represented the main source of population growth in the *Confluencia* region of Neuquén, just as it became the political and economic center of northwestern Patagonia.

Viedma, and its surrounding *departamento*, had the largest and most multinational population in all of Patagonia. As early as 1895 Viedma had more urban residents than the rest of the Río Negro territory combined (1,360 out of a total of 2,626), and almost 50% more urban residents than the entire Neuquén territory (which had only 900). By 1914, Viedma's population was overwhelmingly Argentine-born (2,929 urban residents), but had significant groups of Italians (540), Spaniards (414), Chilean (72), German speakers (85, which included 38 Germans, 42 Austro-Hungarians, and 5 Swiss), French (59), "Ottomans" (40), as well as smaller contingents of Russians, Greeks, and Portuguese, and even families from England, Holland, Romania, Norway, and Denmark.<sup>13</sup> Less than a hundred combined Paraguayans, Uruguayans, and Brazilians rounded off the international community of the oldest settlement in Patagonia.<sup>14</sup> Despite representing an absolute majority of the immigrant population in northern Patagonia (over 60% in 1914) Chileans had been marginalized in the centers of political power, adding to their lack of visibility. This pattern continued in other urban areas.

The arrival of the railroad, and natural disasters, served as a catalyst for transformation of the upper Río Negro valley, as trans-Atlantic immigrants replaced Chilean ones at the turn of the twentieth century. The railroad connecting southern Buenos Aires with the Río Negro valley and Neuquén facilitated the arrival of immigrants from Europe and the Middle East to the frontier. For example, the journey from Buenos Aires to General Roca had been a five-day ordeal that included rail, mule, and barge transportation, but became a fairly pleasant "thirty-seven-hour voyage in sleeping-cars with a restaurant" with the arrival of the railroad in 1899.<sup>15</sup> A flood later that year would completely destroy the town (and delay the continuation of the rail line further west for a couple of years), dispersing the original settlers. The county around Roca boasted a significant urban population fairly early: in 1895, 61% of the *departamento* lived in the town of Roca itself, and by 1914 the urban population had almost fully recovered from the flood, reaching an estimated 47% of the total.<sup>16</sup> As the total proportion of foreign-born settlers in General Roca steadily rose between 1886 and 1905 (from 17% to over 26%), the Chilean-born population declined both in absolute numbers but also relative to overseas migrants—the flood expelled Chilean residents as more European-born ones arrived. This demographic shift

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<sup>13</sup> Settlers from the Ottoman Empire present a particularly complicated taxonomy. The census simply labeled everyone with an Ottoman passport as "Ottoman," but they were colloquially known as "Turks" in the country at the time ("Turcos"). However, a large proportion of those arriving were Syrians and Lebanese, who tended to organize in the country as a combined community: the Sirio-Lebanese community. To avoid further complicating matters, I have kept all three labels, depending on how the source itself identified them.

<sup>14</sup> *Segundo Censo Nacional (1895)*, 635–40; *Tercer Censo Nacional (1914)*, 379–88.

<sup>15</sup> Vapnarsky, *Pueblos del norte de la Patagonia*, 140--Vapnarsky quotes a 1902 report by Gabriel Carrasco who traveled from Buenos Aires to General Roca.

<sup>16</sup> *Tercer Censo Nacional (1914)*, 380.

coincided with a decline in employment in agriculture and a sharp increase in employment in “secondary and tertiary” economic activities, which Europeans dominated. The combined urban population of Chilean, Spanish, and Italian origin outnumbered the Argentine by 1914, with some token representatives from other countries (surprisingly: one Cuban, three “undetermined Asians,” and four Moroccans) and a tight-knit Sirio-Lebanese community rounded off the melting pot in General Roca (more on this last community in a later section of this chapter).

Areas isolated from the rest of northern Patagonia, but connected economically with Chile, were less appealing to overseas immigrants. However, some still ventured into remote Andean outposts and the rugged plateau in a quest for new markets, without established competitors. Sirio-Lebanese immigrants, in particular, pursued a strategy of actively *avoiding* any overlap with other “countrymen,” which encouraged them to settle in fringe areas.<sup>17</sup> This level of coordination and cooperation within immigrant communities and between different national groups highlights the vibrant complexity of their social relations. To some of the ways in which migrants turned those interpersonal relationships into commercial and social networks we now turn.

### **The backbone of civil society: ethnic enclaves, economic expansion, and associations**

The settlement of immigrants in northern Patagonia was not haphazard—it followed a staged migration, using the railroads as well as established social connections—and once established they translated economic success into sociopolitical power. Whether they went into towns without any countrymen or settled in established enclaves, immigrants used their cultural, genealogical, or economic networks to secure their position in those towns. In many cases, those networks they built and expanded became the backbone of civil society in their communities. Economic success brought more people to frontier outposts, but it fell to social and cultural associations to tie the immigrant communities together. These kinds of “volunteer associations” provided recent arrivals with a way to “re-create secondary social networks” in their new towns, which they did enthusiastically. As a scholar of immigrant communities colorfully put it, “immigrants constitute a particularly associative species of the human fauna.”<sup>18</sup> In Argentina, like other immigrant-receiving areas of the Americas, this “associational instinct” of immigrants allowed those members of the community with the resources to establish, maintain, and profit from commercial connections built upon those associations. These kinds of “call-back chains” shaped the formation of regional elites by tying together newly arrived immigrants in the hinterlands with their more established countrymen in Buenos Aires, or other big cities, eventually coalescing in formal associations.

The majority of the overseas migrants arrived in their Patagonian destinations with at least some previous acculturation in Buenos Aires, and they established personal, business, and

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<sup>17</sup> Liliana Ana Bertoni, “La inmigración sirio-libanesa en América Latina. De Turquía a Buenos Aires. Una colectividad nueva a fines del siglo XIX,” *Estudios Migratorios Latinoamericanos* 9, no. 26 (1994): 26.

<sup>18</sup> Jose C. Moya, *Cousins and Strangers: Spanish Immigrants in Buenos Aires, 1850-1930* (Berkeley: University of California Press, 1998), 277, 300—Moya argues that this “mania for associations” was unsurprising when considering that traditional institutions (like Old-World kinship networks or parish churches) and newer ones (an incipient welfare state and corporations, for example) were not particularly effective in satisfying social needs, leading to the gravitation towards associations.

cultural connections that would prove invaluable in the frontier. While immigration to Argentina peaked between 1900 and 1910, the inflow of immigrants to Patagonia peaked in the following decade. Demographers have reasoned that this ten-year offset represents a staggered migration: first to Buenos Aires, then into Patagonia.<sup>19</sup> Anecdotal evidence from the sources corroborates this two-tiered migration model. Consider the example of Rodolfo Koessler (a German doctor who features prominently in Chapter Six) who arrived with his wife in Buenos Aires, and through an acquaintance in the German community there found a job in the Neuquén Territory, relocating there for the rest of his life. Or Primo Capraro (an entrepreneurial Italian merchant featured in Chapter Five) who emigrated from his native Italy to Mexico, then Chile, and finally Buenos Aires, where a business associate convinced him to try his luck in Patagonia. Or the patriarch of the (future) political dynasty in Neuquén Province, Habid Mansur Sapag, who arrived in Buenos Aires in 1908, and following the advice of some “fellow countrymen” moved his entire extended family to Neuquén in 1913, eventually settling in Zapala the following year. Immigrants from overseas tended to follow countrymen into the frontier, coalescing in particular urban settings, and creating ethnic strongholds in northern Patagonia.

Ethnic enclaves dotted northern Patagonia, as immigrants tapped into established networks. Spanish immigrants settled throughout, for example, but were predominant in the areas immediately surrounding the capitals of Neuquén and Viedma, especially along the lower Río Negro valley. Italian immigrants also settled throughout, but had a strong presence along the upper Río Negro valley’s alfalfa (and later fruit) growing region. The area around General Roca had several attempts at creating agrarian colonies with large coherent immigrant groups. For example, ninety-six families of Jewish-Russian origin tried to establish a colony in the area east of Ingeniero Huergo (known simply as “Colonia Rusa”). When the Argentine government unexpectedly changed the terms of their homestead agreement, the colony floundered, scattering most of the families through the valley.<sup>20</sup> A French colony nearby also failed when a 1915 flood destroyed their main capital investment, the water pump to irrigate their plots, and by 1919 a chronicler described the area as a “desolation zone.” Immigrants from German-speaking countries (Austria, Germany, and Switzerland) tended to cluster in the Andean valleys, even outnumbering Spaniards and Italians in the *departamentos* of Bariloche and Los Lagos in the 1914 census, often settling there after having arrived in Chile decades earlier.<sup>21</sup> Bariloche, for example, counted about one fourth of its total 1934 population of 2,500 as “Germans,” up sharply from just over 15% of the 400 residents reported in the 1914 census.<sup>22</sup> Sirio-Lebanese immigrants (a predominantly urban immigrant group) preferred the area of General Roca and Zapala, as well as the towns surrounding the military base in Junín de los Andes, and those in the

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<sup>19</sup> Beatriz Moldes de Entraigas and Jorge Entraigas, “La población rionegrina durante la época territorial. Un aporte al conocimiento de las principales características demográficas: 1884-1955,” in *Horizontes en perspectiva. Contribuciones para la historia de Río Negro, 1884-1955*, ed. Ricardo Freddy Masera and Martha Ruffini, vol. 1 (Viedma, RN: Fundación Ameghino- Legislatura de Río Negro, n.d.), 107; Jose C. Moya, *Cousins and Strangers: Spanish Immigrants in Buenos Aires, 1850-1930* (Berkeley: University of California Press, 1998), 56.

<sup>20</sup> Vapnarsky, *Pueblos del norte de la Patagonia*, 169–76.

<sup>21</sup> Hans Schulz, *Bariloche. Breve historia de la comunidad alemana y su escuela. 1907-2004* (San Carlos de Bariloche: Libros del Mediodía, 2006), 98.

<sup>22</sup> Schulz, *Breve historia de la comunidad alemana*, 114.



central plateaus that had served as “end of rails” during different periods: Valcheta, Maquinchao, Jacobacci, and Pilcaniyeu.<sup>23</sup> Immigrants thrived in their small urban enclaves, building economic and cultural networks as their numbers continued to swell.

The growing number of immigrants in northern Patagonian towns quickly became a prominent economic force. For example, in 1905, almost half of all business in the newly established town of Neuquén were owned by Italians and Spaniards, according to an assessment of the governor at the time.<sup>24</sup> By 1931, Spanish partnerships had opened 48 business ventures in the city of Neuquén, while Italian partnerships accounted for another 15. Successful trade brought more immigration. Scholars have noted a strong correlation between increased imports and increased immigration: first, immigrants purchased wholesale goods abroad to satisfy their own desires for the products of their culture; second, they provided their own community with those products; and third, the close social ties between agents in the receiving and sending country, based on ethnicity, allowed immigrants to enter into business arrangements with a severely reduced risk. At a national level, commercial competition was fierce, as by 1918 Argentina was considered “one of the most dynamic consumer markets in the world,” encouraging the expansion of commercial networks further into the hinterlands.<sup>25</sup> Since there were no established local elites to compete against, immigrant communities in Patagonia consolidated their economic power swiftly, and parlayed that success into prominent social positions, setting up a kind of chain-reaction: successful immigrants used economic success to lure family members, acquaintances, and other countrymen into their communities, building powerful socio-cultural blocks and expanding their economic reach in the process.

For example, Manuel Linares (who had arrived to Buenos Aires from Pontevedra, Spain, in 1890) established the first trading post in Neuquén in 1902 (Varela, Linares y Cia.) two years before the town itself was founded. While in Buenos Aires, Linares had forged close ties with another merchant from Pontevedra, Casimiro Gómez, who had cultivated deep connections with the national political elites. Gómez’ connections allowed him to purchase lands in the *departamento* of Confluencia cheaply (anticipating their increased value when the capital of the territory moved there) and he encouraged his countrymen to move there.<sup>26</sup> After his early commercial success, Linares brought his brother and several other Spaniards to the region to assist him, they in turn “graduated” to start their own companies linked to Linares’ general store. One of those brought over by the pioneering Spanish merchant, Ángel Pérez, used his savings

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<sup>23</sup> *Segundo Censo Nacional (1895); Tercer Censo Nacional (1914)*.

<sup>24</sup> Sonia Fernández and Carla Manara, “Hacia la formación de la burguesía neuquina. 1904-1930,” *Revista de Historia (Universidad del Comahue)*, no. 5 (1995): 195.

<sup>25</sup> Alejandro Fernández and Andrea Lluch, “Comercio y redes de comercialización mayoristas y minoristas en la Argentina de comienzos del siglo XX,” in *Las Escalas de la historia comparada. Tomo 2: Empresas y empresarios* (Buenos Aires: Miño y Dávila, 2008), 67–71.

<sup>26</sup> Gómez might have had a hand in “suggesting” the capital city move there as well. In the original 1885 auction of Public Land in the Territory, three Spaniards (Gómez amongst them) ended up with the majority of the land in the Confluence area where the city of Neuquén would later sit. Those Spaniards used local merchants in Patagonia and political connections in Buenos Aires to secure the relocation of the capital to that spot, guaranteeing a handsome windfall when they sold those tracts of land.

from his clerk job to start his own company in 1915 in association with his old employers. The top-of-the-line general store they opened was labeled by the ebullient press as “one of the most advanced in modern cities.” The “Sociedad Pérez-Linares” pioneered high-volume trade between Neuquén and Río Negro, broadening the group’s footprint beyond the Neuquén area. Survival in the frontier was an extended family affair.<sup>27</sup>

Similarly, another one of the early general stores in Neuquén, “Fernández y Carro,” was started by two Spanish immigrants, Augustin Fernández and Enrique Carro, with prior ties to the region. Carro arrived in the early 1910s, following his brother-in-law, Celestino Dell Anna, an Italian entrepreneur who owned the first barge service connecting Neuquén and Río Negro and also operated the town’s first general store which also offered lodging. Fernández and Carro used the profits from their store to invest in a long-haul trading business by purchasing a line of carts (*tropa de carros*), and later even opening a banking house in Neuquén which they expanded across the river to Allen and Cipolletti, in the upper Río Negro valley.<sup>28</sup> Several “Turkish” firms, “Eldahuk Hermanos,” “Mehdi,” and “David y Miguel Yunes,” in the General Roca area offered goods on consignment to their newly arrived countrymen, who then were itinerant salesmen on the remote central plateau, shouldering all the risk but hoping for handsome profits in exchange.<sup>29</sup> Successful immigrants lured others to the frontier, who in turn expected to turn exploitative and sometimes dangerous employment into their own success story.

Besides bringing in countrymen and extended family, immigrant merchants in northern Patagonia used their commercial success to invest heavily in other areas of the local economy. They used the high profits from their trading to purchase sheep-raising estates, logging enterprises, and even opening small-scale manufacturing shops (including bread, processed meats, brick, and furniture, to name a few).<sup>30</sup> In Zapala, Sirio-Lebanese immigrants had established by 1920 a printing press, an inn, a dairy, a carpentry, a hardware store, a wine-distribution company, a meat market, and a brewery, as well as warehouses for minerals, including coal. A few prominent merchants quickly spread their influence into several enterprises. The success of the “Sapag e Hijos” general store (the first one in town) allowed the Sapag family to invest in a hide-purchasing office and a warehouse, while they also dabbled in the trade of cattle, which they used to provide the nearby military base with processed meats. During the twenties, they dispatched family members north and south, expanding their network of general stores, eventually resettling the family business in Cutral-Có when the oil industry took off in the late 1920s.

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<sup>27</sup> Carla Manara and Sonia Fernández, “Participación política y mecanismos informales de poder: Españoles e Italianos en el Territorio Nacional de Neuquén. (1904-1930),” *Revista de Historia*, no. 4 (2014): 197–214.

<sup>28</sup> Fernández and Manara, “La burguesía neuquina,” 195.

<sup>29</sup> Graciela Iuorno, Glenda Miralles, and Karim Nasser, “Actores y espacio público en la etapa territorial rionegrina. El Departamento General Roca y su integración desigual,” in *Horizontes en perspectiva. Contribuciones para la historia de Río Negro, 1884-1955*. (Viedma, RN: Fundación Ameghino- Legislatura de Río Negro, 2007), 340.

<sup>30</sup> Fernández and Manara, “La burguesía neuquina,” 198–99.

Whenever immigrants could not entice a countryman to move to the frontier to start a business, they encouraged Italian and Spanish firms to move there. In Bariloche, a general store started by a Chilean-German, Carlos Wiederhold, in 1895 served as a magnet to other European immigrants from southern Chile who received encouragement to cross over the Andes and settle around the great Nahuel Huapi Lake. The list of early arrivals included merchants, artisans, and engineers from everywhere in Europe: Fritz Hube, “*el ingeniero*” Fohmann, Carlo Röschmann, Horn, Brauning, Hans Hancke, “*el suizo*” Roth, Christian Bock, and the aforementioned Primo Capraro.<sup>31</sup> In the first fifteen years after the creation of the town, European immigrants had established a bakery, as well as a postal and telegraph office. In Bariloche, as Theodore Roosevelt noted, immigrants essentially “ran the town,” highlighting their reach in construction, trade, food production, and husbandry, while also owning the building used by the firemen, the police, and the post office, as well as the town pier.<sup>32</sup> As long as their businesses did not overlap or compete directly, migrant communities sought to encourage the expansion of commercial activities in their frontier towns, which (conveniently) created a broader customer-base for their own budding enterprises.

Buttressed by their economic standing, successful immigrants built civic and political associations in their towns. The same families that ran successful businesses in Neuquén, for example, had prominent roles in both the Spanish mutual-aid association (“Asociación Española de Socorros Mutuos,” known simply as AESM) and the Italian one (“Asociación Italiana ‘XX de Settembre’”), both founded in 1909 with the encouragement of the governor. Manuel Linares, the early Spanish merchant, not only founded the “Asociación Española,” but was the only foreigner to own a printing press in the Neuquén Territory during in the early twentieth century. Even though he personally ran the local “Unión Popular” party (active in the few municipal elections held during the period, as discussed in Chapter Five), his printing press published an array of newspapers, weeklies, and pamphlets of all political persuasions (mostly edited and run by Spaniards). He was also active in the “Club Social Neuquén” (founded in 1911), emphasizing the importance of broadening social connections outside of the ethnic community. An Italian immigrant, José Fava, directed Neuquén’s prison Musical Band (“Banda de música de la carcel”), while his countryman F. Veregnazzi served as the first president of the local athletic club (Club Atlético Independiente).

In the Andean valleys, the preeminence of the German-financed trading house “Sociedad Chilena-Argentina” produced the leadership of an ambitious socio-cultural association: the “*Deutsche Kirchen und Schulgemeinde*” (the “German Church and School Association”). It was established early in 1907 by a group of twelve Germans (and a few non-Germans) with the dual purpose of establishing a church (affiliated with the Prussian Evangelical Church) and a school for their growing community in the Nahuel Huapi area. Unable to afford both projects, the association decided to prioritize the school, abandoning the religious side of the organization altogether by 1912, and began hosting socio-cultural events in the small schoolhouse soon after.<sup>33</sup> In Zapala, Severino Afione helped organize a commission to establish a school in town,

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<sup>31</sup> Schulz, *Breve historia de la comunidad alemana*, 98.

<sup>32</sup> Méndez, *Estado, frontera y turismo*, 176–78.

<sup>33</sup> Schulz, *Breve historia de la comunidad alemana*, 170–76.

helped run the public library, and founded the “Sociedad Sirio-Libanesa” in 1924. Shortly afterward, he helped set up the local chapter of the nationalist “Liga Patriótica.”<sup>34</sup> These ethnic-based institutions provided a platform for prosperous immigrant families to showcase their growing wealth and to reinforce business and political relationships, both with their compatriots and often in combinations with Argentine and other foreign-born elites.

Cultural associations worked internally within their own immigrant communities, helping new arrivals and organizing cultural events, but they also worked “externally” by interceding on behalf of the immigrant community in broader complaints with the state or other social groups. For example, in 1916, following a notorious prison break and subsequent massacre in Neuquén, the “Asociación Española” organized and led a delegation to Buenos Aires to meet with the Interior Minister, expressing the entire town’s concern for their safety. Alongside strictly political and economic aims, immigrant associations served the broader social good, like the “Asociación Española de Socorros Mutuos” in Cipolletti, which housed the town’s only cinema in the early 1930s.<sup>35</sup> The proprietors of the powerful Spanish trading house “Inda y Contín,” in the lower Río Negro valley similarly left their imprint in the broader Viedma area. Contín helped start Viedma’s library, and Inda started the elite “Club Social.” In the 1890s Contín helped establish a regional bank to facilitate lending in the territory (which later folded for lack of funds) and, together with Inda, invested in a short-lived passenger service uniting several lower Río Negro valley communities. When that service faltered due to bad roads, the entrepreneurial duo brought social clubs and the municipal council into a campaign lobbying authorities for improved infrastructure (with limited success, if we consider the present-day condition of roads in eastern Río Negro).<sup>36</sup> Their economic concerns led them to act in ways that benefited the broader society, believing that what was good for their business was also good for the development of their communities.

The economic concerns and the well cultivated social relationships sometimes led to an active role in local government. In 1898 Inda and Contín, for example, joined the short-lived “Consejo de Gobierno” created by the Río Negro governor to assist him in ruling the territory.<sup>37</sup> The eleven-member council proved to be unconstitutional and did not operate long, but while it did it was made up by military figures, the mayor of Viedma, other local bureaucrats, and four merchants, including the Spaniards. Both Inda and Contín participated actively in Viedma’s early town councils, as did their children in later decades.<sup>38</sup> In both Neuquén and Viedma, local elites used their socioeconomic position to influence regional politics as much as possible, since they dominated the social life of the capitals and ran in the same circles as the governors.

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<sup>34</sup> Iuomo, “Poder y familias libanesas,” 6.

<sup>35</sup> Vapnarsky, *Pueblos del norte de la Patagonia*, 156.

<sup>36</sup> Martha Ruffini, “Un territorio patagónico peculiar: Río Negro, espacio de antiguo poblamiento y temprana experiencia política,” in *Horizontes en perspectiva. Contribuciones para la Historia de Río Negro, 1884-1955*. (Carmen de Patagones: Fundación Ameghino- Legislatura de Río Negro, 2007), 177–81.

<sup>37</sup> Martha Ruffini, *La pervivencia de la República Posible en los Territorios Nacionales: poder y ciudadanía en Río Negro* (Buenos Aires: Universidad Nacional de Quilmes Editorial, 2007), 225.

<sup>38</sup> The consolidation of an early “political elite” in the towns in the lower Río Negro valley is well documented, as the same family names appear in local government posts year after year.

Whenever elections were held successful immigrants tended to do well, and when the governor appointed municipal councils for towns that were not “mature” enough for elections, they tended to be stocked by immigrants.<sup>39</sup> This political dimension of immigrant citizenship in Patagonia is discussed at length in Chapter Five, but it bears mentioning in the context of their social and economic importance to northern Patagonian urban life.

Immigrants were brought to the frontier by far-reaching ethnic networks that provided customers, partners, and employees in the frontier. Separating themselves from the native-born population and the Chilean immigrant community (both of which tended to settle in rural settings and otherwise occupied low-skilled jobs) in terms of economic success, trans-Atlantic immigrants formed the backbone of a small but resilient civil society in northern Patagonian towns. That role was exactly what the Argentine government had hoped for them to accomplish on the frontier (the “grafting” of the democratic vines, in Alberdi’s parlance)—that reliance on immigrants, however, made statesmen uneasy about how much control they had over them.

### **Uncertain Flags: immigrant colonies and the border dispute**

Populating Patagonia required Argentina to encourage immigration, but the consolidation of ethnic enclaves in a frontier region made national elites anxious. The example of how Anglo settlers in Texas rebelled against Mexican rule, eventually resulting in the loss of over half of Mexico’s territory to the United States, was well known to them.<sup>40</sup> The existence and strength of these enclaves was, in part, a result of the country’s “cosmopolitan” openness towards immigrants, who were allowed to celebrate foreign holidays and provide private education in languages other than Spanish. But the leeway given to immigrant groups became increasingly threatening to nationalists, who understood the process of nation-building as a zero-sum game.<sup>41</sup> European nations, like Italy and Germany, were consolidating into cohesive nation-states. The limits of how far these consolidations would go were unclear at the time, and Argentine elites became suspicious of how European countries campaigned for their nationals to retain their language and culture while living abroad, funding cultural associations as well as language institutes.<sup>42</sup> Argentine statesmen became particularly concerned with the limits of inclusion and

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<sup>39</sup> Lisandro Gallucci, “Las prácticas electorales en un municipio patagónico: Neuquén, 1904-1916,” *Revista Pilquen*, no. 7 (2005): 4 (footnote 6 in particular).

<sup>40</sup> Brian DeLay, *War of a Thousand Deserts: Indian Raids and the U.S.-Mexican War*, unknown edition (New Haven, Conn.; London: Yale University Press, 2009), xx, 72-75.

<sup>41</sup> See Bertoni, *Patriotas, cosmopolitas y nacionalistas*, 27–36; for the Patagonian context Ernesto Lázaro Bohoslavsky, *El Complot Patagónico: nación, conspiracionismo y violencia en el sur de Argentina y Chile (siglos XIX Y XX)* (Buenos Aires: Prometeo, 2009) includes a useful reframing of nationalist’s concerns with Patagonia’s separatism even before annexation.

<sup>42</sup> The preoccupation by Latin American governments with the allegiance of their subjects continued throughout the first half of the twentieth century, as the example of off-shore voting ships chartered by Nazi Germany in the late 1930s described by Max Paul Friedman, *Nazis and Good Neighbors: The United States Campaign against the Germans of Latin America in World War II* (Cambridge; New York: Cambridge University Press, 2005).

tolerance following the 1890 settler uprising in Santa Fé, in which conflicts over local governance erupted into nationalist debates over sovereignty and national security.<sup>43</sup> Nationalists feared that by allowing unassimilated “colonies” of immigrants to proliferate in the country, Argentina was vulnerable to foreign annexation. This “age of nationalism” in Europe forced Argentina into an ambivalent position on immigrants: while it needed them and actively courted them, it could not yet fully trust them.

In Patagonia, these anxieties gained visibility and urgency given the remoteness of the region and the perceived danger of separatist movements in an area not yet fully Argentinized. Aware of how Mexico had lost Texas half a century earlier when the Anglo colonists invited to develop the frontier region revolted, seceded, and were eventually annexed by their homeland, Argentine nationalists grew wary of any activity that appeared seditious. In the “skeletal state” arrangement, this ambivalence came to the fore during a border dispute with Chile. The two countries’ rugged mountainous border along the Andes range was particularly difficult to establish, both due to the lack of accurate surveys and because of competing claims. In fact, the international border was not negotiated until the Boundary Treaty of 1881, and it required subsequent British mediation in 1902 to avoid armed conflict. The validation of Argentina’s cosmopolitan approach to immigration came during that mediation, when a valley populated by Welsh colonists held a referendum to decide if they wanted to remain part of Argentina (which had granted them cultural and political autonomy), or join Chile.

Surveying and exploring the border region was a priority for Argentine officials. A few years before the Conquest, starting in 1876, the government had sponsored a series of expeditions led by Francisco Pascasio Moreno to survey the Andean region and strengthen the country’s claim to it.<sup>44</sup> Besides creating maps and botanical studies of the area, Moreno’s expertise played a critical role in advancing a border proposal favoring Argentine claims during the 1881 Treaty negotiations. Moreno’s strategic brilliance in the negotiation was deceptively simple: in order to counteract Chilean claims to particular watersheds that drained to the Pacific, he established that those lakes and rivers had *originally* belonged to the Atlantic watershed before glaciers altered their course. Without comparable surveys to challenge Moreno’s conceptualization of the watersheds, the boundary commission had to follow his recommendation.

The Boundary Treaty of 1881 ultimately favored Argentina, as it was signed at a time when Chile was mired in a war with Bolivia and Peru, and could not afford a protracted conflict elsewhere. The Treaty established the “highest peaks that divide watersheds” as the border, but left a couple of valleys, ice fields, and maritime boundaries contested, setting the stage for renewed conflict down the line. Under the *uti possidetis juris* (possession of a territory granted that state sovereignty) principle, both nations raced to populate contested regions hoping to strengthen their claims. Desperate to people the region with loyal subjects, the Argentine government allowed a small, but resilient, group of Welsh homesteaders—who had already

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<sup>43</sup> Bertoni, *Patriotas, cosmopolitas y nacionalistas*, 128–45.

<sup>44</sup> Moreno’s legacy is not uncomplicated. His surveys of the Andean valleys were instrumental in the border disputes, and were unrivaled until the Bailey Willis Commission thirty years later remapped the region. As gratitude the Argentine government granted Moreno the area around Lake Nahuel Huapi, which he returned to the nation on the condition that a National Park be established there. He also took possession of indigenous patrimony and bodies, including a group of Tehuelche, who were exhibited inhumanely in the Natural History Museum in La Plata for the remainder of their life. Late in life, he joined the nationalist Liga Patriótica, before dying in poverty. His remains were buried in an island in the Nahuel Huapi National Park.

established a colony in the lower Chubut River valley—to settle in a remote, isolated Andean valley.

The Welsh established a large agricultural colony in the 1890s, known as “Colonia 16 de octubre,” in a long longitudinal valley carved by the Percey and Corintos rivers, which poured their glacial, turquoise waters into the Pacific, making the valley one of the contested areas between Argentina and Chile. At either end of the valley they established towns: Trevelin and Esquel. The valley was isolated geographically from the other Welsh colonies located across the plateau on the Atlantic coast of the Chubut Territory, and the railroad connecting it with other Andean valleys would not arrive until the 1920s.<sup>45</sup> Without many Chilean settlements to trade with in the rugged fiords of the Pacific coast until the 1930s, the Welsh colonists developed almost complete segregated from anyone outside their valley—except their compatriots in the



**Image 1**—[untitled] The participants of the 1902 plebscite in Trevelin.

Atlantic coast colonies.<sup>46</sup> In Trevelin, they built an important wheat mill soon after arriving, allowing them to process their wheat harvest before transporting it out of the valley—a remarkable development that set the colonies apart from other Andean hamlets which developed more precariously, if at all.

The success of the Welsh in the Andes echoed their resilient development of the lower Chubut River valley. Encouraged by the Argentine government to populate the frontier, in the winter of 1865 a group of a hundred and fifty-three Welsh settlers arrived at the mouth of the Chubut River. They had negotiated a unique deal with the Argentine government: the Welsh colonies would enjoy self-governance, but remain subjects of the Argentine state. The deal

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<sup>45</sup> Although the Chubut river valley fell outside the political jurisdiction of northern Patagonia proper, it is geographically related, and the Welsh *colonos* in that region shared many of the same features with immigrants in Río Negro and Neuquén.

<sup>46</sup> Susana Beatriz Torres, “La zona cordillerana Chubut-Aysén. Una sociedad fronteriza en la primera mitad del siglo XX,” *Anuario del IEHS* 17 (2002): 330.

embodied the risk government officials faced when trying to lure immigrants into the frontier, as their autonomy became increasingly problematic as other settlers without special deals moved into the region as well. The autonomous Welsh represented at least a significant minority, if not an outright majority of the population of that Territory soon after the conquest.<sup>47</sup> The policies, rules, practices, and even the official paperwork of the Welsh became matters of intense debate between government officials.<sup>48</sup> For example, in 1880 a worried government official in the immigration office sent a panicked message about the state of the Welsh colonies to the Interior Ministry. The official included to a handwritten copy of the “Constitution for the Colony of Chubut,” dated September 1873, alongside a cover letter expressing concern that some of the provisions in them directly contradicted existing Argentine laws.<sup>49</sup> The communication between the immigration official and the Minister of the Interior embodied the promise, and the limits, of the cosmopolitan approach.

The immigration official underscored the urgency of the situation by noting that “national authorities believe that the Welsh do not want to subject themselves to the laws of this country.”<sup>50</sup> He noted that there had been a *comisario* appointed to the colony since at least 1875, and the Welsh had objected loudly to how that “arbitrary authority” had treated them in the past. In particular they complained about widespread “arrests and punishments meted out without trial.”<sup>51</sup> To avoid any further confrontations the immigration official suggested a compromise: in

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<sup>47</sup> The figures require extrapolation. In 1880 the government reported that about one thousand Welsh residents tended over 3,000 hectares of cultivated land in the valley (according to Bandieri), and the 1895 census reported that the total population of Chubut territory was 3,748—in 1880 that figure was certainly much lower (although we do not have good sources for that)—suggesting that by the time of the conquest *at the very least*, one fourth of the population in the Chubut Territory lived in the Welsh colonies.

<sup>48</sup> “Ley de Administración de la Justicia en la Colonia del Chubut: Análisis introductorio” part of the file labeled “Constitución de la Colonia del Chubut” 1880, Caja 1, foja 14, documento #2083 (“Colección del Ministerio del Interior, comunicación con Territorios Nacionales,” AGN-AI)

<sup>49</sup> The immigration official complained in the cover letter that he had *already* alerted the Ministry of these irregularities four years earlier, to no avail.

<sup>50</sup> The original reads: “Las autoridades Nacionales opinan que los colonos *no quieren someterse* a las leyes del país.”—emphasis added.

The “Welsh documents” compiled by the government official included broad philosophical interventions on the nature of government, as well as the minutia of administering it. One document, for example, discussed, classified and ranked a series of crimes based on the magnitude of their damage done to property and life—essentially sorting out the relative harm to society of “forgery” compared to “embezzlement” or “possession of stolen goods.” This make-shift penal code was built empirically, based on how each crime harmed their isolated and fragile colonies, extrapolating from them broader utopian arguments about the value of life, freedom and property. By contrast, the next document in the collection contained a simple template—a government form, essentially—used by their homegrown police and judges to summon witnesses for a deposition. Other documents included details on water rights, directions on how to spend the public works budget, as well as notes on how local elections were conducted and guidelines for new arrivals on how to obtain residency-rights within the colony.

<sup>51</sup> The original reads: “Los colonos por su parte declaran que están prontos a someterse a las leyes, pero protestan contra los actos de las autoridades que califican de arbitrarios, pues se quejan de prisiones y castigos sin forma de juicio.”



exchange for abandoning their “constitution and other provisions” the Welsh would be allowed to preserve their self-rule by expanding the role of locally-appointed justices of the peace in the colonies.<sup>52</sup> This arrangement worked within the “skeletal state” arrangement, as outside appointees (the troublesome *comisarios*) would have their power checked by officials with local connections. This suggestion underscored the more cosmopolitan tendencies within the Argentine government, which sought to strike a compromise with the immigrants by making some allowances in order to secure their allegiance.

The minister, however, did not appear to share the immigration official’s soft touch. He dismissively claimed that tension between “the governed and their government” was normal, even in “long-established communities.” Moreover, the minister found something very troubling in the immigrant official’s report—he worried about the precedent of a “constitution that applies only to parts of the Territories and not others.” To remedy that affront to Argentine sovereignty, he ordered a thorough assessment of the roles, authorities, and privileges of all government agents in the area to permanently normalize the settlements, essentially ending the Welsh colony’s autonomy.<sup>53</sup> These two state agents embodied the government’s ambiguity towards immigrants in Patagonia: the representative from the immigration side wanted policies that would encourage people to move into the country, settle the frontier, and continue to develop it, while the man charged with managing the internal affairs of the country prioritized cohesion and uniform rule of law, even if it hurt future efforts to attract immigrants. Two decades later, the Welsh in the Andean colonies would have a chance to respond—indirectly—to the Minister, as they voted to remain part of Argentina or become part of Chile.

When the British-led Boundary Commission began adjudicating disputed territory between Argentina and Chile along the mountainous frontier in the 1890s, the settlers in the “Colonia 16 de octubre” were placed in an unprecedented position of deciding if the Argentine government had done enough to earn their allegiance. The commission originally awarded the entire area of the “Colonia 16 de octubre” to Chile, since the river that ran through the valley flowed towards the Pacific, meaning it could be more easily integrated with the rest of Chile. On the face of it, this decision made sense, as the settlers’ integration to the Atlantic ports, and the Argentine markets more broadly, was still decades away, while the Andean passage westwards offered a more immediate integration. The Welsh settlers, however, were not convinced.

Using a tool that a decade later would rearrange the map of Europe, the Welsh organized an *ad-hoc* referendum to vote on their preference of country. The results of the vote were non-binding, but the overwhelming support for remaining part of Argentina forced the commission to change its decision. In a statement after the vote, the colonists explained their thinking to the Commission categorically: “we have lived under the protection and sovereignty of the Argentine flag... we have no *preference*, instead we have the *affection* of children, the *loyalty towards a*

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<sup>52</sup> The original reads: “permitiéndome observar la conveniencia de conservar el juicio por jurados y todo aquello que sea compatible con nuestras leyes, dando al Juez de Paz la mayor jurisdicción posible...la Constitución y demás disposiciones puestas en práctica por los colonos en el largo período que han estados solos sin conocimiento ninguno de nuestras leyes.”

<sup>53</sup> The original reads: “lo que sí parece extraño es que parte del territorio Nacional sea regido por constituciones especiales que no rigen en otras...no puede ser por lo tanto, sino muy conveniente determinar las facultades de las autoridades a cuyo carga esté el gobierno inmediato en las Colonias, para poner término a semejantes anomalías.”

*homeland*, adopted for some, and native for others.”<sup>54</sup> The language choice by the settlers—that they had lived almost forty years under the “protection” of the Argentine flag, and in those decades developed a deep, filial love for the Argentine nation—cannot be overlooked. They explained their choice as more than a simple “preference,” their choice was emotional (“affection”) and they thought of Argentina as their homeland. This kind of allegiance, despite the conflicts in the 1880s when the “skeletal state” arrangement encroached on their autonomy, was exactly why the Argentine state cultivated its relationships with immigrants with such care. The Argentine “success” in the 1902 referendum did not quell the government’s worries about the fragility of the frontier settlements, but it offered some validation to the carefully negotiated policy of national integration.

### “El Imperio de la Ley:” rule of law, immigrant networks, and the courts

If cosmopolitan policies brought immigrants to the frontier and nationalist reactions did not dampen their allegiance to the country, the “skeletal state” arrangement was a big reason why. This arrangement allowed settlers with allies outside of Patagonia an array of tools to influence it. To be certain, a lot of the state’s “flexibility” to immigrant complaints was a by-product of incompetence and dysfunction, the outward expression of a weak state presence; but it proved to be an asset for well-connected immigrant groups. In remote outposts (like the ones immigrants moved to early on to establish commercial beachheads) local conflicts flared up into open skirmishes between immigrant groups, and between immigrants and the representatives of the state throughout the period. Local police, the justices of the peace, and their allies routinely used a set of informal arrangements and understandings to defuse and resolve, keeping grievances away from the formal channels of the judicial process. Settlers outside of those networks had to find creative ways to counteract their influence by mobilizing outside allies that could intervene and short-circuit those local arrangements. In other words, when *local* powerbrokers abused their office, *regional* authorities could be mobilized in a support role by *national* actors responding to those local concerns.

A string of three unrelated crises in the decade between 1908 and 1918, when immigration to northern Patagonia was on a steady upswing, offers a typology of how these dynamics played out. The first crisis, stemming from police abuses in an isolated Andean valley, in which immigrants were not well integrated with national-level actors, resulted in an uprising and subsequent pacification. The second crisis, stemming from allegations of systematic police abuse of Chilean settlers, was only resolved when diplomatic authorities in northern Patagonia, Santiago de Chile, and Buenos Aires got involved, forcing the regional authorities into action to address the abuses. In the last crisis, in which an inter-ethnic commercial rivalry devolved into allegations of cannibalism, regional authorities in the judge’s office found a creative solution to

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<sup>54</sup> The original reads: “Hemos vivido bajo la soberanía y protección del pabellón argentino. No hay preferencias sino cariño de hijos, lealtad a la patria de adopción para unos, nativa para otros.” This is a very often quoted passage, but it proved nearly impossible to track. The closest version of it can be found in Jorge Fiori and Gustavo de Vera, *1902: el protagonismo de los colonos galeses en la frontera argentino-chilena* (Municipalidad de Trevelin, 2002), 39; for a broader read on the protracted boundary conflict between Argentina and Chile, see the classic George Rauch, *Conflict in the Southern Cone: The Argentine Military and the Boundary Dispute with Chile, 1870-1902* (Greenwood Publishing Group, 1999); or the encyclopedic work of Bohoslavsky, *El Complot Patagónico*.

placate different regional, national, and international interest groups. The three crises show how important outside allies were to pressure authorities in northern Patagonia, while underscoring the flexibility of the “skeletal state” arrangement to resolve complex legal conflicts in a conciliatory manner.

The first example, El Bolsón’s short lived independence in 1917, underscored how physical, and institutional, isolation created a situation in which immigrant communities had no incentive to work within the “skeletal state” arrangement to resolve grievances against state agents. El Bolsón was at the heart of a particularly transnational space: it sat on the northernmost edge of a long valley carved by the Azul and Quenquentreu rivers that empty their waters in Lago Puelo, which has shores in both Argentina and Chile.<sup>55</sup> The lake border facilitated trade with Chile, but the settlement of the border dispute had begun to gradually cut the hamlet off from their traditional trading partners.<sup>56</sup> Alternative trading partners remained hard to find, as El Bolsón was isolated from the Andean valleys to its north and south, particularly during the wet winter and spring months. Even in the dry months, the only way into the hamlet was through circuitous dirt trails across treacherous canyons and the temperate rainforest (the road to Bariloche, the main settlement 90 miles to the north, would not be completed until 1936). Nestled deep in the Andes, sharing a valley with Chile, and cut-off from most of their Argentine neighbors outside of it, the residents of El Bolsón decided to declare independence in 1917.<sup>57</sup>

Like other immigrant communities in remote hamlets El Bolsón had weak ties with the Argentine authorities, and the state’s only presence was a police detachment. The majority of the population of El Bolsón was foreign-born—either from Chile or Europe—but, unlike their peers in larger towns, they were not well organized in ethnic or national associations. As far as we can tell, the movement for independence was a culmination of a growing, year-long dissatisfaction with the lack of attention being paid to the region by national authorities. Part of this ongoing neglect came in the form of police abuses, which went on unchecked for most of 1916, as El Bolsón was too small to elect their municipal council or justice of the peace. Without local elected officials to restrain the police, the residents of El Bolsón could have appealed to the governor, the judge, or even authorities in Buenos Aires to intervene, but their remoteness and lack of organized associations made that option less accessible. Isolated—in both physical and institutional terms—the immigrants in El Bolsón experienced only the coercive, colonial aspect of Argentine rule in the frontier, and rebelled against it.

The rebellion was not widely reported at the time and accounts after the fact seemed to find it amusing—and the details of the rebellion itself confirm its oddity.<sup>58</sup> Gathered in Otto Tipp’s brewery the residents of the valley drank, argued, and eventually named the jovial

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<sup>55</sup> The valley is also awkwardly divided administratively between Río Negro and Chubut along the arbitrary boundary of the 42<sup>nd</sup> parallel. Neighbors living a few miles from each other reported to authorities in Viedma, in the northern half of the valley, or to authorities in Rawson, in the southern portion of the valley. The valley is in fact, partitioned in 3 separate jurisdictions: a Chilean west, and two separate Argentine eastern districts.

<sup>56</sup> The process of establishing custom offices and border crossing along the Andes was slow, and the disarticulation of these economic and social networks would accelerate dramatically in the 1930s.

<sup>57</sup> Vapnarsky, *Pueblos del norte de la Patagonia*, 116–17.

<sup>58</sup> I was only able to find after-the-fact accounts of it in regional newspapers.

German brewer president of their breakaway republic. Tipp and the rest of the settlers wasted no time, and that same night formed a cabinet to govern the fledging “Independent Republic of El Bolsón.” The main government posts were taken by immigrants: for example, a Basque sheepherder, Pascual Sabalasa, was named finance minister and immediately proposed heavy taxation to develop the valley’s infrastructure. The Republic of El Bolsón began to collapse soon after its inception: some of the would-be rebels believed that the call for independence had arisen from the enthusiasm of a three-day drinking marathon, while others had taken it seriously. To some, the call for independence reflected a community tired of vandalism, crime, and abuses, which the police had not only failed to curb, but actively encouraged. The immigrants’ “laughable effort,” as a newspaper later called it, was taken seriously by the national authorities, who dispatched the ruthless Austrian general, Mateo Gebhart and his fearsome border police (known simply as “la *fronteriza*”) to quell the rebellion.<sup>59</sup>

The *fronteriza* had been established earlier in the decade as an “autonomous” force—they were outside of the traditional police hierarchy and did not report to any one governor. They were commissioned in three separate occasions to deal with rural banditry (1911-1914, 1918-1923, and permanently in 1930), and disbanded shortly after since “they resulted in more complaints and conflict than could be justified” by national authorities.<sup>60</sup> Their independence was supposed to help them respond quickly to rapidly developing crises in remote Andean areas, unencumbered by jurisdictions or restrictive budgets, in the style of North America’s iconic frontier cavalries, the Rangers and the Mounted Police.<sup>61</sup> Gebhart’s troops were notorious for their propensity to violence, and the Austrian general had a particular penchant for torturing and executing people of indigenous descent. Most of their activities took place in the Far South, rather than in northern Patagonia, but they were dispatched to El Bolsón to pacify the insurrection. The *fronteriza* did not take long to reclaim the valley, and their arrival exposed some ethnic tensions in the valley. The mostly European-born townfolk eagerly welcomed Gebhart and his men when they finally arrived, and surrendered peacefully. Outside of the town, in the fields and forests where the impoverished Chilean population lived, the arrival of the *fronteriza* was less peaceful, as complaints trickled in of torture and abuse by Gebhart’s men.<sup>62</sup>

The police station in El Bolsón would prove a continuing source of harassment and abuse for the residents in the coming decades, as their complaints against police excesses, examined in Chapter Five, underscore.<sup>63</sup> During the 1920s, settlers in El Bolsón forged broader coalitions

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<sup>59</sup> Fernando Bonansea, “Cuando el Bolsón se independizó,” *Diario Río Negro*, January 28, 2009; Pilar Pérez, “Las policías fronterizas: mecanismos de control y espacialización en los territorios nacionales del sur a principios del siglo XX,” *Actas XII Jornadas Interescuelas de Historia*, 2009, 5–7.

<sup>60</sup> Pilar Pérez, “Cuatreros, comerciantes, comisarios. Poder y capital en las primeras décadas del siglo XX en Río Negro,” in *Mesa #10: El mundo de los delitos, justicias y la Historia Social en Patagonia* (IV Jornadas de Historia Social en la Patagonia, Santa Rosa, La Pampa, 2011), 3.

<sup>61</sup> Andrew R. Graybill, “Rangers, Mounties, and the Subjugation of Indigenous Peoples, 1870-1885,” *Great Plains Quarterly* 24, no. 2 (2004): 83–100.

<sup>62</sup> Pérez, “Las policías fronterizas,” 5–6.

<sup>63</sup> The 1920s would bring a slew of complaints against bad police in El Bolson (a surprisingly high number given the town’s small population). See, for example: “Natel, Julio- queja contra Policía de El Bolsón,” Leg.#815-34872; “Anatarriaga, José y otros- quejas contra Policía de El Bolsón,” Leg.#826-35294; “Sfeir, Abdo- queja contra

within their community to appeal to regional authorities. In 1917, however, their lack of channels to engage regional authorities to intervene in local conflicts ended in conflict and violence. The independence of El Bolsón was short lived, and ended swiftly—but the violence against Chilean immigrants continued unabated throughout the region. In a contemporary case in Neuquén, an immigrant community with stronger institutional representation at a regional, national, and even international level, was able to find ways *within* the “skeletal state” arrangement to seek redress.

The second of the three crises in this section, the repeated abuse of Chilean settlers in the Neuquén Territory between 1916 and 1918, showcases the power of those allies to intervene so that not all complaints against bad police escalated into an insurrection. In 1919, the Chilean consul in Neuquén (who went by A. Astrosa G. in the court documents) notified the embassy in Buenos Aires that the situation in northern Patagonia had begun to rapidly deteriorate, as police abuse against Chilean settlers mounted.<sup>64</sup> The consul—often an unpaid post given to a prominent member of the local immigrant community—identified the unchecked power of Neuquén’s Chief of Police, Tomás Bello, as the source of violence against his countrymen. Astrosa’s assessment of the situation in Neuquén was uncharitable: regional authorities had failed to “impose the rule of law [el imperio de la ley]” or establish any normal administration in the region, creating a “completely anarchical jurisdiction.”<sup>65</sup> Astrosa—whose job as consul routinely brought him into contact with settler complaints—was attempting to get Chile’s highest diplomatic representatives to pressure Argentine authorities into reforming how Neuquén was being governed. This strategy—pressuring national authorities to influence regional ones—was particularly successful in the “skeletal state” arrangement, since the regional authorities were unelected appointees, and could be removed from their posts with minimal repercussions from the local elite. The consul’s complaint was amplified by the Chilean officials in Buenos Aires, whose final report to the Argentine government advanced two interrelated arguments. First, the complaint by the Chilean Legation presented, in stark terms, just how the political administration in Neuquén had descended into anarchy since Bello’s arrival. Second, it detailed how the Chief of Police targeted and scapegoated Chilean settlers in particular. This two-pronged approach presented the situation in Neuquén not as a series of unfortunate events, but as a systematic power grab by Chief Bello, threatened the wellbeing of all settlers, and undermined the Argentine government’s plans for the region.

The “completely anarchical jurisdiction” that the Chilean Legation saw in the Territory of Neuquén was the result of three turbulent years of dismissals, cover-ups, and attempts at reforms. In 1916, the territorial police pursued a band of escapees from the jail into the remote Zainuco valley, where they proceeded to execute them. In 1917, Abel Chaneton, a former Chief of Police, perennial city-council member, and Neuquén’s leading journalist at the time, was suspiciously murdered by three policemen in a bar as he was reporting on the attempts by

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Policía de El Bolsón,” Leg#865-37019; “Parra, Miguel- denuncia contra Policía de El Bolsón,” Leg#925-39829, all from the AHP-RN, JL.

<sup>64</sup> “Legación de Chile- sus denuncias,” Leg# 1919-104, f.244 (AJL-TN).

<sup>65</sup> The original reads: “...para imponer el imperio de la ley y la normalidad administrativa en una jurisdicción enteramente anarquizada, como la del Neuquén.”

government officials to cover-up the “Zainuco massacre.”<sup>66</sup> Shrouded in suspicion, the chief of police resigned and was replaced by Bello. Allegations that the governor himself, the long-serving Eduardo Elordi, had ordered Chaneton’s murder led him to retire in disgrace, leaving the governorship vacant for over a year. The federal judge, who failed to convict Chaneton’s murderers, also finished his appointment in disgrace. In that power vacuum, Bello was attempting a power grab, angling for a nomination to the vacant governorship and using his image as a reformer to purge the police force of any “disloyal” agents.<sup>67</sup> Capitalizing on the distrust of the judicial system, he had begun working around it, charging his officers to detain and release suspects at will, while seizing for himself the power to begin or conclude investigations, which was legally the responsibility of the judge and the prosecutor. The centralization of power in a few key offices in each Patagonian territory only skirted outright tyranny because the individuals in those critical posts worked at counter-purpose to each other and effectively checked each other’s excesses. Bello’s rise into the post-Zainuco power vacuum, the Legation argued, turned Neuquén into a unified state where one man sat as prosecutor, judge, and executioner.

Appealing to the concerns of the time, the Legation report mentioned how the anarchic situation in Neuquén went beyond constitutional violations: it had started to affect “free commerce” in the area. Frustrated by the lack of revenue in the territory, Bello had empowered the police to take over tax-collecting duties. He ordered the police in rural districts to begin collecting levies from settlers for grazing rights on state-owned land (as discussed in Chapter Two, people of indigenous descent and impoverished Chilean peasants were the primary users of those marginal state lands), a role usually reserved for justices of the peace. Similarly, police began collecting payments for the “authorization to transport standing cattle” through the border with Chile, essentially enforcing tariffs. This combination of coercive and fiscal power in the person of badly trained police officers had resulted in complaints that some agents demanded bribes from Chilean grazers, and some had even started using the power to issue permits as an extortionist tool to force Chilean traders to “partner” with them, splitting their profits. Bello had allowed, even encouraged, a culture of abuse throughout the police force, from the rank and file to the investigators, *sub-comisarios*, and *comisarios*.

Bello had made his animosity towards the Chilean population known in a newspaper interview in which he expressed his suspicions of all Chileans in Neuquén, “generalizing to the entire community the criminal behavior of a few individuals.”<sup>68</sup> The Consul concluded that Bello’s statements placed him in open conflict with “over half” of the Territory’s population, and in violation of the Argentine constitution which offered equal protection to citizens and immigrants alike. The Legation alleged that the police conducted sham investigations whenever complaints were filed, and occasionally files disappeared before reaching the judge, contributing to the sense of insecurity for Chilean settlers. One Chilean farmer recounted his five-year long

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<sup>66</sup> Juan Carlos Chaneton, *Zainuco: los precursores de la Patagonia trágica* (Buenos Aires: Editorial Galerna, 1993).

<sup>67</sup> Bello’s power play in Neuquén in 1918-1919, and the community’s response to it, are discussed in greater detail in Chapter Five.

<sup>68</sup> The original reads: “ha hecho declaraciones que ofenden a la colectividad chilena, generalizando en ésta actos punibles cometidos aislada e individualmente por algunos de sus miembros.”

struggle with police in his district who had targeted him and his family after he complained about abuses to the regional authorities. His teenage sons had been detained and secretly transferred to Neuquén without reason, only to be released months later after severe beatings (one of them was “badly injured” and could no longer walk). The judicial authorities had “taken a secondary role,” fearful of Bello, in a manner “unfit for the lofty mission of the courts, and threatening their independence.” In short, the police had become a “fearsome power,” full of “criminals” sheltered by the “impunity that emanated from the chief.”<sup>69</sup> Bello had made the entire state on the frontier more abusive, and had deployed it against the Chilean population.

The complaint by the Chilean Legation included a list of almost twenty cases, either filed by Chilean settlers or targeting them, which revealed particularly egregious breaches of the judicial process. The cases that the Legation wanted reopened included theft, floggings, negligence, and harassments, as well as concealment of crimes, rape, torture of a minor, conspiracy to blow up a building, and discretionary use of detention facilities to intimidate subjects. These charges went beyond the usual complaints against police abuses (as the cases against police brutality in Maquinchao, Bariloche, and El Bolsón discussed in Chapter Five will attest), and speak to the depth of dysfunction being perceived by the Chilean population in Neuquén. These abuses fell outside of whatever were considered acceptable transgressions within the parameters of the “skeletal state.” Embarrassed by the severity of the complaint, and the sheer volume of abuses, the Interior Ministry acted swiftly. Soon after receiving the complaint, it deputized an outside investigator (from the nearby National Territory of La Pampa) to spearhead a systematic review of all the complaints.

Limited by the lack of resources and personnel, the special investigator proceeded slowly in reopening every case mentioned by the Legation. The investigations had mixed results. Most of the cases could not be satisfactorily reviewed because of the time that had elapsed since the original investigation, as memories became unclear and evidence got scattered. Many of the cases did not have hard evidence, but consisted of circumstantial proof, personal feuds, and impossible-to-prove allegations. A few of them resulted in redress, with police officers reassigned, property returned, and convictions overturned. On the whole, the special investigation succeeded in changing the “anarchic” situation. The Legation’s complaint, and the revisions of the cases, provided the foundation for the eventual removal of Bello (who took up arms in defiance of the government when ordered to step down, a rebellion discussed at length in Chapter Five).

Like many other settlers during the “skeletal state,” Chilean grazers and traders were vulnerable to rogue police agents and predatory authorities. The kinds of harassment described by the Legation’s complaint echo the complaint by the Welsh *colonos* decades earlier (and the many complaints by merchants, landowners, peons, and farmhands in the intervening years). Faced with what appeared to them as the concerted effort of the entire local state against them, the impoverished Chilean settlers turned to the only corporate entity that could intercede in their behalf: their consulate in Neuquén. These kinds of formal and informal networks were key in keeping the peace during the “skeletal state” period, preventing local strife from boiling over into rebellion, as was the case with the isolated immigrants in El Bolsón. These second *kinds* of conflicts—well connected immigrants against abusive state authorities—make up the bulk of the

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<sup>69</sup> The original reads:...”las autoridades policiales han llegado a convertirse en un poder temible... tienen antecedentes delictuosos... continúan en el servicio policial al amparo de una impunidad que afecta principalmente al Jefe de la Repartición.”

second half of the dissertation, as this balancing act between a civil society devoid of political rights found mechanisms to exert control over their government.

The third conflict, between Turkish and Spanish merchants in the central plateau in 1908, typified the way in which rival networks mobilized allies to attempt to control the state institutions in northern Patagonia, and the state's ability to find solutions to placate all involved. Symbolically, this conflict also involved the scapegoating on indigenous subjects, whose guilt was never in doubt by a frenzied public opinion, even without evidence.

One of the ghastliest events of the early twentieth century in northern Patagonia involved the disappearance of over fifty Middle-Eastern itinerant traders (commonly referred to simply as "*mercachifles turcos*") who had wandered into the central plateau, never to return. National and international observers were shocked to discover that, after finally taking note of the vanishing immigrants, the Río Negro police had arrested an indigenous band of cannibals led by a dapper Chilean-born German merchant and advised by a cross-dressing "witch doctor."<sup>70</sup> The criminal prosecution of the band of cannibals, the national-level response to the crisis on the eve of the Centennial celebrations, and the "political solution" crafted by the judge under duress, offer a colorful framework for what was, at heart, a bloody turf war between rival immigrant factions. The case started in April 1909 when a "Turkish merchant" called Salomon Daud barged into the police station in El Cuy to report the disappearance of his twenty-two-year-old brother-in-law, José Elías.<sup>71</sup> Elías and one of his peons, a "lad" named Essen Kessen, had left General Roca in August of 1907 to trade with the indigenous people of the plateau, and had never returned.

Between 1905 and 1908, over fifty *mercachifles* had vanished in the steppe carrying large amounts of merchandise with them, but since most were young, unmarried men, no one had bothered to report their disappearance to the police. The wholesaler in General Roca that had provided the goods in consignment for most of the missing men, the influential Eldahuk Hermanos, opened up its record-books to the police, who were confronted for the first time with the sheer number of people that had simply *disappeared* in the desert.<sup>72</sup> The investigation initially linked the disappearances with an ongoing turf war between established merchants in the plateau—connected to Spanish businessmen in Viedma—and the upstart "Turkish" peddlers based in General Roca. The powerful Spanish trading house of "Inda y Contín" had a trading post in the isolated *paraje* Lagunitas, where indigenous groups sold hides, wool, and feathers, exchanging them for clothing and foodstuff. Unable to break the Spaniards' monopoly in the region, the Sirio-Lebanese traders began venturing deep into the El Cuy plateau as traveling salesmen, trying to reach their indigenous customers where they lived.<sup>73</sup> The police's immediate

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<sup>70</sup> "Arbuto, Bernardino (y otros)- proceso múltiples homicidios," Leg# 196-7828, 196-7829, 196-7830 & 196-7831 (AHP-RN, JL).

<sup>71</sup> Norma Morandini, *El harén: Menem, Zulema, Seineldín: los árabes y el poder político en la Argentina*, 3a ed (Buenos Aires: Editorial Sudamericana, 1998), 45–46.

<sup>72</sup> Rafart, *Tiempo de violencia en la Patagonia*, 41–43.

<sup>73</sup> María E. Argeri, *De guerreros a delincuentes: la desarticulación de las jefaturas indígenas y el poder judicial: Norpatagonia, 1880-1930* (Madrid: Consejo Superior de Investigaciones Científicas, Instituto de Historia, Departamento de Historia de América, 2005), 194.



assumption that the disappearances were part of a turf war suggests that the rivalry was well known to the authorities in the region, even if details of it were not added into the police file.

The original theory that the police worked with proposed that the Spaniards, and their indigenous allies in the plateau, had lured the *mercachifles* into their encampments where they proceeded to rob and kill them in a mutually beneficial arrangement. Not only did the murders help protect the Spanish monopoly in the region, the pillaged wares were taken by the indigenous group and sold in Chile through a complex trading network. For example, in the half decade before Elias' disappearance, about fifty thousand head of cattle had been reported stolen from the area and presumably sent to Chile where the rustlers could sell them with impunity.<sup>74</sup> El Cuy was almost exclusively populated by indigenous people and it lacked any major towns or roads connecting it with the rest of the territory, making the county a particularly "remote" area despite being at the heart of northern Patagonia.<sup>75</sup> The ruggedness of the El Cuy plateau made it hard to find clues to corroborate their theory or come up with an alternate one.

The investigation was hampered by more than rough terrain—the police were overextended and understaffed, even for "skeletal state" standards. The local police detachment had less than fifteen officers who were charged with patrolling and securing over 52,000 square kilometers (an area larger than the country of Costa Rica, for reference), using *rastrilladas* (indigenous dirt trails) as the only way to navigate the craggy terrain. Critics had long noted that the precariousness of the police had turned the area into a no-man's land where Chilean-born brigands and bandits held civilization at bay. The *comisario* of El Cuy, José M. Torino, a short, thick man with a powerful mustache and a reputation for roughing up suspects, knew the area well but had been frustrated in his previous attempts at taking down the merchant-rustling network in the plateau. After receiving Daud's complaint in April, he led an expedition of ten officers deep into the plateau to investigate but the harsh steppe winter soon set in, forcing a retreat.

Besides the ruthless weather, the police investigation was beset by competing expectations and was forced to change course with an unexpected testimony. Torino had the "explicit support" of the Sirio-Lebanese community and the army, but only the lukewarm backing of the governor and his allies in the Viedma region, particularly the Spanish merchants. After months in the plateau the following spring Torino failed to find any witnesses willing to corroborate his original theory. The unprompted testimony of an indigenous teenager turned the case around: he had witnessed around forty murders, and at least on one occasion had been forced to take part in ritualistic anthropophagy of one of the dismembered bodies. With renewed zeal, "cunning," and (according to a later investigation) torture, Torino and his men rounded up almost sixty suspects, mostly of indigenous descent.<sup>76</sup> The investigation began to operate under a new theory, not rejecting the previous thesis of merchant rivalry, but foregrounding instead the

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<sup>74</sup> Elías Chucair, *Partidas sin regreso de árabes en la Patagonia*, 3. ed (Buenos Aires: Ediciones del Cedro, 2000), 165.

<sup>75</sup> Until 1912, the internal political divisions of the Río Negro Territory were very different. The present-day county of El Cuy, where this case took place, was at the time part of a much larger county called "9 de Julio," which covered all of present-day El Cuy county, parts of the present-day counties of 9 de Julio and 25 de Mayo.

<sup>76</sup> "Torino, José María (Jefe de Policía)—usurpación de autoridad (y otros)" Leg. #259-10278 (AHP-RN, JL)

savagery of the cannibalistic attacks on the *mercachifles*. Despite the best efforts of his men, Torino had to build a case without material evidence, since none was found.<sup>77</sup> In a perverse way, the *lack* of physical evidence seemed to corroborate, in the eyes of the police, that the suspects had consumed the murdered bodies. The case was built on the confessions of the suspects, who after a grueling march in harsh conditions from El Cuy to General Roca were repeatedly tortured.

The legal process threatened to become “frontier justice”—a lynching of racialized others without due process—as the press created a heightened environment in Buenos Aires, dictating not only how the situation was perceived but also how national authorities reacted to it. By the time Torino led his prisoners into the ill-equipped police station in General Roca the national press had arrived, tipped off by the governor’s frenzied request for reinforcements from Buenos Aires lest the cannibals break free. The suspects were paraded for the assembled media, who captured the harrowing images of the men and women who had “snacked on Turkish fillets,” and documented their deplorable state.<sup>78</sup> The Buenos Aires dailies *La Nación* and *La Prensa*, as well as the glamorous weekly *Caras y Caretas*, ran extensive pieces recounting the sordid details of the alleged crimes. They included almost a dozen photographs of the sullen-looking indigenous captives, the smiling police officers, and the harrowing environment that had spawned the crimes. The headlines were sensationalist, and the events themselves became mythologized soon after. A popular folk song spread quickly through the countryside, celebrating Torino’s feat of making the region safe for “foreigners and nationals alike.”<sup>79</sup> Critics labeled the suspects as “indigenous *Chilean* bandits,” underscoring their belief that the government had failed to secure the border (by highlighting their “foreignness”) and had not established robust institutions of social control in Patagonia (by grouping them as “indigenous” and “bandits”). Despite the usual nationalist tendency to consider all indigenous people as inherently “Chilean,” this case actually had a significant connection with the trans-Andean country.

Witnesses singled out the intellectual author of the crimes as “el *winka*” Pablo Bebráñez.<sup>80</sup> His documents identified him as a Chilean citizen, but his tall, broad frame, blond hair, and green eyes suggested northern European ancestry. His predilection for elegant black corduroy garments, white silk scarves, and a dark hat, with matching boots and bejeweled silver accents, betrayed his background as a successful merchant. Bebráñez also moonlighted as the justice of the peace in the small port town of Toltén, in south-central Chile.<sup>81</sup> According to the testimonies of the witnesses, Bebráñez would encourage the brigands to lure the *mercachifles* into their *tolderias* (encampments), where they would kill them in their sleep. After dismembering and burning the bodies to avoid police detection, the assailants would take the

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<sup>77</sup> The police never found any of the *mercachifles*’ wares, or any human remains, which would be well preserved in the cold and dry weather of the plateau. They found, in the witch-doctor’s hut, some human remains—a skull, a mummified heart, and “bone necklaces”—but no evidence of fifty, or more, victims.

<sup>78</sup> “Los caníbales de Río Negro,” *Caras y Caretas. Semanario festivo, artístico y de actualidad*, February 5, 1910.

<sup>79</sup> The song, collected by Chucair in his 1991 study, crooned: “Al comisario Torino/ y todos sus servidores/ debemos estos favores/ extranjeros y argentinos,/ que libertó los destinos/ del furor de los malvados...”(160).

<sup>80</sup> Sometimes his last name is spelled Breváñez, while some sources suggest his last name was Real.

<sup>81</sup> Argeri, *De guerreros a delincuentes*, 192; Chucair, *Partidas sin regreso de árabes en la Patagonia*, 115.

stolen wares through the mountain passes to Chile to sell to Bebráñez, who used his post as a justice of the peace to secure travel documents for the bandits and their contraband.

Bebráñez's unusual trade network also included the Spanish merchants in the plateau, according to police informants, but they were never deposed despite their seemingly central role in the commercial life of the plateau. One of the two was repeatedly identified only as "el Gallego" in the documents, signaling his northern Spanish origins. They seemed to have been the aforementioned representatives of Inda y Contín in the region, given how often immigrants employed fellow countrymen. In the context of a broader struggle between the better established and connected Spanish merchants and their tenacious Siro-Lebanese counterparts, the dapper merchant-judge from Chile appears as a crucial link in an interlocking set of immigrant networks. However, enraptured by the tales of cannibalism the press zeroed in on the persistence of indigenous strongholds decades after the Conquest, and the commercial rivalry driving the massacre received little attention.

As soon as Torino had shepherded the prisoners into Roca in early February 1910, he lost control of the case as both groups of immigrants began trying to influence the outcome. The Siro-Lebanese community in Roca volunteered to assist the police in deposing all the witnesses, and they even signed the confessions of some of those implicated in the crime, since most of the indigenous people were illiterate. Their efforts to help the investigation along went well beyond the ways in which neighbors traditionally helped the police. In fact, when the state later charged Torino with abusing the prisoners (eventually sending him to jail) the Siro-Lebanese community in Roca paid for his defense fees, showing their appreciation for his efforts to protect the community.<sup>82</sup>

While the Siro-Lebanese community worked diligently within the legal system to help solve the case, their allies in the military worked the press and national authorities to reframe the case as a continuation of the Conquest. Unable to mount large-scale scouting missions, the military had often used the *mercachifles* as an informal reconnaissance force in the plateaus, and took the crimes against these close allies particularly hard. Retired military leaders blamed the civil authorities for failing to properly staff and supply the police, which they linked directly to the persistence of indigenous autonomy—the military felt that it had defeated the indigenous groups, but the government had failed to solidify those victories. Expressing fear that political maneuvers and outside pressures could result in the acquittal of the alleged cannibals, the military began pressuring the government to transfer the prisoners to Buenos Aires (echoing the practices of indigenous removal from the previous century), but the governor and his allies in the Interior Ministry insisted that the case should be tried in Viedma. The conflict between established Spanish traders in Viedma with their allies in the territorial government, and the Turkish *mercachifles* allied with the military would have to be decided through the criminal courts.

The elite of Viedma society, with its connections to the governor, state representatives and prominent merchants, balked at the implication that associates of the Inda y Contín firm had either participated in the crime, or conspired with the accused.<sup>83</sup> In the local press—and through shared social connections—the Viedma elite pressured the judicial authorities to ensure that the public clamor for a swift resolution did not alter the way the case was handled. At least one

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<sup>82</sup> Morandini, *El harén*, 48.

<sup>83</sup> Argeri, *De guerreros a delincuentes*, 198.

judicial actor, the prosecutor Villafaña, took fairly dramatic steps to dismantle the state's case against the supposed cannibals. Noting with dismay the tortured and mangled bodies while deposing the accused, he intimated that Torino was responsible for the death of sixteen (out of sixty-seven) prisoners who perished during the march, and suggested that their confessions be dismissed since they were probably the result of coercion. Noting that the police had failed to generate any direct evidence, he recommended the immediate release of most of the suspects. Villafaña even began to challenge the very *existence* of the crime. The police had not recovered any bodies, and beyond the accounting records of a Sirio-Lebanese merchant there was no other evidence that these people had even existed, let alone disappeared into the plateau or been cannibalized by bandits. Villafaña cited the international attention that the case had received as evidence that it was in fact a fabricated case. He argued that “despite the editorials being published in every language about ‘cannibalism in Río Negro’ which are widely circulated in the country *and abroad*, we do not have more family members, friends, or associates” coming forward to make the “paper victims” real. The prosecutor even had “small suspicion” that “these alleged victims might not have lived their own lives after all,” implying that the Sirio-Lebanese community entirely manufactured the massacre. He suspected that their goal had been to disband the illegal trading circuit spanning Spanish merchants in Viedma to Chilean merchants in the Pacific, to give them a chance to break into the plateau.

The prosecutor's dismantling of the state's own case against the “cannibals” put the judge in an untenable position. Agreeing with the prosecutor would have been a political disaster, as it would have immediately released the accused and ended all future investigations into the disappearance of Elias and Kessen, confirming for the outside world the notion of northern Patagonia as a lawless frontier—a land of cannibals and savagery. Additionally, accepting the prosecutor's suggestion that the disappeared *mercachifles* had never actually existed could have alienated the growing Sirio-Lebanese community in northern Patagonia, in a way punishing them for their isolation. The judge, however, could not simply convict the suspects based on little substantial evidence to avoid outraging the captive national audience. The judge tried to negotiate a “politically palatable solution” to the case.<sup>84</sup> He took the unusual step of rejecting the prosecutor's recommendations outright. Feeling betrayed by the judge's decision Villafaña resigned, and his peers in Viedma refused the judge's overtures to participate as ad hoc prosecutors. Exasperated, the judge finally settled on a foreign-trained lawyer, Emilio De Rege, who proposed a creative legal solution that would not compromise the court's integrity: a “temporary dismissal” (*sobreseimiento provisional*) of the case while the investigation remained open in search for more evidence. It was an elegant solution. The prisoners were immediately released, and their presumption of innocence maintained but not confirmed. This solution also allowed for the case to simply “expire” and officially be closed if no new evidence was uncovered. By defraying the dismissal of the case for at least two years, the courts allowed public sentiment to simmer down, and did not risk wrongfully convicting anyone.

The temporary dismissal of cases that could not be irrefutably proved (a judicial “halfway house” of sorts) was an important part of how the judiciary functioned in the frontier. This legal loophole allowed judges to avoid adjudicating complicated and embarrassing issues, while also keeping their workload manageable with insufficient resources. The Sirio-Lebanese community

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<sup>84</sup> Argeri mentions that the new judge sought a “salida...política,” but there is no evidence of this in the sources, and her claim is not referenced. Argeri, *De guerreros a delincuentes*, 201. Simply put, the public pressure to convict might have led the judge to attempt reaching a politically palatable exit to a judicially unsatisfying issue.

was partially placated—since the case was still being tried and the police had disbanded what they perceived as a dangerous criminal network in their backyard—as was the Viedma society linked to the Spanish merchants—since the case appeared to be dormant and none of their members were dragged into it. This arrangement gave the impression of preserving the status quo even though the investigation itself had already transformed the commercial landscape of the plateau. Whatever arrangement had been in place between the Spanish traders in Viedma, their representatives in the plateau, and Bebráñez had broken down with Torino's investigation of the disappearances. Villafañe failed to have the case against the accused dismissed, but his assessment of the tortured bodies and coerced confession led directly to the only criminal conviction—*comisario* Torino's—in this case.

Unlike the case surrounding police abuses in Neuquén, there was no evidence of any diplomatic communications between Argentine government officials and representatives of the Ottoman Empire or Spain. The pressure on Patagonian authorities in this case came from informal networks, from newspapers, and from the local allies of either immigrant group (the military for the Sirio-Lebanese, and the governor's office for the Spanish). Although the Sirio-Lebanese community's broader connections throughout the country and abroad do not appear in the archives, they are tangentially referenced in the secondary literature.<sup>85</sup> More importantly, Argentine authorities *perceived* outrage in the Ottoman Empire about the lack of guarantees for their subjects abroad, and acted accordingly—as Villafañe's rationalization for the non-existence of the victims given the case's notoriety. The “political considerations” that troubled the judge as he made his ruling were exacerbated by the impending Centennial celebrations in Buenos Aires. If Argentina hoped to present itself to the world in May 1910 as an exemplary case of modernization through radical immigration, having immigrants disappear without a trace only to potentially end as part of a cannibal ritual was less than desirable.

In this third type of crisis—in which both groups of immigrants had networks of allies—conflict was channeled through the institutions of the “skeletal state” and the flexibility (arising from equal parts ineptitude and precariousness) of that system allowed for extra-legal solutions that did not necessarily break the law. On one level, this case exemplified the power of immigrant communities to exert quiet influence over state officials, as the Spanish elite and the territorial authorities in Viedma operated in similar social circles. Recall, for example, Inda y Contín's active role in advising the governor in the short-lived Government Council of 1898, and their ongoing participation in the municipal council of Viedma. On another level, the ability of the Sirio-Lebanese community to counterbalance that quiet influence with their own set of regional and national allies, including the military base in General Roca, as well as members of the military high command who valued their partnership. These rival networks ensured that the case of the missing *mercachifles* was not simply swept under the rug by embarrassed national authorities or by territorial officials with longstanding relationships with some of the implicated parties.

Built on economic bonds, these social relationships slowly but surely became the building blocks of civil society in northern Patagonia, linking people together through shared

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<sup>85</sup> Since most of the secondary material on this subject is popular press intending to either celebrate the resolve of the Sirio-Lebanese community or to excoriate indigenous “savagery,” none of them proved too rigorous with their referencing. I was unable to corroborate their claims of international outcry, but the mention by Villafañe of this kind of backlash seems to confirm it. Without pushing the issue too much, I think it is safe to assume that the lack of safety for immigrant communities echoed loudly in their countries of origin.

interests and concerns. Either in formal organizations (like a diplomatic office in a territorial capital), or through informal networks (like the support the *mercachifles* had from the military authorities) immigrants in the frontier found that allies from *outside* the region were particularly effective in manipulating the “skeletal state” arrangement. However, agents of the state (police, prosecutors, and judges) were equally adept at maneuvering the institutions of the state from *within* to maximize its effectiveness while minimizing the effects of those outside pressures. As the Argentine government’s commitment to an inclusive, cosmopolitan policy towards immigrants began to waver in the early decades of the twentieth century, immigrants’ allegiance to the state on the frontier was the result of their ability to interact with it—to be able to have some influence in its operation. This arrangement would collapse in the 1930s, as both the “skeletal state” ended and a more nationalist group took over the government.

## Conclusion

A few months after Carlos Busso proudly flew the Italian flag in celebration of his economic success in Neuquén, a conservative coup deposed President Hipolito Yrigoyen in September of 1930. The nationalist groups associated with the new ruling regime found the enduring cultural openness of northern Patagonia to be not only an embarrassment, but also an existential threat. The different levels of anxiety between the state agents over Busso’s flag embodied the erosion of the cosmopolitan arrangement of the previous decades as nationalist fears zeroed in on foreign-born individuals. The “flexibility” of the state on the frontier—that outward expression of incompetence and dysfunction—allowed for the inconsequential infraction of a federal statute to be shrugged off by a judge, who had to carefully allocate scarce resources to an array of crimes and infractions. The judge made the judicial apparatus less punitive than the arresting *sub-comisario* would have wanted out of necessity, highlighting the way in which the appeal of the “skeletal state” arrangement for immigrants was tied to its precariousness. The world that the conservative coup would forge would not accommodate symbolic, largely harmless displays of foreign patriotism. The coup in 1930 accelerated a process that had begun after the First World War, as transoceanic immigration slowed to a trickle and northern Patagonia become more populated. The increase in importance of the “Liga Patriótica” in local politics (even Sirio-Lebanese immigrants were joining and eagerly expanding its reach in the frontier, as the example of Severino Afione) began to marginalize immigrants who refused to share power in their frontier communities. In fact, one of the first actions taken by the authorities in Neuquén after the coup targeted immigrants in the city.

Prominent *vecinos*, soon after the coup, alerted the military commander of the Neuquén Territory, Lieutenant Paterson Toledo, of rumors that “Chilean forces allied with Yrigoyen loyalists” were planning an invasion. They imagined a coordinated force of internal and external “enemies” which would try to undo the conservative coup from a Patagonian base of operations. Toledo responded swiftly by firing state employees of uncertain allegiance, purging the local administration of potential threats, detaining alleged spies, organizing militias, and eventually jailing an estimated 10% of the population of that capital city.<sup>86</sup> His actions were supported by particular sectors of Neuquén’s elite (associated with the Liga Patriótica), who egged the commander along, sharing his fears of the continued vulnerability of the region, half a century after it had been absorbed by the national state. In their eyes, the high number of foreign-born

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<sup>86</sup> Bohoslavsky, *El Complot Patagónico*, 151.

### Chapter Three: Under an Uncertain Flag

settlers, and especially the high proportion of Chilean nationals in the mountainous border region, presented a particularly soft target for outside agitators. To the nationalist elite, northern Patagonia *continued* to be as vulnerable to foreign absorption as Alsace-Lorraine had been for France, or Texas had been for Mexico.<sup>87</sup>

In the 1920s and 1930s, immigrant groups began identifying with broader identities, like *vecinos*, and used the vast social and economic networks that they had painstakingly curated for explicitly political ends. Before we turn to how immigrants, and their Argentine allies, exercised their citizenship in the frontier, we must first discuss the importance of reputation—as a public extension of domestic order—in creating and maintaining these social networks.

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<sup>87</sup> Bohoslavsky, *El Complot Patagónico*, 54–55.

## Chapter 4

### “Private Crimes” or “Public and Notorious”?

#### Reputation, Family, and the Frontier State

*I am not sure how, or to what extent, the police can be expected to force a married woman to move back with her husband against her will...*

—Officer Díaz’ unprompted opinion on state intervention in family affairs, in 1921.<sup>1</sup>

On the morning of 26 October 1904, Mercedes Oliva (“a child of just thirteen or fourteen”) dressed up in her nicest clothes, made a careful package with her remaining possessions, and left her guardian’s home to meet her secret lover, Luis Mases, a thirty-one-year-old Spanish merchant who had only recently arrived to the frontier. Mercedes did not get far, as she was intercepted by a neighbor and deposed by the police.<sup>2</sup> The investigator considered that Mercedes might be escaping an abusive guardianship, but the community’s assessment of a family-like environment made them abandon that notion early on. The police shifted gears and began treating her as a “runaway” who, in pursuit of a lover, abandoned her family home. However, upon further questioning of the anguished teen, the police settled on a more disturbing story. Mases had courted the girl, and eventually convinced her to have sex with him as “proof of love,” before skipping town, leaving Mercedes a careful set of instructions to meet him on the island of Choele Choel after he had established his business. The police arrested Mases at once—helping a teen to run away from home was considered kidnapping—and proceeded to detain him for an entire month without formally charging him or taking his deposition.

After repeated letters by both Mases and his lawyer to the local police and the regional authorities in Viedma, the judge finally ordered an officer to depose the suspect.<sup>3</sup> The letter by the lawyer contended that “baseless complaints should not limit someone’s freedom,” and argued that detaining someone based on a teen’s *allegation* “gravely threatened to alter the harmony of social relations.”<sup>4</sup> Mases’ letter to the judge echoed his lawyer’s but added a threat of

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<sup>1</sup> The original reads: “El suscripto ignora hasta qué punto la Policía puede obligar a una mujer casada volver hacer vida marital con el esposo contra su voluntad...” Found in “Rebolledo, Jesus Manuel—denuncia fuga de su esposa (Benita Barrios de Rebolledo),” Leg #463-18429 (Archivo Histórico Provincial de Rio Negro, Justicia Letrada, hereafter AHP-RN, JL).

<sup>2</sup> “Mases, Luis—raptó de la menor Mercedes Oliva,” Leg #51-1965 (AHP-RN, JL).

<sup>3</sup> In an irate letter dated Nov 23rd, Luis Mases asked the judge to expedite the investigation. That sentiment was echoed a few days later by his lawyer, Arturo Vinento, who demanded his client be released immediately on account of secret unassailable proof of his innocence, which he never produced.

<sup>4</sup> The original reads: “si por la sola declaración del padre, tutor o encargado de una menor, la justicia procede a tener al denunciado de raptó, violación, estupro, etc. y aun cuando falte elementos de prueba que justifiquen la detención e instrucción de un sumario, se corre *el gravísimo peligro de alterar la armonía en las relaciones sociales.*”—emphasis added.



abandoning his plans to open a soda factory in the region because of this experience. The judge eventually agreed with them, deciding that the police had acted illegitimately, and dismissed the charges against him based on lack of evidence. The local police, who knew Mercedes’ guardian well—he was a known merchant in town—and heard firsthand from the confused, distressed teen the harrowing tale of Mases’ sexual advances, swiftly acted to punish the outsider by detaining him illegally without notifying the judge or advancing the investigation. Mercedes was married within the year. This chapter looks both at how individuals in a family tried to preserve, safeguard, and escape the public perception of the family, and how the response by state representatives to those efforts shaped the development of the “skeletal state” arrangement.

This case exemplifies the three main themes of this chapter. First, the police’s assumption that Mercedes was escaping an abusive home suggests how often women and children on the frontier tried to get the police’s attention by abandoning the home.<sup>5</sup> Before the establishment of *depósitos* to house women and children in the 1920s, people attempting to escape abuse in northern Patagonia had few ways to get the state involved in their private lives: “stepping out” of the home was a sure way to get the police’s attention. Second, besides escaping violence, teens often abandoned the home to move in with lovers and partners, against their parents’ wishes—which was how Mercedes chose to articulate her own story, at least initially. When running away to abscond with their lovers, Patagonian teens tended to highlight their own agency in the process (rather than attempt to protect their honor by staging a “kidnapping” as teens elsewhere in Latin America had done throughout the nineteenth century), in part because of the relative weakness of religious traditions (as compared with southern Mexico, for example) and in part because of the state’s own inability to punish that behavior (since it lacked appropriate facilities to “punish” these challenges to the patriarchs). Lastly, the case underscores the vulnerability of teens on the frontier to sexual assault, which was exacerbated by the transience of the population (nobody in town knew Mases, and he did not stay in Roca long before moving down river), and the lack of a robust police presence (as it took a curious neighbor to notice something unusual happening with Mercedes). This chapter explores these three themes through court cases, using moments of state intervention in family tragedies as windows into how individuals negotiated power dynamics in a “private” setting. Those familial negotiations had a two-way relationship with public reputations of individuals and families: the police used public reputation to adjudicate domestic conflicts, and the perception of disorderly households tarnished the public image of everyone in the family.

This chapter advances two arguments about the role of the frontier state in family dynamics. First, it argues that both settlers and representatives of the state attempted to use the meager resources of the “skeletal state” in creative ways to protect vulnerable women and children, with limited success. For example, Mercedes’ neighbors not only noticed her leaving the home, but they immediately contacted the police and eagerly contributed to the investigation by providing damaging anecdotes of Mases and positive ones of Mercedes and her guardian. The local police—both as state representatives trying to shape the state’s response to these cases, as well as the main resource that other actors try to mobilize—reacted swiftly and personally. They ordered the arrest of Mases as soon as they received Mercedes’ account, and transformed a temporary detention into a *de facto* sentencing for his alleged crimes. The federal judge had the

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<sup>5</sup> This process appears to be similar to how teens showed “defiance” in Buenos Aires during this time period, Donna J. Guy, “Girls in Prison: The Role of the Buenos Aires Casa Correccional de Mujeres as an Institution for Child Rescue, 1890-1940,” in *Crime and Punishment in Latin America: Law and Society Since Late Colonial Times*, ed. Ricardo D. Salvatore, Carlos Aguirre, and Gilbert M. Joseph (Duke University Press, 2001), 369.

final say. Charged with establishing the rule of law on the frontier, he intervened decisively to short-circuit the informal punishment meted out by the local police.

Each one of these steps required the deployment, and renegotiation, of an individual’s reputation—the teen’s sexual reputation, her guardian’s reputation in town, and Mases’ lack of reputation as a newcomer—which dictated how likely they were to receive help from the police. The importance of reputation in accessing justice is the second argument that this chapter advances. Most strikingly, reputation—broadly understood—served as both the impetus for, and main constraint to, the desire by state representatives to become entangled in a family’s private affairs. The representatives of the state in the frontier (not only police officers, chiefs of police, prosecutors, and judges, but also public defenders, juvenile defenders, and social workers) infused their understanding of the law with their own morality and prejudices, making the state’s role as a guarantor of domestic order piecemeal and contingent.

Building on the ways in which immigrant groups (as seen in Chapter Three) used formal and informal networks to affect the ways the “skeletal state” operated, this chapter emphasizes how the reputation of individuals and families affected the kind of justice they could expect to receive. In a frontier space like Patagonia, as Gallucci puts it, “the private sphere, in which everyday life unfolded for most people, was never completely separated from the public one,” and family life was a crucial nexus for this overlap.<sup>6</sup> The ability to navigate the imperfect split between public reputation and domestic order allowed abused wives, runaway daughters, and patriarchs to mobilize and draw state action into their family affairs.

### Views on the family: historiography and historical context

In the century before the Argentine government took control of Patagonia, attitudes about patriarchy and family life were undergoing dramatic change across Latin America. The transition from colonial to republican rule presented everyday challenges to Latin Americans as they adjusted to new laws, practices, and even institutions governing family dynamics.<sup>7</sup> As small communities transformed into less personal cities, notions of honor, of community, and reputation began to change dramatically, becoming more institutionalized and less informal.<sup>8</sup> Courts, in particular, served as “a nexus for gender disputes within the family” as well as a space where broader political developments intersected with private lives.<sup>9</sup> The records left behind by the courts (investigations, testimonies, summaries, rulings) have helped scholars trace how changes in jurisprudence affected gender roles within the family and in society as a whole.<sup>10</sup> In

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<sup>6</sup> Lisandro Gallucci, “Las prácticas electorales en un municipio patagónico: Neuquén, 1904-1916,” *Revista Pilquen*, no. 7 (2005): 10.

<sup>7</sup> Jeffrey M. Shumway, *The Case of the Ugly Suitor and Other Histories of Love, Gender, & Nation in Buenos Aires, 1776-1870* (Lincoln: University of Nebraska Press, 2005).

<sup>8</sup> Mark D Szuchman, *Order, Family, and Community in Buenos Aires, 1810-1860*. (Stanford, Calif.: Stanford University Press, 1988); Lyman Johnson, “Dangerous Words, Provocative Gestures, and Violent Acts: The Disputed Hierarchies of Plebian Life in Colonial Buenos Aires,” in *The Faces of Honor: Sex, Shame, and Violence in Colonial Latin America*, ed. Lyman L. Johnson and Sonya Lipsett-Rivera (Albuquerque: University of New Mexico Press, 1998), 127–52.

<sup>9</sup> Laura Marie Shelton, *For Tranquility and Order: Family and Community on Mexico’s Northern Frontier, 1800-1850* (Tucson: University of Arizona Press, 2010), 157.

<sup>10</sup> Christine Hunefeldt, *Liberalism in the Bedroom: Quarreling Spouses in Nineteenth-Century Lima* (University Park, Pa: Pennsylvania State University Press, 2000); Tanja Katherine Christiansen, *Disobedience*,

places where the Catholic Church had a longstanding presence, or where indigenous traditions had become socially codified into mestizo society, historians have highlighted the continuities through the independence movements.<sup>11</sup> When change did happen it often played out as part of the broader shift from ecclesiastical authority to secular one, with state institutions taking over the role of guarantors of family order and patriarchy.<sup>12</sup> As Elliot West noted for the American West, family life was “the most conservative area of frontier life...its behaviors, its rituals, and the attitudes associated with it,” as it was for many settlers in Northern Patagonia.<sup>13</sup> Conservative ideas about patriarchy held by many settlers, combined with an outdated civil code, and reform-minded officials came together in the “skeletal state” to make disagreements over labor, violence, and choice within families explicit, and new acceptable parameters were negotiated and contested in court.

The analysis of court cases from northern Patagonia builds on these approaches, but adds two important distinctions. The first distinction is related to the Argentine state’s unitary, if weak, hegemony in the region. Although the Conquest of the Desert did not result in the destruction of all indigenous peoples in Patagonia, it greatly undermined indigenous ways of life. This presented a different social and cultural makeup from places like southern Mexico or the Andean highlands.<sup>14</sup> Indigenous gender norms were subsumed into a settler society that outnumbered them in a few decades, leaving behind scattered traces of an alternate social order (like the “Ley de Indio,” discussed in Chapter Two). As a space that had existed mostly outside of Spanish colonial rule, northern Patagonia did not have strong church institutions before the Conquest. Some scattered missionaries had attempted to convert the dwellers of the Andes valleys, with little success, but a coordinated Christianization effort did not arrive until *after* the Argentine army swept through the region.<sup>15</sup> This lack of an institutional rival made the state presence in Patagonia different from most of Latin America, and anywhere else in Argentina.<sup>16</sup> Without having to compromise or negotiate with a fully articulated indigenous tradition or an

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*Slander, Seduction, and Assault: Women and Men in Cajamarca, Peru, 1862-1900* (University of Texas Press, 2004).

<sup>11</sup> Kathryn A. Sloan, *Runaway Daughters: Seduction, Elopement, and Honor in Nineteenth-Century Mexico* (UNM Press, 2008).

<sup>12</sup> Donna J. Guy, *Sex & Danger in Buenos Aires: Prostitution, Family, and Nation in Argentina* (U of Nebraska Press, 1991); Szuchman, *Order, Family, and Community*; Donna J. Guy, “Parents before the Tribunals: The Legal Construction of Patriarchy in Argentina,” in *Hidden Histories of Gender and the State in Latin America*, ed. Elizabeth Dore and Maxime Molyneux (Durham, NC: Duke University Press, 2000), 172–93; Mark D. Szuchman, “A Challenge to the Patriarchs: Love Among the Youth in Nineteenth-Century Argentina,” in *The Middle Period in Latin America: Values and Attitudes in the 17th-19th Centuries*, ed. Mark D. Szuchman (Boulder: Lynne Rienner Publishers, 1989).

<sup>13</sup> Elliott West, *Growing up with the Country: Childhood on the Far Western Frontier*, 1st ed, *Histories of the American Frontier* (Albuquerque: University of New Mexico Press, 1989), 248–49.

<sup>14</sup> Some of the classical examples of the how the transition from colonial to liberal jurisprudence affected private practices in largely indigenous settings are: Christiansen, *Disobedience, Slander, Seduction, and Assault*; Sarah C. Chambers, *From Subjects to Citizens: Honor, Gender, and Politics in Arequipa, Peru, 1780-1854* (University Park, Pa: Penn State University Press, 2011); Sloan, *Runaway Daughters*.

<sup>15</sup> The main Jesuit missionaries in the area around Nahuel Huapi were Diego Rosales, Nicolas Mascardi, José Zúñiga, Van der Meeren, Guillermo and Elguea, all of them between 1650 and 1776.

<sup>16</sup> The other Argentine borderland region, the Chaco, had a robust Jesuit presence since at least the eighteenth century.

established church, Argentine authorities introduced their complex understanding of acceptable courtship practices, marriage choice, and domestic order. Unlike, say, contested religious practices in sixteenth-century Yucatan, in which Spanish authorities had to contend with and adapt to indigenous interpretations of their hegemonic rule, in northern Patagonia the negotiation, to the extent that it happened, was dramatically asymmetrical.

The second distinction raised by the northern Patagonian example is temporal. The early twentieth century offers the possibility of looking at how changing attitudes met unchanging laws—or how different actors at the most basic level of the state injected their own perspectives into legal proceedings. The center of gravity of this chapter is in the first two decades of the twentieth century, before Argentine jurists began trying to modernize the civil code to weaken paternal prerogatives in the family in the 1920s. Despite there being shifting *attitudes* about women’s rights, civil law in Argentina was still geared to protecting the primacy of the father.<sup>17</sup> Additionally, by the early twentieth century there was an expanded presence of institutions of social control on the frontier. Gender conflicts within the family and within broader society took place in a distinctly different institutional ecosystem from studies of the post-independence and early-Liberal periods. For example, soon after the establishment of the Governorship of Patagonia in 1878, the Salesian order opened a number of boarding schools for boys and girls, which also served as detention centers for women and minors awaiting trial. In the mid-1920s the state finally opened its own *Depósito de Mujeres y Niños*, offering an alternative umbrella-institution for those looking to escape violent, or unwanted, family dynamics. Finally, the early twentieth century provided a more robust and mature judicial apparatus, including public defenders, juvenile public defenders, as well as a small but growing cadre of lawyers to advocate for the rights of different family members.

Even though studies of gendered conflicts in Argentina are both good and plenty, they rarely venture into the interior, let alone the National Territories, limiting their studies to the non-representative example of Buenos Aires.<sup>18</sup> For example, in a seminal study of how patriarchy was contested through the courts Donna Guy mentions in passing a case from the National Territory of La Pampa, when the *defensor de menores* [juvenile public defender] acted in a completely opposite way from his peers in Buenos Aires, upholding the father’s rights over an infant despite the mother’s complaint. In that case, the civil servant’s unusually narrow understanding of *patria potestad* signaled the existence of a distinct legal culture in northern Patagonia’s National Territories, which was beyond the scope of that study on patriarchy, but raised interesting questions about regional difference.<sup>19</sup> The remoteness of northern Patagonia convinced settlers, lawyers, and state agents that special dispensations were required in the frontier to shore up patriarchy, even if their actions and desires went against the usual interpretations of the law. The importance of local authorities attuned to the needs and demands of the community, including “interests of households,” echoed similar strategies to gain and

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<sup>17</sup> Asuncion Lavrin, *Women, Feminism and Social Change in Argentina, Chile, and Uruguay, 1890–1940* (Lincoln: University of Nebraska Press, 1998), 206–11.

<sup>18</sup> For example, Shumway, *The Case of the Ugly Suitor*; Szuchman, “A Challenge to the Patriarchs”; Guy, “Parents before the Tribunals”; Guy, *Sex & Danger in Buenos Aires*; Donna J. Guy, “Women’s Organizations and Jewish Orphanages in Buenos Aires, 1918–1955,” *Jewish History* 18, no. 1 (2004): 75–93; Donna J. Guy, *Women Build the Welfare State: Performing Charity and Creating Rights in Argentina, 1880–1955* (Duke University Press, 2008); Natalia Milanésio, “‘The Guardian Angels of the Domestic Economy’: Housewives’ Responsible Consumption in Peronist Argentina,” *Journal of Women’s History* 18, no. 3 (2006): 91–117.

<sup>19</sup> Guy, “Parents before the Tribunals,” 181.

maintain legitimacy in plebeian Buenos Aires a century earlier.<sup>20</sup> In the “skeletal state” arrangement an array of state agents inserted themselves in the legal process, offering their own interpretations of civil and criminal statutes, changing legal practices even when the laws themselves remain constant.<sup>21</sup>

The stereotype of “rugged individualism” in frontier settings (which permeated the ethos of Patagonian settlers) suggests that patriarchs would, at best, resent state encroachment into the ways they handled their households or, at worst, refuse to allow the state into their most private realms altogether. To be sure, there were patriarchs who would not allow the state to intercede in their family disputes, and their stories reach us through the intervention of neighbors and acquaintances who did everything they could to force the state into those conflicts. However, a surprisingly large number of fathers and husbands eagerly reached out to police officers, judges, and even governors in desperate attempts to regain control over their unruly households, especially if the threat came from outside the family. Socio-economic dynamics in the frontier shaped gender roles within the family in interesting ways, from single mothers and guardians requesting state intervention (and institutionalization) of troubled youths, to husbands and suitors who turned to the state in a last-ditch effort to keep their partners from abandoning them. Finally, the precariousness of the state presence on the frontier undermined the underlying logic of rehabilitation seen in other contexts at this time. Donna Guy has argued that in Buenos Aires “the technical project behind the incarceration of poor young girls on the street was to create a rite of passage that removed them from the streets, and, *through the powers of public officials*, returned them to private, domestic society with new identities that acknowledged their inferior social status”—but this ritual was truncated by the impoverished frontier state, which relied almost exclusively on neighbors to house and “redeem” them.<sup>22</sup>

In short, northern Patagonia offers a powerful case study for the intersection of gender dynamics and the expansion of the state. The absence of a fully-articulated social tradition in the region after the Conquest (neither indigenous, nor *criollo*, nor immigrant) allowed the state’s legal practices to become hegemonic fairly early on, even though minor expressions of alternate social practices persisted. The maturity of the colonizing state meant that settlers had a more complete legal ecosystem at their disposal, even if it did not always work as intended and state representatives sometimes rebelled against their superiors when they disagreed with the state’s policies. Finally, the “frontier” setting, with the corresponding remoteness of the national state, changed how state agents interpreted laws and what the different actors expected of each other.

However, the ultimate deciding factor in whether or not someone got their desired result in these family conflicts was *social* standing—not simply economic standing (although being wealthy certainly helped)—but rather the broader social standing that stemmed from reputation. Fathers, daughters, wives, and suitors who could show that they had broad popular support for their actions from their immediate community often managed to receive legal, or extra-legal, redress for their grievances. Although courts rarely resolved the cases in a decisive manner, the judicial process itself—from the initial complaint, through the investigation, the detention of suspects or victims, and eventually the legal arguments—served as a socially-recognized

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<sup>20</sup> Szuchman, *Order, Family, and Community*, 4–6.

<sup>21</sup> Despite small changes to the civil and penal codes in the intervening years, those modifications did not greatly alter *why* family members sought out the state’s assistance, only how successful they were in their efforts.

<sup>22</sup> Guy, “Girls in Prison,” 372.

resolution to the conflicts, showing how important the subjects’ social standing was to the quality of justice they could expect to have.

### Family violence and the power of fathers

Civil law at the beginning of the twentieth century was still geared to protecting the primacy of the father within the household.<sup>23</sup> One key battleground over patriarchal rights was parental and spousal abuse—what was the line between “correcting” and “abusing” a spouse? Was that line similar for children? Unless one of the other family members could mobilize local allies or escape the territory altogether, the police tended to do everything in its power to return them to the home, even when they knew of the potential harm they would face there. Wives could usually call upon friends or relatives to try to intercede on their behalf, even hiding them or helping them flee. Underage children usually did not have these kinds of networks; they risked institutionalization in the *Depósito* if their attempt to bring their abusive parents to heel failed. Children also carried the burden of their parent’s reputation as well as their own, the combination of which affected how effective their pleas to the state turned out. Both groups’ attempts to bring state attention to their plight succeeded to the degree that they were able to mobilize popular sentiment to their cases. In other words, local social networks and the reputation of those involved influenced the state agents’ resolve to seek out creative, semi-legal ways to protect wives and children from abuse without openly challenging the law.

#### *Wives*

The Argentine Congress amended the original 1869 Civil Code through piecemeal legislation throughout the second half of the nineteenth century, incrementally, but unevenly, bringing it closer to the modern civil codes flourishing in Europe.<sup>24</sup> One of the biggest changes came in 1889, when the Argentine Congress passed a set of modifications to Civil Marriage, through Law 2393, spelling out the rights and responsibilities of spouses.<sup>25</sup> Article 53 of that law established that

“the woman is forced to live with her husband wherever he establishes residency [...] if she fails this obligation, the husband may request the necessary judicial measures to force her to comply [...] the courts, knowing the particulars of the case, can exempt a woman from this obligation when complying with it could result in danger to life.”<sup>26</sup>

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<sup>23</sup> Lavrin, *Women, Feminism and Social Change in Argentina, Chile, and Uruguay, 1890–1940*, 206–11-- Lavrin notes that the period between 1915 and 1920 saw a series of changes in attitudes towards civil rights for women, stemming from the Pan-American Conference, and jurists evolving their thinking on this issue.

<sup>24</sup> Guy, “Parents before the Tribunals.”

<sup>25</sup> Retrieved from the Argentine Ministry of Economy’s InfoLEG initiative: <http://www.infoleg.gov.ar/infolegInternet/anexos/45000-49999/48953/norma.htm> (accessed on February 25th, 2015). —Law 2393 was further amended the following year, with law 2681. The law was amended again in 1968 through a presidential decree, and again in 1987, with law 23515, which greatly reformed Civil Marriage.

<sup>26</sup> Emphasis added. The original reads: “Art. 53.- La mujer está obligada a habitar con su marido donde quiera que este fije su residencia. Si faltase a esa obligación, el marido puede pedir las medidas judiciales necesarias y tendrá derecho a negarle alimentos. Los tribunales, con conocimiento de causa, pueden eximir a la mujer de esta obligación cuando de su ejecución resulte peligro para su vida.”

The law explicitly mentioned the role of the judiciary in keeping households together and, introducing an area for individual variance, allowed an exception based solely on judicial discretion.<sup>27</sup> The vagueness of this provision gave settlers and state representatives a degree of leeway in their interpretation of the law, specifically in regards to the protection of abused wives, and the responsibilities of law enforcement to retrieve runaway spouses. How this law was interpreted, enforced, and applied reveals the ways in which independent actors attempted to shape the scope and moral compass of the state while adhering to the letter of the law itself.

Consider the (very typical) case of Tránsito Álvarez, who in 1909 spent a few nights in the Viedma jail for having “corrected” his wife’s “lewdness.”<sup>28</sup> Upon his release, he discovered that his wife had abandoned their home, and had gone across the river to Carmen de Patagones. Álvarez initiated a legal complaint, requesting in a letter that the judge use “all the public force” available to bring her back, invoking his rights as a husband. Because of Tránsito’s illiteracy, the letter was penned and signed by his father-in-law, Don Mateo Barone. Barone’s signature underscored his own desire to have his daughter brought back to Tránsito, which the police accomplished within a couple of days. With both her father and her husband joining forces with the police, Mrs. Álvarez (who was never mentioned by name in the court documents) did not have any avenues left for avoiding her abusive husband. In many cases like this one, the judicial system protected patriarchal rights by simply ignoring the exemptions in the second part of Art 53: Tránsito’s recent jail stay for abusing his wife could have prompted the court to block her return to the family home if she requested it.

When a battered, runaway wife successfully mobilized local allies to intercede on her behalf, she dramatically increased her chances of remaining outside of her husband’s orbit, as the case of Remigia Alvarez (a twenty-three-year-old housekeeper) illustrates. Frustrated by his wife’s refusal to return to the family home after two days in the home of a childhood friend, Sandalio Rolando (a thirty-two-year-old day laborer) decided, on 29 July 1923, to have the police of San Antonio Oeste bring her back.<sup>29</sup> Having heard rumors from neighbors that Zoilo Olivares had allowed her to stay in his house, the police opened an investigation, finding her that same afternoon and detaining her. Her testimony changed the narrative that the police were working with. Instead of dealing with a potentially unfaithful wife running away to the home of another man, the police began to piece together a pattern of abuse to which she had been subjected, and revealed the deep animosity in the community towards Sandalio. The massive outpouring of support for Remigia ultimately could not force the state to convict her husband of

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<sup>27</sup> Interestingly, Law 2393 included similar, but less onerous, provisions for the male partner in Article 51, which specified that the husband had to not only live with his wife (outlawing absenteeism), and was required to provide for her. The courts were empowered to forcefully guarantee that this happened. This progressive imagining of marital responsibility and reciprocity was summarily repealed by Law 2681 eleven months after being enacted. The original text of Law 2393 read: “Art. 51.- El marido está obligado a vivir en una misma casa con su mujer y a prestarle todos los recursos que sean necesarios. Faltando el marido a estas obligaciones, la mujer tiene derecho a pedir judicialmente que aquél le dé los alimentos necesarios. En este juicio podrá pedir las expensas que le fueren indispensables.”

<sup>28</sup> “Álvarez, Tránsito—solicita la restitución de su esposa al hogar,” Leg#30-1131 (AHP-RN, JL).—the original reads: “por haber corejido [sic] a mi esposa por sus liviandades y al llegar a mi casa más encontré que mi señora ha abandonado la casa y que ha ido a Patagones.”

<sup>29</sup> “Sandalio Rolando—denuncia fuga del hogar conyugal de su esposa,” Leg #415-16398 (AHP-RN, JL).

any crimes, but it managed an extra-legal solution to her situation: she found shelter away from him (in the house of a police officer) and the state refused to force her to live with him.

During her testimony, Remigia took the chance to answer the police’s open-ended queries with as much detail as possible. She explained how, when she was just fifteen years old, she had been kidnapped from her mother’s home in General Conesa, dragged to Viedma and forced to marry her kidnapper, Sandalio Rolando. Within a month, he had begun to violently punish her, cutting off any communication with her brothers and mother.<sup>30</sup> She went on to explain how he “continuously beat me, and one time, in the town of Nahuel Niyeo, because of a fit of unwarranted jealousy, Sandalio forced me to strip naked and had me stand in the corner of a room for about an hour, while he beat me hundreds of times, causing me to fall ill.”<sup>31</sup> Since the beatings had only gotten worse, and she worried that the abuse would “one day kill her.” Having established the pattern of abuse, she proceeded to explain the specifics of her disappearance, trying to contextualize how she ended up in the home of a male companion.

Having grown tired of his abuse, and fearing for her safety, Remigia had simply walked off on the evening of 21 May, while Sandalio was outside chopping wood. She had intended to brave the cold winter night, and walk all the way to her sister’s place in the plateau, about thirty kilometers (“six leagues”) outside of town. Before she could get far she ran into an old childhood friend, Zoilo Olivares, who offered her a spare room in his home as temporary lodging until she was ready to return to Sandalio. This description of the events—backed later by Olivares’ own testimony—was critical in establishing her as a victim, and not as an untrustworthy wife simply stepping out on her husband. Having established both Sandalio’s long pattern of abuse and her own respectability, she finished her deposition by providing the investigators a long list of witnesses to corroborate her claims about her husband’s abuses. While the police investigated the allegations, she requested not to be returned to the marital home, “since she feared for her well-being, and after eight years...of abuse, she did not feel that she could continue to live with her husband.”<sup>32</sup> Since she had already relocated to the home of a friend, whose husband (Everindo Herrera) was a police officer, the investigator honored her request not to return to her home. By placing Remigia in the custody of Herrera and his family, the police essentially legitimized the new status quo.

The police took Remigia’s list of witnesses and deposed them, confirming in no uncertain terms Sandalio’s violent tendencies against her. Zoilo Manuel Olivares a (twenty-eight-year-old clerk) insisted that Sandalio was known “by all the neighbors” to abuse her continuously. Rudencio Sosa (a sixty-year-old day laborer, who rented the couple the room in which they lived) claimed that, although he never witnessed the abuse first hand, he often saw Remigia whimpering and crying. He dismissed the notion that she might have had extramarital affairs (which could justify Sandalio “correcting” her) since he never saw her talking to other people, and she mostly stayed in her room by herself. The most damning testimony came from César

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<sup>30</sup> Her testimony originally read: “Que hace ocho años que son casados habiéndola Sandalio raptado de su hogar en Conesa, y casándose en Viedma, empezando por castigarla al mes de casados, impidiéndole en todas formas tener relaciones con los hermanos y la madre [de ella] y siendo en toda ocasión víctima de todo género de negaciones.”

<sup>31</sup> The original reads: “continuamente la castiga y que en una oportunidad en el kilómetro 448[paraje Nahuel Niyeo], y por celos infundados Sandalio la hizo desnudar y la tuvo ‘de plantín’ en un rincón de su habitación como una hora, además de propinarle cientos [de] golpes, todos lo cual la hizo enfermarse”

<sup>32</sup> The original reads: “que ella de ninguna forma quiere volver al hogar conyugal pues teme por su existencia, y después de ocho años de...sufrimientos, no se siente con fuerzas para seguir al lado de su esposo.”



Severino, an Italian-born bricklayer who had lived in the country since age sixteen, and knew the couple well. In the five years that he had known them, he stated that Sandalio had always abused his wife, who often received “beatings and abuses... continuously being punished and mistreated in every way.”<sup>33</sup> He went on to explain that “there is a widespread indignation in this town towards Rolando, because the brutal way he treats his wife is public and notorious.”<sup>34</sup> Severino claimed to have witnessed the violence several times, even having to intervene at times “to prevent him from continuing to *mess her up*.”<sup>35</sup> Severino’s testimony also highlighted Sandalio’s other negative traits: he had “very little affection for work” and he had a spotty past.<sup>36</sup> After two days of questioning, the police investigator had heard enough.

Based on the testimonies of the witnesses and the “general negative opinion of the population” towards Sandalio, as well as his alleged “illegal activities,” the investigator decided to elevate the case to the judicial authorities in Viedma. The prosecutor [*fiscal*], unable to find proof that Sandalio Rolando had committed a crime recommended closing the case. Since Remigia had requested not to return to Sandalio, and the local police had obliged, the court determined that legally there was nothing else to do—unless she could secure a divorce from a civil court. The stalemate—the police would not force her back into her abusive household, but the court would not prosecute him either—benefited her as much as the law allowed. The ad hoc arrangement by the police and the prosecutor upended Sandalio’s patriarchal prerogative to discipline his household, without altering the broader legal or social structures. The investigation itself provided a platform for the community to publicly voice their concern about Sandalio, censuring his behavior. Arrangements like this one, which stuck to the letter of the law but conformed to social pressures, underscored how the weakness in funding of the “skeletal state” allowed individual state agents to devise flexible solutions to local disputes.

The police, the prosecutors, and even the judge would not break the law to protect an abuse victim, but sometimes they could creatively reinterpret it—using a strict adherence to the letter of the law as a way to render it useless—as the next case makes explicit. Jesús Manuel Rebolledo, who was in charge of the telephone office in General Roca, came home on the evening of 3 June 1921 after dropping off some mail at the train station to an unexpected scene. His wife, Benita Barrios de Rebolledo, had abandoned their home taking all of her clothes with her and leaving their three children unattended in their beds.<sup>37</sup> After asking around he learned that she was seen taking the train heading to Bahia Blanca in the company of a minor (Quintina Esquiza) and a guide, Albino Reggano. He feared that her ultimate destination was Buenos Aires, where her close friend Estella Goñi worked as a seamstress. The following morning Jesús Rebolledo filed a police report requesting they find and return her to their marital home. He described her as tall, with light brown skin (“trigueña”), dark hair, about twenty-four years of age and she had “a cloud on her right eye.” He insisted that she had not run away with a lover, but she was probably following the encouragement of her mother, who did not like him. The police

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<sup>33</sup> The original reads: “a menudo recibe palizas y malos tratos...que continuamente la castiga y maltrata de todas formas.”

<sup>34</sup> The original reads: “es general en este pueblo la indignación contra el mencionado Rolando pues todos saben la forma bestial de tratar a su esposa,”

<sup>35</sup> The original reads: “en casos hasta tener que intervenir a fin de evitar que la siguiera estropeando.”

<sup>36</sup> The original reads: “es poco afecto al trabajo,” and “es un sujeto de antecedentes equívocos.”

<sup>37</sup> “Rebolledo, Jesús Manuel—denuncia fuga de su esposa (Benita Barrios de Rebolledo),” Leg #463-18429 (AHP-RN, JL).

ordered her immediate capture, as Rebolledo had requested, and by the next afternoon they received a notification that the three fugitives had been detained in Bahia Blanca.

The events that followed Benita Barrios’ flight from her home initially read like a heist film, but soon devolved into a slapstick routine. The daring escape had been aided by Adolfo Haro, a twenty-four-year-old professional automobile driver from Spain, who drove Albino Reggano, Quintina Esquiza and Benita Barrios to the train station just outside of town, in General Gómez. Reggano had hired him under the pretext of going to the town of Allen, but in the dead of night he requested a sudden stop next to an empty field. The two women emerged from the shadows, and got in the car. The driver received new instructions, to take the group to the train station, where they boarded the train in secret. Down the line, at one of the stations, a police agent boarded the train to search it and found them. The fugitives locked themselves in their compartment, creating a stalemate. The agent rode with them to the terminal in Bahia Blanca, and detained them there, turning them over to the local police to hold them until the investigator could arrive to retrieve them. Unable to find a place for them in the local jail, the Bahia Blanca police lodged the three in an unguarded room in the Hotel Lopetegui.

By the time the investigator arrived at the hotel, Quintina and Benita had disappeared and Albino—who had stayed behind—said they had headed out towards Villa Mitre.<sup>38</sup> The investigator (Officer Díaz) fumed in his reports about the carelessness of the Bahia Blanca police, and angrily questioned the purpose of the investigation itself. When he submitted an incomplete investigation to the judge’s office he wrote

“...in this town, *it is well known* that Rebolledo’s wife is the victim of abuses from her husband and on one or two prior occasions she had run away from home, only to be convinced to return by friendly conciliators. It is also well known that he is now *publicly threatening her*, assuring anyone who will listen, that as soon as he finds her he will murder her.”

Concluding with a bold reframing of his duties in this case he wondered “I am not sure how, or to what extent, the police can *be expected* to force a married woman to move back with her husband against her will...thus I present these findings as they stand, hoping that the judge may resolve them.”<sup>39</sup> His rhetorical question received a straight answer not long after.

The prosecutor who received the file answered coldly that “in accordance with some provisions of the civil code, this office believes that you can force Barrios to live with her husband in their home.” Noting that the appropriate procedure would entail “notifying Benita Barrios de Rebolledo to present herself to the courthouse to offer a statement as to why she left

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<sup>38</sup> Albino Reggano stood charged with the kidnapping of a minor (Esquiza) and abetting Benita Barrios’ escape. Luckily for him, Esquiza’s brother interceded, notifying the police that his sister Quintina had secured her father’s permission to marry Albino, which he had intended to do in Buenos Aires—this exonerated him, and he was not mentioned in the case again.

<sup>39</sup> The original reads: “En la localidad, es pública notoriedad, los malos tratamientos de que con frecuencia era víctima la muger [sic] de Rebolledo por parte de su marido y ya en una o dos ocasiones anteriores esta mujer abandonó el hogar, volviendo a él con la intervención de amigables componedores. También son de pública notoriedad, las amenazas que ahora hace alarde, asegurando, tan pronto la encuentre, le dará muerte en forma alevosa.”

El suscripto ignora hasta qué punto la Policía puede obligar a una mujer casada volver hacer vida marital con el esposo contra su voluntad—por lo que se resuelve elevar estas actuaciones en el estado que se encuentran para la mejor resolución del señor Juez Letrado.”

the marital home... only then can you decide whether or not to force Barrios to live with her husband.”<sup>40</sup> The prosecutor’s answer at first appears callous and absurd: how could Díaz be expected to notify Benita Barrios’ of this summons if she was a fugitive? But his narrow interpretation of the law seems to have been a way to halt the investigation without breaking the law. The judge expanded this clever workaround in his own recommendation to Díaz, returning the file to General Roca with clear instructions: “notify the complainant that he needs to provide a (current) home address of the runaway for the investigation to proceed.”<sup>41</sup> In the judge’s interpretation of the law, the police had to compel a runaway wife to court, but they did not need to *locate* her, which they had assumed as their task in most of the previous cases. By narrowly reinterpreting the role of the police, the judicial representatives of the state exerted influence *within* the state, changing the ways in which it operated in regards to patriarchal rights. The state agents in Patagonia did not have the power to alter laws—individually they lived under the same political restrictions as other Patagonians, and as representatives of the state, they had little legislative input—but through the ways in which they executed the judicial process they made the state accountable to the settlers.

This particular decision by Judge Garriga and the prosecutor seems to have had deep repercussions throughout the region, as the police and criminal courts in Río Negro Territory refused to intervene in “runaway wife” cases after 1925. Of course, old habits die hard, as some patriarchs still tried to get the police to retrieve runaway wives. For example, when Crescencia Galeano abandoned the family home “without any reason” in 1925, and moved into a local hotel before leaving the town altogether, her husband Baltazar Piñero asked the General Conesa police to detain her and bring her back.<sup>42</sup> The Conesa police requested their peers in Viedma and Carmen de Patagones to capture Crescencia. Instead they received a reply from Viedma reminding them that “you ought to notify Baltazar Piñero...that this being a private affair, he needs to appeal to Civil Action for justice” instead of the police.<sup>43</sup> The cases in Neuquén followed a far less delineated timeframe (there were also fewer of them). However, by 1930, the Neuquén court was routinely refusing to consider cases of runaway wives as “criminal matters” even in extreme cases. For example, when Benedicto Carrasco’s wife abandoned the home that summer, he filed a police complaint not only to compel her to return, but to send her to jail. Carrasco’s appeal to the court framed his wife as criminally negligent claiming that she had left behind two children, one of which had died without maternal care. Despite his efforts the court declined to get involved.<sup>44</sup>

Sometime during the mid- to late-1920s, the police and the courts in northern Patagonia declined to continue helping husbands keep their households in order. Although the law had not changed, and individual attitudes about the “proper” place of women in patriarchal households

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<sup>40</sup> The original reads: "atento lo dispuesto por el artículo 210 (o 211) del Código Civil este Ministerio considera que Ud puede obligar a la Barrios a habitar con el marido en el domicilio que este tiene...notificar a Benita Barrios de Rebolledo comparezca a este Juzgado a prestar declaración y expresar las causas que motivaran al abandono del hogar conyugal. Hecho esto Ud recién podría obligar o no a la Barrios a habitar con el marido."

<sup>41</sup> The original reads: "Oficie a la jefatura de policía para que por intermedio de la comisaria de Roca notifique al recurrente que debe denuncia el domicilio o residencia actual de su cónyuge-- notifíquese-- Garriga."

<sup>42</sup> “Galeano, Crescencia—fuga del hogar marital,” Leg # 597-24453 (AHP-RN, JL).

<sup>43</sup> The original reads: "debe notificar a Baltazar Piñero, denunciante fuga hogar de su esposa, que siendo un *asunto de instancia privada* deber recurrir a la justicia a los efectos de la acción civil."—emphasis added.

<sup>44</sup> “Carrasco, Benedicto- denuncia fuga del hogar de su esposa,” Leg# 1930-221, f.973 (AJL-TN).

persisted, the interpretation by the state representatives in Patagonia had shifted. This shift in attitudes aligns with broader shifts in the rights of women at a national level, in particular the 1926 overhaul of the Civil Code that reaffirmed parental rights for single mothers, as well as the right of women to choose their profession and keep their earnings.<sup>45</sup> By interpreting Art. 53 as narrowly as possible, the representatives of the state effectively removed themselves from the business of returning abused wives to their abusers even if they did not change their attitudes towards the abusers themselves, who remained unpunished.

### *Children*

Family law in Argentina during the first decades of the twentieth century gave parents considerable latitude in how they handled their underage children. At the national level, the creation of the “Depósito de menores” in major urban centers to house and educate homeless children, or troubled youths, represented a shift by the government. As part of broader efforts to prevent children from falling into delinquency by growing up in “bad” homes, the Argentine authorities began removing *convicted* minors from their parent’s homes in 1919.<sup>46</sup> The cases in this section change that dynamic somewhat, as the children themselves initiated the process by abandoning the family home and the state authorities attempted to negotiate the subversion of patriarchy *before* any crimes were actually committed. Even when the state returned them to their parent’s home, the simple act of running away remained an effective option for teens: it brought public attention to their situation, ultimately forcing the community, and the state, to more closely monitor their home situation. Since the law remained stacked against minors trying to leave their parents’ household, children often used the language of abuse—of physical abuse—to escape untenable domestic situations.

The runaway minors in the following cases claimed to be escaping from physical or moral abuse, which differentiated them from the more common *fuga* cases that were fueled by conflicts around marriage choice. The investigations rarely had to medically certify that the abuse had happened (medical exams were ubiquitous in cases involving assault, battery, or rape, but not always for parental abuse allegations), relying instead on the *perception* of abuse, which often depended on the community’s assessment. The police’s role was limited to resolving the situation either by placing children in safe, respectable households, or by returning them to their parents. For example, in early 1921, a month after Eloisa Sinsky had run away from her parents’ home in San Antonio Oeste to live with her boyfriend, Alfonso Salas, her father finally got around to initiating a police complaint to get her back.<sup>47</sup> The police eventually captured the teen and returned her to her father, even after it was clear that he was physically abusive—but the details of the case suggest a set of extra-legal measures deployed in an attempt to ensure her safety.

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<sup>45</sup> Guy, “Parents before the Tribunals,” 176.

<sup>46</sup> Guy, “Parents before the Tribunals,” 178--Guy signaled a 1919 law that allowed the government to remove children convicted of a crime from their parental home as a watershed moment in the weakening of patriarchy by the Liberal state, expanding its influence into family matters. The cases in this section, however, look at efforts by the state to remove children from the parental home before they had a chance to become criminals, in an attempt to shelter children from bad habits and unproductive environments.

<sup>47</sup> “Sinsky, Eloisa—fuga del hogar,” Leg #462-18334 (AHP-RN, JL).

Eloisa had run away from home to avoid her father’s constant physical abuse—especially given her advanced pregnancy—and found refuge with a police officer, who found her on the street at night and picked her up. After spending a night in the police headquarters, she had sought out her boyfriend, Alfonso, and stayed with him for a month, until her father finally asked the police to find her and retrieve her.<sup>48</sup> She told the police that she had left her parents’ home because she had grown tired of the “*malos tratos*” from her father in particular, claiming that “whenever he was drunk, he wanted to kill the rest of us.”<sup>49</sup> Since she did not want to go back to her parents’ home, she was placed in the care of Tomás Clifton Goldney, a prominent neighbor. Oddly, the police never offered her the option of staying with her boyfriend if they got married, which was a viable option for runaways, as the cases in the upcoming section illustrate. After a week of having the teen in his care Clifton Goldney suddenly informed the police that he no longer wanted to house her. Unable to find a new place for Eloisa, the police asked her mother, Catalina Lillo de Sinsky, to take her back and shelter her from abuse, closing the case.

Returning a pregnant, abused teen to the home of her abuser would not seem like a judicious thing for the police to do, but they might have had a contingency plan in place. Her father, José Sinsky (a forty-eight-year-old Polish mechanic), took a month to report her disappearance not because he had not noticed her missing or did not care about her, according to his testimony. In his deposition, he claimed that upon first discovering that Eloisa was missing he “punched his wife twice with his fists, believing that she was responsible for their daughter’s disappearance,” which led the *comisario* to intervene in an unorthodox way.<sup>50</sup> The police would not receive his complaint about Eloisa’s disappearance until he paid the fine for abusing his wife, which he could not afford to do until after a few weeks later. It is unclear if this was a measure particular to this police detachment, or a widespread policy that simply did not make it to the archives explicitly.<sup>51</sup>

José singled out the police as the source of the fine, but it might have stemmed from the local Justice of the Peace, whose jurisdiction included issuing small fines for disturbances of the peace. Alternately, this might have been an attempt by the police to shake José down for money, knowing that, as an impoverished immigrant with a bad reputation, he would not complain about it too loudly. A final possibility was that the police demanded a fine that they knew José could not afford in order to stall him in his pursuit of Eloisa, who had spent the first night away from home sleeping in the police headquarters before settling in with Salas. This last interpretation—that the police had actively worked in extra-legal ways to protect Eloisa—in conjunction with the return of the teen to her home, but under the supervision of the mother, suggests that the local police felt confident in their ability to protect the teen from her father’s outbursts (however, the mother’s failure to protect her before did not seem to deter the police). Eloisa’s case exemplified the limited options for teens and the subtle ways in which local police could meddle with abusive patriarchy without overstepping the bounds of the law. The extra-legal layering of arrangements, the local network weaved by local police and justices of the peace, designed to channel social conflict away from the courts helped to keep Eloisa safe for a month when, for unknown reasons,

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<sup>48</sup> Eloisa wanted the police to know that Alfonso was not the father of her unborn child, as the pregnancy predated their relationship. She was adamant to present this information to the investigator unprompted. It is unclear if she was trying to safeguard Alfonso, or if this detail was not detrimental to her reputation in this town.

<sup>49</sup> The original reads: “cuando se ponía ebrio quería matarlos a todos.”

<sup>50</sup> The original reads: “haberle dado dos golpes de puño a su señora por creerla culpable de la fuga”

<sup>51</sup> This is the only reference I have seen in any of the cases to a system of fines against abusive husbands.

the private families and marriage were not viable options to permanently remove her from an abusive situation. Once the care of runaways moved away from private families and religious orders, and into state-run institutions (like the *Depósito*) in the late 1920s, teens had an additional range of options to escape abusive or damaging households.

Instead of justifying their choice to leave the family household by citing physical abuse, some runaways claimed a damaging “moral environment” created by their parents. Children being exposed to “greed, godlessness, and frequent profanity” in the frontier was a recurring worry of reformers through the nineteenth century, but their worries were often overblown.<sup>52</sup> The *perception* of that “damaging moral environment,” however, had real consequences for teens. Understanding that maintaining a good reputation in town was fundamental for later access to justice, as the cases with abused wives studied earlier showed, these teens emphasized the multiple ways in which their parents could harm them. The example of Delia Barrientos, in particular, showcases just how well teens understood their vulnerability to their parents’ bad reputation, and how they could use that vulnerability as leverage when attempting to seek protection from the state. Delia ran away from home on 8 October 1914, and her father, Gregorio Barrientos, immediately accused her boyfriend of kidnapping her.<sup>53</sup> Like many other fathers faced with a runaway daughter, Gregorio demanded that the police compel the boyfriend—Juan Leiva, whose longtime courtship the family did not approve of—to marry her. Gregorio requested that if the teens did not marry the police place Delia in the care of the state, rather than returning her to the family home. The police found her easily, living in Juan’s home. Despite the initial appearance of a romantically-motivated *fuga*, the teen expressed a very different reason for leaving the parental home. She had grown tired of “being forced to work in the *boliche* [general store/saloon] that her mother managed...without allowing her to talk to anyone and having to endure the *impertinences* and *indecent swearing* which the drunken patrons constantly directed at her.”<sup>54</sup> Explaining that her family life only exposed her to “poor examples,” she requested that the police find a more suitable place for her to live. The police obliged and placed her under the care of a respectable neighbor, Dorila Quintana. Within a month, the police received notice that since Gregorio and Delia had reached an understanding the teen had decided to return to her parents’ home.

The success of the teen’s articulation of her desire to leave home based on “moral” reasons illustrates two interrelated dynamics on the frontier. First, the teen’s decision to frame her struggles as primarily stemming from exposure to a degraded moral environment, with drunk and “impertinent” customers harassing her, signals that these kinds of concerns were present in people’s minds, at least enough to attempt to justify running away. Delia’s complaint that her parents kept her from “talking to other people” suggested that they were also concerned with her standing in town, not wanting her to associate with people of doubtful reputation. However, she saw professional associations with unsavory characters as a bigger threat to her long-term standing in the community, choosing to leave that environment even if she did not have a long-term plan.

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<sup>52</sup> West, *Growing up with the Country*, 147–49.

<sup>53</sup> “Barrientos, Gregorio—denuncia fuga de su hija Delia del hogar paterno,” Leg# 317-12474 (AHP-RN, JL).

<sup>54</sup> The original reads: “cansada de que la obliguen a que atienda el boliche que tiene su madre, Sabrina Vásquez, sin querer permitirle que hable con nadie y tener que soportar las impertinencias y las palabrotas indecentes que a cada momento le dirigen los ebrios que llegan al boliche.”

Secondly, her return to the family home after a short stay in the custody of a respectable woman illustrates the limits of teen mobility on the frontier during the early decades of the twentieth century. Delia had two choices: her parents’ *boliche* or Dorila Quintana’s household. If the latter turned out to be unsatisfactory she would have little recourse but to return to her parents, as she eventually did. Decades later, a third option would change teens’ calculations: a state-run home for children and women. In Viedma, during the early months of the winter of 1930, Juana Godoy left the house of her temporary guardian, the Spanish tailor Jesús Avalue Fernandez.<sup>55</sup> Jesús was a widower and had been entrusted with the care of Juana by the girl’s mother, Felipa Sandeyu Godoy. Juana explained that she left “out of fear of being punished by my mother...who wants by every means possible to keep me from even looking at people who pass in front of the house, let alone talk to anyone, which is why she keeps me locked in, not allowing me to leave, *not even on Sundays*.”<sup>56</sup> She adamantly refused to return to her guardian or her mother, claiming that “rather than to go back to that kind of life, she preferred to be in police custody.” The police obliged and she was sent to the *Depósito de Mujeres y Menores*, where she stayed for several months until the juvenile public defender convinced the prosecutor that no crime had been committed, suggesting Juana stay in the home of a court-appointed guardian instead. Far from a miscarriage of justice—a teen who had committed no crime being detained for months and subsequently sent to work as a domestic in an elite home—this seemed to have been Juana’s gambit, as she hoped to trade the state’s “ritualized” reclamation of her for her mother’s relentless control. The state’s institutional framework allowed a degree of leeway for teens that found both their parents and any prospective guardians too stifling.

Delia’s concern with how her parents’ reputation could affect her own was not unfounded, as Roberto and Flora Rivero found out when they were kicked out of their mother’s house by her drunken partner in 1933.<sup>57</sup> In the remote town of Zapala, where the Patagonian plateau turns into Andean valleys, a neighbor (Irene Jara, a twenty-two-year-old washerwoman) flagged down a police officer, José Gayone, during his nightly patrol to alert him of potential illicit activities in the house next to hers. Irene Jara had seen a group of strange men lurking outside Fidel Cuevas’ room. She knew that he shared the room with two teenagers, but had grown alarmed when she noticed an additional two teenagers arriving that summer night. Concerned that Cuevas was running an underage brothel, the police raided the apartment right before sunrise, capturing Cuevas and the four teenagers. Far from being child prostitutes, the teens were two sets of siblings: Fernando and Magnolia Quesada, who lived there permanently, and Roberto and Flora Rivero, who had arrived that night invited by the Quesada siblings since their own parents had kicked them out of the house. Irene explained that she thought Cuevas might have been running a brothel because she had identified one of the two recently arrived teenagers as the “daughter of the so-called ‘Chilena Juana,’ a woman of ill-reputation.”<sup>58</sup> She went on to explain that “despite her young age [Flora] leads a suspicious life, always bouncing

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<sup>55</sup> “Godoy, Juana—fuga del hogar de su guardador,” Leg# 599-24542 (AHP-RN, JL).

<sup>56</sup> The original reads: “por temor a ser castigada por su señora madre Felipa Sandeyu Godoy, la que a toda costa desea que la declarante no mire a persona alguna que transita por enfrente de su domicilio y mucho menos que converse con ninguna persona, razón por la que siempre la tiene encerrada, no permitiéndole salir ni los días Domingos.”

<sup>57</sup> “Rivero, Roberto y Flora (menores)— sus fugas del hogar,” Leg #1933-127, f.763 (AJL-TN).

<sup>58</sup> The original reads: “una era la Flora- hija de ‘la chilena’ de mala reputación.”

from home to home, and away from her parents, who are also lowlifes.”<sup>59</sup> Irene’s negative assessment of the teens based on their mother’s associations seems to corroborate Delia’s concern about working in her mother’s *boliche*.

Roberto and Flora were temporarily homeless and forced to move frequently in order to escape a bad home situation adding their own rootlessness to the family’s bad reputation that they carried. When the police deposed Roberto and Flora, they discovered that the teens had abandoned their mother’s home when her lover, José Miguel Soazo, kicked them out while in a drunken rage. Juana was bedridden, but had promised her children she would leave Soazo as soon as she had the strength to do so, and asked them to stay elsewhere for a few nights until she sorted everything out. Juana denied the story completely claiming not to know why they had run away and that they had done it before, which had prompted her to start thinking about boarding them “in some institution.”<sup>60</sup> The police returned the teens to her care and eventually dismissed the case, clearing Cuevas of any suspicion of child prostitution. Juana’s standing in Zapala (which at the time was a rapidly-growing mid-size town) led her children to be treated as if they, themselves, were “lowlifes.” Although the teens did not seem to consider state institutions as a possible long-term solution to avoid Soazo’s ire and their mother’s bad reputation, Juana’s off-the-cuff remark to the police about boarding them suggests that she had. By the 1930s, the existence of both state-run *colegios* and religious ones opened up a broader set of options for parents wanting to place their children under institutional discipline or for children trying to find shelter.

Runaways would attempt to claim *malos tratos* even as an expression of an unhappy, materially impoverished childhood. If the parent or guardian had not abused the child, they had to mobilize an array of witnesses to contextualize the child’s apparent neglect—for example, was bad nutrition the result of poverty or willful denial? A case from the region around Maquinchao in 1933, illustrates this dynamic as a ten-year-old orphan, Segundo Parra, was found walking along the train tracks, malnourished and badly dressed. The railroad worker (Aniceto Carranza\*) who found him told police that the child had decided to risk his life by leaving his uncle’s house during a cold winter night because of the constant “malos tratos” that he received there.<sup>61</sup> Segundo told police that both his uncle and aunt had “punished him almost daily without any reason” during the seven months that he lived with them, and that he could not stand the “impossible life, deprived of appropriate food and clothing.”<sup>62</sup> The child’s testimony equated both the physical punishment that he received and the absence of material comforts, which were underscored by the deplorable state he was in when Carranza found him. An initial medical exam of the child did not find any evidence of systematic abuse, but did note his slight frame. A second, comprehensive evaluation of the teen in Viedma found evidence that Segundo had some developmental issues: the examiner estimated that due to parental alcoholism Segundo had a

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<sup>59</sup> The original reads: “a pesar de su corta edad [Flora] lleva una vida bastante sospechosa, dado que siempre anda de casa en casa y alejada de sus padres, quienes también son personas de mal vivir.”

<sup>60</sup> The original reads: “en algún colegio.”

\* Oddly, this seems to be the same person who found Luciana and Dominga in the streets of San Antonio Oeste, a year later, in 1934 (their case is discussed at the end of Chapter Two). Unless two peons of the same age and with the same name were working along the train tracks in the *Linea Sur* in 1933-34, this is probably the same person.

<sup>61</sup> “Parra, Segundo (menor) —su fuga,” Leg#1116-49001 (AHP-RN, JL).

<sup>62</sup> The original reads: “siéndole imposible soportar esa vida, mal comido y vestido.”



diminished mental capacity, which a teacher corroborated after further examinations. The teacher concluded that Segundo had an “insufficient intellectual development,” which could be remedied “in a favorable environment.”<sup>63</sup>

Unwilling to return to his guardian’s care Segundo asked the police to locate his grandmother, Hilaria González, in General Roca—but their repeated attempts to do so failed. The police did eventually find the uncle, who, suspiciously, had not filed a missing person report with the police when Segundo disappeared. He presented a different story, one that highlighted a particularly bad fit for the child in the rugged rural terrain of the plateaus. Rómulo González, an illiterate thirty-eight-year-old ranch hand (“puestero”) for a large cattle company, denied hitting Segundo—except as a rare disciplinary step. He explained that the minor had already tried running away twice and both times he organized search parties to retrieve him, but he had spent the previous week bedridden and unable to organize one. Characterizing Segundo as “incorrigible” he refused to take him back, requesting that the police place him in the *Depósito* instead in order to “reform and educate” him. To underscore his innocence González provided a list of “character witnesses” who provided positive assessments of his parenting. One of his neighbors categorically denied that González or his wife ever “brutally punished” the minor and characterized them as “decent people” who treated Segundo as “a son...with much affection and care.” González’ supervisor, Geraldo Juan O’Neill, the foreman of the *Compañía Sud Argentina de Tierras Maquinchao*, took the assessment even further claiming that the minor was the problem in the family’s dynamic. Since they lived in a fairly isolated rural area, O’Neill explained, without schools for about twenty miles, Segundo was often unsupervised and not receiving an education. In his estimation, the boy “was not fond of life in the countryside and due to that he was not happy living with González.”<sup>64</sup> Ultimately, O’Neill believed that to “avoid acquiring bad habits” the child would be better off with constant supervision.

The judge agreed with the doctor, the teacher, and O’Neill. Despite the lack of evidence that Segundo Parra had suffered abuse from his uncle the state became his legal guarding, placing him in the *Depósito* permanently since the living situation in rural Maquinchao was not a good fit for him. On the surface, Segundo’s dramatic disappearance into the plateau paid off as he wanted to leave the countryside. But he might have gotten more than he bargained for: instead of returning to his grandmother in General Roca, he ended up institutionalized at a state-run facility in Viedma. By running away the child brought the state into his family life, highlighting his dissatisfaction with the status quo and forcing his uncle to publicly defend the way he ran his household. This constant negotiation of public and private spheres—of how private relationships were perceived publicly—held the key to how these cases were resolved. Ultimately, it was González’ network of neighbors and employers that was able to counteract Segundo’s claims of abuse and reframe the case for territorial authorities.

Teenagers had complex and varied reasons to leave the family home, but they often articulated these reasons to state officials in terms of abuse: physical, emotional, or moral. By invoking “malos tratos” runaways equated the moral and psychological abuse of bad parenting (which the law did not recognize as abuse) to the physical abuse that the law did protect them against. A corrupting moral environment (like the drunken hecklers at a *boliche*, or the bad

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<sup>63</sup> The original reads: “desarrollo intelectual insuficiente... en un ambiente favorable, creo que se podrán obtener resultados positivos en su educación.”

<sup>64</sup> The original reads: “el menor Parra no es afecto a la vida de campo y debido a ello es que no se halla bien en poder de González.”

reputation of “La Chilena Juana”) was presented to law enforcement as the equivalent of beatings—and the police, judges, and prosecutors were left to figure out how to resolve these conflicts in a socially acceptable way while working within the confines of the law. Their status as minors placed them at a disadvantaged position compared with runaway wives, as the state felt compelled to place them in the care of prominent neighbors, and later in the *Depósito*—neither of which the child knew beforehand—while wives were allowed to remain in the homes of friends. However, both groups needed to mobilize broad coalitions to support their challenges to parental rights, and success often came in subtle, extra-legal arrangements that required continued support from that broader, usually unseen, coalition.

### “Private Crimes:” runaway daughters, reputation, and parental consent

Teenage girls who could not secure their parents or guardian’s consent to marry found a reluctant ally in the frontier state. By running away—in a dramatic, sometimes highly choreographed way—daughters forced their parents to invite the state into family matters, admitting that they could not control their offspring. This subtle display of agency on the part of the teens did not always work out—in most cases the police investigation resulted in the minors’ return to the household—but in some instances it forced the parents to acquiesce and allow the marriage. The drama was “a strategy to defy parental authority,” almost a mirror of the cases of “performative” *rapto* elsewhere in Latin America.<sup>65</sup> As scholars have noted in other contexts, couples had to strike a careful balance between protecting the runaway teen’s reputation by highlighting her initial unwillingness to run away, without inculcating the suitors in the process.<sup>66</sup> In cases where the boyfriend was an unsuspecting accessory (rather than an active participant), the drama of the flight was for their benefit too, using the grand gesture to demonstrate their feelings. The vast majority of runaway cases ended up being dismissed, since most often no crime was committed. Despite the legal outcome of the cases, the attention from the state proved to make a difference in these moments of family crisis, as it could lead to informal, community-sanctioned resolutions to the conflicts, or it could severely tarnish the family’s reputation making that same kind of informal arrangements harder to secure.

In most cases of runaway daughters, the teen would leave the home after a protracted disagreement with her parents or guardians over their choice in mates. The teens would hope that the act of running away would crystalize for their parents the level of their commitment, making them finally approve of their choice. Sometimes, if the couple managed to spend a night together while running away, the consummation of the relationship would break the parents’ resistance. For example, when longtime Cipolletti resident Margarita Soto found herself in the oil-town of Plaza Huincul with her partner, she tried to find a good home for her daughter to work in.<sup>67</sup> Margarita had followed her partner, Audilio Pino, to the oil fields of Neuquén when he got a job there. She sought to place Aida in the family home of Don Banazar, the person in

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<sup>65</sup> Sloan, *Runaway Daughters*, 3–4.

<sup>66</sup> Sloan, *Runaway Daughters*, 3; Ramon A. Gutierrez, “Honor Ideology, Marriage Negotiation, and Class-Gender Domination in New Mexico, 1690-1846,” *Latin American Perspectives* 12, no. 1 (1985): 81–104; Szuchman, “A Challenge to the Patriarchs.”

<sup>67</sup> “Soto, Margarita- denuncia por fuga de su hija Aida Cabrera y denuncia Alberto Álvarez por corrupción de menor,” Leg# 1932-43, f.338 (Archivo de la Justicia Letrada del Territorio de Neuquén, administered by the GEHiSo, in the Universidad Nacional del Comahue, hereafter AJL-TN).

charge of the *registro civil*\* of Plaza Huincul, for two related reasons. First, Margarita wanted to curtail Aida’s wanderings around town to prevent her from seeing her suitor and make sure she was being monitored by prominent people in the community. The suitor, Alberto Álvarez (an older carpenter employed by YPF), had asked for Aida’s hand in marriage a few weeks earlier but Margarita did not approve, since he had spent the previous two years in jail for arson, was older, and poor. Margarita also needed to get Aida out of the house to shelter her from Audilio’s rage, since he had hit the teen when he found out about her illicit relationship.

Within a month, Margarita Soto decided to return to Cipolletti to escape Audilio’s escalating violence, and returned to the Banzar home to retrieve her daughter. To her surprise, Banzar’s wife explained to her that Aida had gone out the night before and never returned. She initiated a police complaint against Álvarez for kidnapping her daughter, since the couple had been seen going to the movies the night Aida disappeared. The police found them quickly and detained them. Aida del Carmen Cabrera explained that after the movie she had asked Álvarez to take her to a hotel, since she did not want to return to her employer (she stated that there was “too much work, too little pay”) nor to her mother’s house out of fear of being beaten by Audilio Pino once again.<sup>68</sup>

The couple decided to move out of the hotel and into a more permanent room to live a “married life” as concubines until she was old enough to marry without parental consent.<sup>69</sup> The police offered to release her if she agreed to be returned to her mother in Cipolletti, which she refused since she felt her mother had abandoned her by placing her in the Banzar home. Alberto insisted that he fully intended to marry Aida, but Margarita rebuffed him each time he approached the subject. The police decided to send the couple to the public jail in Neuquén to await the resolution of the case by the judge there—and Aida refused to be discharged to her mother’s care remaining in jail instead, alleging that “it is my desire to marry Alberto Álvarez and I refuse to return to my mother since she lives in concubinage with Audilio Pino, who has abused me, hitting me for no reason.”<sup>70</sup> When Margarita was notified of her daughter’s decision, she relented given “what had already happened” and gave the couple permission to marry.<sup>71</sup> The police escorted the couple (still under arrest) to the *registro civil* in Neuquén, and once they were married the couple was immediately freed and the case closed.

Aida Cabrera’s gambit to leave the family home to live with her boyfriend paid off—she forced her mother to grant her permission to marry. This echoed the experiences of many other

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\* Despite having a large population, Plaza Huincul was not an official town (as discussed in Chapter One), so they did not have a justice of the peace. They did, however, have a prominent neighbor take care of the clerical duties of the justice of the peace, like keeping the *registro civil*. Very little is known of these *ad hoc* positions, unless the office-holders happened to make it into a police investigation incidentally.

<sup>68</sup> The original reads: “era mucho trabajo y poco sueldo.”

<sup>69</sup> Aida and Alberto botched the “did anyone instigate you to run away?” question—both openly discussed how Alberto Álvarez suggested they move in together. This ended up not being a problem though, since the case was dropped when they married, but it prompted the police to arrest him, and charge him with corruption of a minor. More savvy defendants would avoid that question, as most of the previous cases exemplified.

<sup>70</sup> The original reads: “que es su deseo contraer matrimonio con Alberto Álvarez, como así que no consiente en volver al lado de su señora madre, en virtud de que esta vive en concubinato con Audilio Pino, persona...que le ha dados malos tratos a la declarante consistiendo en castigos corporales sin motivo alguno.”

<sup>71</sup> The original reads: “en vista del deseo manifestado por su hija, y ante los hechos consumados, viene a declarar al Sr. Juez que da su consentimiento y venia para que su hija Aida del Carmen Cabrera contraiga matrimonio con Alberto Álvarez.”

teenagers in Patagonia during the period that successfully brought the reluctant power of the state to their aid, driving their parents to acknowledge their relationships. Running away from home, however, was not without consequences for teens. Public attention brought to the girl and her family could have serious consequences to their reputation in town, and their future access to justice, as discussed with the example of the Rivero children in the previous section. Parents, in general, had a tough choice to make when their daughters decided to run away: they had to assess the damage to the teen’s reputation by subjecting them to fairly public investigations against the potential damage of ending up with a “bad match” below their socio-economic standing.<sup>72</sup>

Elite families, in particular, were vulnerable to the careful balance between blocking a disadvantageous marriage and their daughter’s standing in the community, having to determine how much public reputation to gamble on a private matter. On 16 April 1917, Manuel Pérez, a successful Spanish merchant from Viedma, barged into the police station convinced that his eighteen-year-old daughter, Camila, had run away from home.<sup>73</sup> Although the police treated the case as a kidnapping, Manuel suspected that she had willingly gone to Fermín Agüero (a twenty-two-year-old clerk), since they had had “amorous relations” in the past. Manuel asked the police that, “given *his personal standing*, they handle the investigation *completely quietly*.”<sup>74</sup> The police found the teen in Agüero’s room, where she had shown up unannounced the previous day, requesting to stay with him. Fermín confirmed that they had spent the night together, and explained that she had been adamant in her refusal to return to her parent’s house. He presented himself to the police as an unsuspecting bystander, a reluctant player in Camila’s plan, arguing that he had tried to convince her to seek her parent’s approval for their relationship (he navigated the questions more successfully than José had in his deposition). The police deposed Camila Pérez in Agüero’s room that same day. She confirmed that she had arrived there on her own and not under duress. Claiming that “life there is impossible,” she refused to return to her parent’s house, explaining that she had been involved with Fermín “for some time now” and they intended to marry as soon as possible.<sup>75</sup>

When the police informed Manuel Pérez of the teen’s testimony and of her reluctance to return home quietly, he decided to resolve the issue discreetly and directly. He asked the police to withdraw his complaint “since it was clear to him that this was a *private crime*,” which effectively ended the state’s involvement in their family drama.<sup>76</sup> Camila’s strategy, like Aida’s decades later, had paid off. Camila’s understanding of her family’s relative standing in the

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<sup>72</sup> For another example see, “Oballe, Rómulo- denuncia la fuga del hogar de su hija Sara,” Leg# 1084-47374 (AHP-RN, JL)—in that case the father consented to the marriage under protest, adding that he thought they should wait since: “creía oportuno que primero se buscara un trabajo o colocación fija, ya que era un hombre que no posee ni lo más indispensable para la vida”—emphasis added.

<sup>73</sup> “Pérez, Manuel—denuncia fuga de su hija (Camila) [originalmente caratulada como Rapto],” Leg#359-14104 (AHP-RN, JL).

<sup>74</sup> The original reads: “que por la *situación que ocupa* pide que las investigaciones sean practicadas con *toda reserva*.”—emphasis added.

<sup>75</sup> The original reads: “allí la vida le es imposible.”

<sup>76</sup> The original reads: ““tratándose de un *delito privado* el que ha denunciado y que habiendo manifestado su hija Camila que por su propia voluntad se fue a la casa de Agüero; y que por otra parte, habiéndole manifestado Agüero sus deseos de contraer enlace con su hija, viene a retraer su denuncia y a pedir que no se sigan más adelante estas diligencias.”

community made her gambit fairly safe: she counted on her father’s distaste for public spectacle to work on her behalf. Her gambit was made even safer by her assumption that a return to the *status quo ante* was her worst-case-scenario—her father would most likely accept her back to the family home rather than place her as a domestic servant in the home of another prominent neighbor, or in the *Depósito*.

Parents who felt overwhelmed by their daughter’s *fuga* and unable to provide the moral scaffolding necessary to keep her from “straying” could ask the state to take over as the primary legal guardian of the minor. This drastic decision by parents fundamentally altered the teen’s calculation, shattering the status quo ante, as a 1928 case from the town of Allen exemplifies. After going out with her older sister Ángela to get a haircut, seven-year-old Manuela Guillermo returned home alone, much to her mother’s dismay.<sup>77</sup> Manuela claimed that her sister had asked her to go into a store to get kerosene and while she was inside, had disappeared without a trace. The girls’ parents, Serafin Guillermo—a forty-three-year-old Spanish day laborer, who had been in the country for twenty years—and Perfecta García, aware that Ángela had had “some romantic encounters” with Manuel Martínez in the past, suggested to the police that they start their investigation by questioning him.

The police tracked Martínez down to his house on “El Manzano” island, several miles upriver, where they apprehended the couple and deposed the teen. After about a year of “romantic encounters,” Ángela (seventeen years old, born in Argentina and employed as a housekeeper) and Manuel (a twenty-one-year-old day laborer, born in Spain but living in the country for eight years) had decided to get married. Her parents refused to grant their approval “since he did not have [any] worldly possessions,” which made him an unfit suitor for their daughter.<sup>78</sup> Serafin explained that they had remained steadfast in their desire to make a better match for her, since Martínez had a reputation for laziness (“no es afecto al trabajo”), which made him unable to provide for a family. Frustrated by their refusal, Ángela and Manuel orchestrated her *fuga* jointly “to force my parents to agree to the marriage...the only objective has been to force my parents to allow me to marry my boyfriend.”<sup>79</sup> Both Manuel and Angela repeated several times the phrase “force them to marry us,” offering their rationale for her escape in no uncertain terms. In their understanding of the situation, running away and getting the state involved was the only way to overcome her parents’ obstruction. Their plan, however, did not account for Serafin’s decision to abdicate his parental rights to the teen.

Serafin told the police he did not want his daughter returned to the family home, requesting instead that she be placed under the guardianship of the juvenile public defender in Viedma. He explained that “given what has happened, *I don’t believe that I will have influence over my daughter, who might relapse*, which I wish to avoid at all costs,” which would force her to have to secure permission to marry from the court.<sup>80</sup> Surprisingly, Ángela also requested not to be sent back to her parents, “fearing that they will punish her, or take her away, to keep her

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<sup>77</sup> “Guillermo, Ángela—fuga del hogar,” Leg # 646-26287 (AHP-RN, JL).

<sup>78</sup> The original reads: “aduciendo de que no era conveniente ese casamiento por cuanto aquel no poseía bienes de fortuna.”

<sup>79</sup> The original reads: “para así obligar a sus padres a que le dieran el consentimiento...lo ha hecho con el sólo propósito de obligar a sus padres a que le den el consentimiento para casarse con su novio.”—emphasis added. Elsewhere in the file, Manuel remarks: “y en esa forma sus padres se verían obligados a hacerlos casar.”

<sup>80</sup> The original reads: “después de lo ocurrido el deponente cree que *no tendrá ascendiente sobre su hija, y que esta puede reincidir en lo mismo*, lo que a toda costa desea evitar.”—emphasis added.

apart from her boyfriend,” and requesting instead that the police place her under the care of the juvenile public defender, who could “authorize the marriage.”<sup>81</sup> Both parties, independently, requested the state to arbitrate their dispute, both completely convinced that they could expect a favorable outcome by placing their fate in the institutions of the “skeletal state.” Ángela’s odyssey through the legal system took her through a succession of temporary stays in family homes of police officers in Allen, before being taken to Viedma. After a short stay-over in the “Depósito de Menores y Mujeres” and a failed “permanent” placement in the home of a prominent neighbor in Viedma (who within a week returned her to the judge, alleging that she was difficult), Ángela finally got her wish and was allowed to marry Manuel Martínez. The teens’ success in this case hinged both on Guillermo’s decision to forfeit his oldest daughter to the state after her *fuga*, and the state representative’s willingness to support her marriage plans.

Manuel Pérez’ concern about how a public investigation might tarnish his daughter’s reputation was not unjustified. Once a teen had been labeled by the community (or, once it became “public and notorious”) that she associated with lowlifes her *legal standing* in the community changed, if only informally. For example, consider the case of sixteen-year-old María Domínguez, whose reputation in town as someone who “dated lowlifes” led the investigator to dismiss the idea that she could have been kidnaped at all, showcasing the far-reaching repercussions of rumors and hearsay in the resolution of family disputes.<sup>82</sup> María lived in a room with her mother, Inés Fornagueira (who was single, thirty-six years old, and illiterate), in the house of a prominent family in General Roca, where they both worked. María had been having “amorous relations” with José Carró (a twenty-four-year-old Spanish-born mechanic) for over a year, after they met in a hotel where María and Inés had worked earlier. The couple had repeatedly expressed a desire to live together (“hacer vida común”), which Inés objected to unless they got married first.<sup>83</sup>

On the morning of 17 January 1922 Inés reported her daughter missing to the police when she could not find her anywhere, identifying Carró as a likely suspect of kidnapping her. Upon hearing of the police investigation the couple turned themselves in. Challenging the notion that he had kidnaped the teen, José explained that he was surprised when she showed up at his doorstep. Although he had “always intended” for her to live with him, he had not instigated her to run away when she did. Trying to clear his name, he reassured the investigator that he wanted to eventually marry her, but “she had always been opposed to that detail.”<sup>84</sup> María confirmed her reluctance to marry José, explaining that she simply wanted to live with him, the way her parents had done. Since she did not object to it, they returned her to her mother’s care.

José, meanwhile, remained in police custody as they tried to determine his fate, which had become intertwined with María’s reputation. The police tried to determine his role in her abandonment of the maternal home. As it stood, the police only had his testimony that he had

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<sup>81</sup> The original reads: “que no quiere volver al domicilio de sus padres, por cuanto teme que estos la castiguen o la alehen [sic] para separarla de su novio y por ello quiere que sea puesta a disposición del Defensor de Menores y se le dé autorización para contraer enlace.”

<sup>82</sup> “Fornagueira, Inés—fuga del hogar de la menor María Domínguez,” Leg #413-16348 (AHP-RN, JL).

<sup>83</sup> María’s father, Juan Domínguez, had lived with Inés in concubinage for a few years, but they eventually separated. Juan lived in Choele-Choele (about 120 miles downriver), and although he had legally acknowledged María as his daughter, she did not have a very good relationship with her father. She did not even attempt to seek out his approval to override her mother’s objection to her romantic choices.

<sup>84</sup> The original reads: “ella siempre estaba en desacuerdo con ese detalle.”

*intended* for them to live together, her insistence that José was not the father of her child, and the fact that María returned to her mother’s house without hesitation. Despite the circumstantial evidence of some degree of coercion or coordination from José, the police decided to release him and recommended the case be dismissed immediately. In his summary to the prosecutor, the investigator added that “without a doubt, given that it is *public and notorious* that María Domínguez has had marital relations with lowlives, she did not need any encouragement to go to Carró’s house.”<sup>85</sup> The teen’s reputation alone absolved José of any guilt, and the teen’s refusal to accede to her mother’s only request (marriage instead of concubinage) resulted in a return to the status quo. If María *had* been kidnaped, though, the local police clearly believed that burden of proof sat squarely with her. Unless she could prove that she had been forcibly removed from the home, the state representatives were inclined to assume that she would wander off with “lowlives” simply because she was believed to have done so in the past.

In a perverse way, María’s flight and the ensuing investigation probably further tarnished her reputation in the community. When she fled the maternal home, María risked a worse scenario than the return to the status quo that ultimately resulted. There was always the possibility that the mother would not accept her back to the family home, which would have placed her in the care of a prominent family, or in a state-run institution. Besides her relationship with her mother, the unwanted police attention could have ended up scaring José away, as he sat in an inquisition-style questioning to determine his responsibility for the actions of a pregnant, sixteen-year-old teen.

The risk of scaring a lover away with a grand gesture meant to *keep* the lover interested affected teen’s calculations when deciding to run away from home and bring the pressure of the state down on their parents. Some male suitors who enjoyed the blessing of the parents to court teenagers, had no intention of actually marrying them, and the unwelcome attention from the state uncovered some ugly personal truths. For example, Valentín Paredes, a forty-four-year-old farmer from Cinco Chañares, found himself in an uncomfortable situation during one of his regular business trips to the port of San Antonio Oeste in the late summer of 1916.<sup>86</sup> Close to midnight one night his teenage girlfriend, Paula, woke him up knocking violently on his hotel room door: she had run away from home and wanted to live with him permanently. Valentín was confused, since until recently Paula’s mother, María, had allowed him to visit the teen in their family home, even spending the night in the same bed with her according to some scandalized accounts from his friends. That had suddenly changed, as María decided to block their “married life” unless Valentín *actually* married Paula. Paula’s mother, Maria Rial de Antemil, was a forty-three-year-old housekeeper, who had lived with Valentín, herself, for several years before marrying someone else. She had decided to allow her daughter and former lover to explore their relationship under her roof until it became clear to her that he did not intend to marry Paula. Since the teen did not want to marry either, she ran away and met up with Valentín, to his surprise.

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<sup>85</sup> The original reads: "Es público y notorio que la María Domínguez ha hecho vida marital con sujetos [sic] de baja valea/vida [?] lo que no deja lugar a dudas que nadie la a [sic] aconsejado se fuera al domicilio de Carro."

<sup>86</sup> “Rial de Antemil, María—denuncia fuga del hogar de su hija (Paula),” Leg# 326-12851 (AHP-RN, JL).—The case had an additional complaint attached. Maria Rial initiated a separate complaint against the lead police investigator claiming he had been incompetent. The police officer detailed his side of the story before sending the case to his supervisors, complaining in turn that Maria Rial was unreasonable (“*antojosa*”), and did not know how to read or write, which was making the investigation especially difficult. The complaint is acknowledged by the *fiscal*, but it did not ultimately affect the investigation.

Paula’s decision to run away threw her down a rabbit hole of bureaucracy-induced powerlessness. The morning after Paula had run away María tried to persuade the justice of the peace to marry the couple, which he could only do if both of them agreed. María confronted Valentín that same afternoon and he agreed to marry Paula—but “not presently,” since he had too much travel and too many business concerns at the moment. After two weeks of waiting, convinced that Valentín was simply deceiving her daughter with those deferred marriage promises, María Rial finally went to the police. She wanted them to compel him to marry Paula immediately, or otherwise charge him with kidnapping and corruption of a minor, since María insisted (but could not prove) that her daughter was only fifteen. The investigator ordered the detention of the couple, who had by then left the hotel and moved back to Valentín’s countryside property. When the police captured and deposed the farmer, he countered that he had asked his former concubine to take Paula back, but María Rial had refused. He assured the investigator that he had no reason to pressure the teen to run away from home since “he could always come by the house, where [he] had *ample freedom and opportunities to abuse of her honesty* without needing to remove her from the house.”<sup>87</sup> After once more assuring the police that he intended to marry the girl as soon as his affairs allowed him to, Valentín surrendered Paula Antemil.

With the attention of the state on his private life, Valentín tried to explain his reluctance to marry the teen and in the process placed her reputation at the center of the case. It proved a shrewd move, as the investigation into the kidnapping was thereby shifted away from him and onto María Rial’s parenting choices, with repercussions on the teen’s reputation. The “ample freedom” to “abuse her honesty” that Valentín alluded to in his testimony was confirmed by a witness, who recalled seeing Paula answer the door without pants when she knew it was Valentín who was calling. On a different occasion, the witness added, he went to pick up Valentín from Paula’s house and found the couple still in bed together, as María Rial sat a few feet away at the kitchen table having breakfast. Paula not only confirmed the events in her testimony, but insisted that she acted exclusively out of a desire *not* to get married. When state representatives presented the options available to her—return to her mother, placement in a family home, or marriage—she decided to return to the family home. María Rial’s power play seemed to have worked. By forcing Valentín to either marry Paula or stop seeing her altogether, she managed to end a relationship she had grown to disapprove. It required a lengthy investigation, the public airing of her unorthodox parenting approach, the disclosure of her previous relationship with her daughter’s boyfriend, and a police counter-complaint about her fickleness, but she was able to use the state institutions available to her to achieve her goal. Paula’s gambit, on the other hand, ultimately failed. She had tried to force her mother to relent on her marriage demands and had hoped to live with her boyfriend, only to have Valentín actively plead with María Rial to take the teen back.

Paula’s preference to keep their relationship informal was not unusual for Patagonian teens, as illustrated by the example of María Domínguez a few years later, who also refused her mother’s ultimatum to marry. The willingness of Patagonian teenagers to not marry echoed similar attitudes of working class women in rural Brazil at the time, who saw little benefit in

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<sup>87</sup> The original reads: “...pues concurría siempre de visita a la casa donde *tenía libertad amplia y oportunidad para usar de la honestidad de aquella* sin necesidad de sacarla de la casa, y más aún cuando en tiempo anterior el deponente hacia vida marital con la madre de Paula, María Rial”—emphasis added.



hitching their fates to patriarchal structures controlled by abusive or incompetent men.<sup>88</sup> As a popular song from early nineteenth-century Brazil explained: “the poor woman’s fate was to work and to support her husband, and be subjected to sound beating, not because she was at fault, but at the whim or fancy of her companion.”<sup>89</sup> In the Patagonian context, the benefits of marriage over cohabitation were probably not many, and the absence of a long-standing church presence likely meant a lesser social stigma. Similarly, the persistence of a “Ley de Indio” which equated concubinage and “legal” marriage probably permeated into non-indigenous frontier society (Paula’s lack of a birth certificate *could* signal indigenous background, but there was no further corroborating evidence in the files).

Abandoning the home—forcing their parents to seek the state’s help to restore an orderly household—was a valuable option for the daughters as they attempted to assert their choice in suitors. This strategy did not always work out the way the runaway had expected, but as a whole, teens that ran away saw the frontier state as a counterweight to the patriarch’s power to determine who they could marry and live with. Runaways offer an insight into the delicate way reputation had to be consistently negotiated in small frontier towns. While preserving a family’s long-term good standing in the community by keeping a daughter from marrying a “lowlife” might be desirable, publicly announcing that said daughter had absconded with a “lowlife” might damage her standing even further. Patriarchs were not the only ones faced with tough choices—runaways whose gambit failed and whose parents continued to refuse them permission to marry had to return to the home, in defeat, or try their luck under the care of a prominent neighbor or the state. Surprisingly, even though the state had the power to negatively affect the lives of both parents and daughters (through a public investigation, and by placing them as wards in elite homes or the *Depósito*, respectively) they continued to perceive the state as a *useful tool*. This perception was in no small part a manifestation of the state’s precariousness in the frontier.

### **“Altering the harmony of social relations:” rape, bureaucracy, and social order**

The very structure of the “skeletal state” arrangement—federal appointees at the regional level, regional appointees at the local level, and a dearth of funding making all of them exceedingly reliant on the local population—allowed for legal and extra-legal maneuvering to flourish. In some cases, these maneuvers and compromises threatened to leave unpunished the suspects of violence against children. The examples in this section show how settlers, their advocates, and representatives of the state had to carefully balance their desire for immediate order and stability with the long-term need to establish reliable institutional processes. Generally, when the investigators and the courts failed to convict a seemingly guilty suspect, it was the result of the conscious actions of local social networks, and the (less conscious) bumbling of incompetent state agents which derailed otherwise promising investigations. As the frontier state matured in the 1920s and 1930s a more robust bureaucracy, staffed by more professional and self-aware civil servants, changed the way in which authorities responded to settler’s complaints and allegations. Two examples of sexual assault of a minor, one from the early twentieth century and the other from the late 1920s, illustrate this shift. Conversely, both cases also show the limits of local networks of loyalty in northern Patagonian towns: both cases

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<sup>88</sup> Maria Odila Leite da Silva Dias, *Power and Everyday Life: The Lives of Working Women in Nineteenth-Century Brazil* (New Brunswick, N.J: Rutgers University Press, 1995), 15; 130-131.

<sup>89</sup> Dias, *Power and Everyday Life*, 131.

were finally decided by authorities in the capital, outsiders in a sense. Ultimately, besides the status of the family, and its reputation in town, events far from families’ control conspired to alter the quality of justice they could hope to expect in the “skeletal state.”

The disturbing case of Mercedes Oliva’s rape, discussed at the beginning of this chapter, was an example of the local networks of loyalty worked to exert power in informal ways in order to punish the suspected rapist in 1904.<sup>90</sup> Recall that the police, upon hearing graphic testimony from Mercedes, who was barely thirteen, about her traumatic sexual encounter with an older traveling merchant, Luis Mases, who promised to marry her when his business took off, acted decisively. The police swiftly detained Mases and held him illegally for a month until the federal judge compelled them to charge him and depose him. The police in that case were close to the girl’s guardian, who was a prominent merchant in town, and who cherished the teen thinking of her as family, referencing cherishing her as a daughter. The local police even noted in their report that they had released Mercedes immediately after her deposition, claiming that “any extended stay [in police custody] could adversely affect modesty and her good name,” taking an explicit role as protectors of the teen’s reputation.<sup>91</sup> Neighbors and business acquaintances of Mercedes’ guardian poured their testimonies, further implicating the suspect in all manner of nefarious dealings. For example, Alberto Carreras, a middle-aged French rag-picker (*trapero*) recounted how he was approached by Mases one night, who offered to sell Mercedes to him as a “servant.”<sup>92</sup> It was probably not surprising that the friends and patrons of Mercedes’ guardian came together to attack and punish her attacker, but the effortless way in which they succeeded in using the available state apparatus certainly reflected the way in which the “skeletal state” arrangement operated.

The ease with which locally powerful people could commandeer the state apparatus in extra-legal ways to punish others made appealing to allies at a regional or national level paramount. Mases’ legal pleas to the judge to intercede on his behalf to secure his release, and the judge’s prompt response, illustrate the built-in counterbalances to the local arrangements. In a long defense brief, his lawyer argued that even investigating his client without firm material evidence “gravely threatened to alter the harmony of social relations” in the small towns.<sup>93</sup> In fact, Mases and his lawyer seemed to believe that the network of loyalty around Mercedes’ guardian was mobilized in order to defame him and drive him out before he could establish a competing business in the area. By appealing to social harmony, and obliquely threatening the loss of business in the area as a consequence of the state’s unwanted attention, Mases and his lawyer had hoped to emphasize the stability and progress central to the region’s development. In their reasoning, the honor and reputation of a teenage girl (who might or might not have been raped, and who might have been kidnapped or might be running away, depending on the

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<sup>90</sup> “Mases, Luis—rapto de la menor Mercedes Olivia,” Leg #51-1965 (AHP-RN, JL).

<sup>91</sup> The original reads: “por cuanto su estadía podría afectar el pudor y su buen nombre.”

<sup>92</sup> There is circumstantial evidence that Mercedes had indigenous ancestry—she lived in General Roca as the ward of a prominent merchant (a common practice after the conquest, as discussed in Chapter Two), since she was about thirteen or fourteen in 1904, she would have been born at the height of the military campaign, and the casualness with which Mases offered her as a “servant” to be acquired echoes the treatment of indigenous children soon after the conquest.

<sup>93</sup> The original reads: “si por la sola declaración del padre, tutor o encargado de una menor, la justicia procede a tener al denunciado de rapto, violación, estupro, etc. y aun cuando falte elementos de prueba que justifiquen la detención e instrucción de un sumario, se corre *el gravísimo peligro de alterar la armonía en las relaciones sociales.*”—emphasis added.

narrative) should not obstruct the larger task of developing Patagonia economically and establishing strong social bonds between “respectable neighbors.” The prosecutor was not convinced and recommended that Mases spend time in jail, which he probably did.<sup>94</sup>

In 1904, the interplay between a small power network and the regional authorities was fairly uncomplicated, and the impasse was resolved in a straightforward manner when the judge simply ordered the police to charge or interrogate Mases rather than hold him illegally. By the late 1920s, the “skeletal state” arrangement still operated in a similar way, but the maturity of the networks of loyalty (deeper and stronger after a quarter century) and the increase in state employees at the regional level made the resolution of these kinds of conflicts less simple. Consider the 1927 rape of a different teen, in the same region. In this case the local power network tried to *protect* the suspect through illegal arrangement, and it was the father of the teen who pleaded with regional authorities to cut through the thicket of local interference to deliver justice. The unlikely spoiler in this case was a bitter constitutional rivalry between the judge and the governor over the proper way to reopen an investigation, effectively ending any investigation, once again prioritizing the establishment of long-term rule of law over immediate justice.

The barge operator for the small town of Lamarque (on the southern shore of the Choele Choele island), Cándido Benítez, faced an uphill battle to get the people responsible for the rape and pregnancy of his teenage daughter (Salustiana Benítez) to justice in the fall of 1927.<sup>95</sup> Just a year earlier, Benítez had taken his daughter out of school and “ceded” her to the steward on a prominent local *estancia*, Miguel Esteban Walsh, to assist in the care of their four children.<sup>96</sup> Salustiana’s work as a nanny kept her boarded semi-permanently at the “Estancia Santa Genoveva,” until she was suddenly dropped off in the Benítez household by Walsh, who drove off without saying a word.<sup>97</sup> The teen said she returned home because she felt homesick. However, soon after her return Salustiana suffered a miscarriage, identifying the foreman of the *estancia* (Santiago Alonso) as the person responsible for her pregnancy. Following the recommendation of the local doctor (the twenty-eight-year-old “national medic” Hector Antonio Barrera, who lived in the town of Choele Choele most of the time), Benítez promptly filed a police complaint that was received by *comisario* Pujol, who proceeded to depose the teenager at

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<sup>94</sup> The case file is incomplete. The prosecutor became interim judge in 1906, and given the conflict of interest, he was not allowed to decide on this case, which was moved to a different jurisdiction and the ultimate judgment was not included in the file. Most judges at the time, overworked and understaffed, simply agreed with the prosecutor’s recommendation, so Mases *probably* ended up in the Viedma Public Jail.

<sup>95</sup> “Benítez, Cándido—denuncia violación y aborto,” Leg. #735-29587 (AHP-RN, JL).

<sup>96</sup> Miguel Esteban Walsh and his wife (Dora Gil) had welcomed their third child that January: Rodolfo Walsh, the famous Argentine journalist, author and activist, who was disappeared and killed in 1975 by the military government. Rodolfo characterized his father as a “transculturado al que los peones mestizos de Río Negro llamaban *Huelche*” (which roughly translates as “fearless and elusive” in the Araucanian language). He said that his father, who worked on the estancia until 1932 before trying his luck as an *arrendatario* on a farm in Buenos Aires, “tuvo tercer grado, pero sabía bolear avestruces y dejar el molde en las canchas de bochas.” He described his mother tragically as a woman who “vivía en medio de cosas que no amaba: el campo, la pobreza.”—I want to thank the Lic. Tomás Moller Poulsen, who first alerted me to this information.

<sup>97</sup> The *estancia* “Santa Genoveva” was the passion-project of the prominent Radical politician Dr. Victor M. Molina. He was one of the founders of the *Unión Cívica Radical*, and an active participant in the 1893 revolution, even serving in the legislature during the early 1920s. The *estancia*, named in honor of his wife, Genoveva Seijas Machado, was described as a “modern ranch,” and the irrigation canal that he had built there was the first of its kind funded completely by private initiatives.

her bedside. She identified her attacker, as well as a potential witness: her roommate Lila Pérez, who was not only the *estancia*’s cook, but also her attacker’s lover.

The investigation moved to the *estancia* to depose the witness and the accused, who spun a different story altogether. Lila Pérez (an illiterate, twenty-three-year-old cook) denied knowing anything about Salustiana’s love life and claimed that on most nights she slept in Santiago Alonso’s room rather than her own, meaning that she did not know what Salustiana did at night. Alonso (a thirty-one-year-old Spaniard who had lived in the country since age ten) claimed not to know anything about the events. He insisted that he spent every night in his room in the employee quarters, which were about a hundred yards away from the main home (where Salustiana and Lila slept), as he would never disrespect his boss by sneaking into his family home. Casually, he mentioned to the investigator a conversation he had had about a month earlier with Gregorio Paz, one of his peons who had suddenly quit. Alonso claimed that Paz had told him that he had to quit his job because Salustiana had given him a venereal disease, which was causing him health problems. Alonso suggested that Salustiana’s “slanderous” charge against him were part of an attack from his “enemies” in town, whose names he preferred not to mention. Since no one else witnessed the conversation he had with Paz, Alonso suggested the police depose Walsh and a couple of other peons (Ventura García and Juan Villarreal), who might be able to corroborate his account of Paz as Salustiana’s lover and the person responsible for her pregnancy.

The peons, Ventura Demetrio García and Juan Villarreal, offered similar testimonies, having heard of Paz’ story second-hand from Alonso. García suggested that Paz might have moved north to Choele Choele to work on the *estancia* “La Irma” and Villarreal offered only terse, short answers to the investigator. Miguel Walsh claimed that he did not know of any sexual relations between Salustiana and any of his employees, echoing that they were not allowed in the main house, where the teen had slept. Walsh added that he and his wife had taken special care to protect and shield the teen from the men working in the *estancia*. When he had heard from Alonso that Paz had contracted a venereal disease from the fourteen-year-old, he asked his wife to keep an eye out for any symptoms the girl might show, and denied knowing that Salustiana was pregnant. The investigators requested their counterparts in Choele Choele to look for Paz, but after a few futile days decided the case could not be solved and forwarded the file to the prosecutor in Viedma. Based on the assessment of the investigator, the prosecutor recommended the case be suspended until more information surfaced, and the judge agreed. These seemingly innocuous steps had essentially dismissed the case, as the court awaited more information before deciding, and the police gave up looking for more information, without having to rule on the merits of the complaint.

Frustrated by the lack of police interest in his daughter’s plight, an outraged Cándido Benítez reached out to the only person he could think of. He wrote a letter to the governor of the territory, Lt. Col. León Quaglia, asking him to intervene in his behalf and to order a new investigation with an independent, outside investigator. The text of the letter mixed impassioned pleas with unvarnished parental outrage:

I am writing to Mr. Governor, **as an old settler of the area and as a father of a family**, asking you to do justice to me, since **the authorities of this town have denied me the rights of fatherhood**, and **allow the author of a crime to wander freely** [...] and in fact **an arrangement was made** not to damage Mr. Gual [Walsh] nor the author of the crime who according to my daughter is the foreman of the

*estancia*; who after spending just three days in the police jail was released into freedom.

Mr. Governor, I am a widower, poor and with several children and have over fifty years of age, and **as a father of a family, which I believe you are as well, I ask for justice.** I took my little daughter out of school to hand her over to Mr. Gual [Walsh].

When you, Mr. Governor, **ask fair and honest people to look into the events**, you will see how these things have been, and I ask that you order a new investigation, **but not with the local authorities from this town.** I beg you, Mr. Governor, to reply to me and let me know if you will order a new investigation, since **I do not plan to allow this crime to stand unpunished.**<sup>98</sup>

Benítez’ letter was evocative: calling upon a shared parenthood experience with the governor, denouncing local corruption, and advancing a subtle threat of vigilante justice if the state were to fail him. The governor immediately deputized the Chief of Police, asking him to look into the situation in Lamarque. Despite the protests by local *comisario* Pujol, who insisted that his investigation had exhausted all leads, the Chief dispatched a surrogate, *sub-comisario* Francisco Rucci, to review the original investigation and the potential cover up. In an angry letter, Pujol reminded his supervisor that opening a second investigation into a crime without the express order from a judge was illegal, but the Rucci investigation proceeded regardless.

The second investigation advanced methodically and resulted in three significant changes from the original one. Firstly, despite recording similar testimonies from most of the witnesses, a few key actors changed their stories quite dramatically. Lila Pérez revised her original testimony: before she had said that she knew nothing of Salustiana’s love life, but now she claimed to have repeatedly seen her kissing and hugging Gregorio Paz—she testified having seen them hiding in the pantry some mornings and evenings, fooling around. Her new-found recollections of the teen’s romantic indiscretions strengthened her lover Alonso’s narrative. For his part, Miguel Walsh made sure to distance himself from his foreman, clarifying that all his knowledge of the events came from Alonso, who was the only person to interact with Paz as he left the *estancia*. Walsh stopped short of accusing Alonso of any wrongdoing, but he gently withdrew his support for his story, showing the limits of his support for the foreman. Unsurprisingly, Alonso and his peons stuck to their previous testimonies, continuing to place the blame for the girl’s pregnancy squarely on the absent Paz.

*Sub-comisario* Rucci, however, managed to detain and depose the original investigation’s elusive main suspect, Gregorio Paz, who had actually never left Lamarque! Finding, detaining, and deposing Paz was the second major change wrought by the Rucci’s investigation, unraveling the meticulous web of innuendo from the first investigation. Paz was surprised to find out that he was the main suspect in the case, claiming that “it is public and notorious that Santiago

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<sup>98</sup> The original reads: “me dirigo [sic] al Sr. Gobernador, como viejo poblador de esta sona [sic] y como padre de familia pidiéndole quiera hacerme justicia, porque las autoridades de este pueblo me han negado el derecho de padre y permiten que el autor de un crimen ande suelto [...] Yo, señor gobernador soy viudo, pobre y con varios hijos y tengo más de 50 años, y como padre de familia, que creo que usted también es, le pido justicia. Mi hija la saque de la escuela para cederla al Señor Gual [Walsh]. Cuando el señor gobernador haga averiguar esto con personas justas, verá como an [sic] sido estas cosas y pido se mande levantar [sic] un sumario, pero no con las autoridades de aca. Ruego al señor gobernador me conteste si mandará levantar [sic] el sumario, porque no pienso dejar este crimen así.”—emphasis added.

Alonso abused Salustiana Benítez, and people in town talk about it even now [half a year later].”<sup>99</sup> Paz said that the Lamarque police had seen him in town several times, but he had never been approached by them to let him know he was a suspect or to question him about the case. This pointed to either the comical incompetence, or more likely outright complicity, of the first investigation in covering up the irregularities on the *Estancia*.

Paz’ testimony further dismantled the original narrative. He denied having left *Santa Genoveva* due to illness, explaining that his temporary contract had ended without an offer to renew it, so he had left. This challenged Alonso’s account of a mysterious exit shrouded in secrecy and shame, as Paz denied having any venereal disease, much less having contracted it from the teen. He vehemently denied having any sort of sexual relations with Salustiana, claiming to vaguely remember a teenage girl working there at the time (“the daughter of the bargeman Benítez, I think...”), but never having as much as talked to her. He suggested that “the crimes alleged against me are the result of collusion between Lila Pérez and Santiago Alonso, who took advantage of my exit from the *estancia*” to incriminate him in the rape and pregnancy of the teen.<sup>100</sup>

Finally, Rucci ordered a medical exam of the teen, which the original investigation had failed to secure. In most cases of *rapto*, *fuga*, or rape the police immediately requested a medical investigation of the victim, even if a doctor had to be brought from another town—so Pujol’s failure to do so had raised Rucci’s suspicions. Salustiana’s medical exam, by doctor Nectar Barrera, established that the teenager did not show any evidence of venereal disease, toppling yet another piece of Perez and Alonso’s narrative, and buttressing Paz’ account. In his conclusions, Rucci wrote scathingly of the previous investigation for failing to pursue their principal suspect (Paz) even though his family lived in Lamarque and he had been seen in town repeatedly, as well as for not probing the “venereal disease angle” more forcefully. He detained Pérez and Alonso, and sent them to Viedma, where they sat in the public jail awaiting the judge’s reopening of the case—which never happened.

Benítez’ bold attempt to break through Walsh’s network of loyalties (which included his employees, the Lamarque police, and *comisario* Pujol) with an outside intervention was thwarted at the last stage by a public servant more concerned with constitutional rigor than with clearing up the sexual irregularities of a small town. The prosecutor, who had originally ordered the suspension of the case until new evidence was turned up, interceded when he learned of the second investigation. His note to the judge, dripping with outrage over the breach of constitutional procedures, included a request to “severely admonish” the chief’s “incompetent violations” of the suspects’ civil rights. After all, if Alonso and Pérez sat in jail based solely on evidence collected illegally, this was a dangerous violation of the underpinnings of the rule of law. The prosecutor turned the tables on the Rucci investigation, claiming that “if between the Justice and the Police exists a *degree of tolerance*, it should not allow for the cover-up of violations by public servants of their duties, against the rights of individuals.”<sup>101</sup> In his thinking,

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<sup>99</sup> The original reads: “que es público y notorio que Santiago Alonso fue quien abusó a la menor Salustiana Benítez, cuyas voces circulan hasta ahora.”

<sup>100</sup> The original reads: “el delito que se le quiere imputar es una confabulación tramada en su contra por parte de Lila Pérez y Santiago Alonso aprovechando para tal fin su salida de la Estancia.”

<sup>101</sup> The original reads: “si entre la justicia y la policía debe existir un margen de tolerancia, esa no puede llegar al extremo de silenciar la violación de los deberes del funcionario contra el derecho de los particulares.”—emphasis added.

the truly dangerous “cover-up” was not the one taking place in Lamarque, but the one in Viedma: the prosecutor believed that it was up to himself and the judge to prevent the governor and the chief of police from covering up the illegal second investigation. In his interpretation (which the judge ultimately backed), the strengthening of state institutions and rule of law took precedence over “properly” solving a crime.

This case, as the previous one involving Mases’ kidnapping of Olivia, came to an anticlimactic conclusion. After almost a year of investigations, constitutional controversies, outraged fathers, and suspects hiding in plain sight, the case ended on a technicality. However, several conflicting social relationships came to the fore during the course of the investigation over Salustiana Benítez’ miscarriage: her relationship with her host family, which appeared to have been close and caring; *mayordomo* Walsh’s protection of his foreman Alonso; *comisario* Pujol’s attempts to protect Walsh from any embarrassment in his extended “family” on the *estancia*; the constitutional rivalry, which was important enough to prompt the prosecutor to take a stand on this case and admonish the Chief of Police; and the paternalistic relationship between Cándido Benítez and the governor of the territory León Quaglia, as evidenced in the former’s letter. This dense network of relationships working at cross-purposes from each other, exemplify the workings of the frontier state in northern Patagonia.

Lost in the thicket of interpersonal relations and constitutional machination was the fate of Salustiana. At the end of the investigation her reputation in the town was tarnished, as it was “public and notorious” that she had been raped and had a miscarriage, and she had lost not only her job but also a surrogate family that had embraced her. This section’s use of rape cases to illustrate shifting socio-political arrangements in the “skeletal state” was not intended to be callous. These horrifying events had serious consequences for the people involved. They also offer a powerful scalpel to examine just how strong were the loyalties woven in local settings. Investigations dealing with intimate, family matters had a poignancy that professional disputes and political rivalries (the subject of the next two chapters) did not have, and added an additional layer of complexity to networks of loyalty maintained by public reputation. When local networks were mobilized to either defend or punish a suspect at the margins of the law, state representatives at the regional level tended to prioritize the rule of law over social harmony—even if it ultimately harmed the victim.

## Conclusion

The intersection of family life and an expanding state apparatus in a frontier space like Patagonia revealed the way in which the boundary of the public and the private was negotiated, one family at a time, when a fully formed state ideology without “mature institutions” attempted to establish itself. While the family unit remained an important foundation piece for the Liberal state, the erosion of patriarchal prerogatives and its replacement by state representatives was a contingent, fraught process that alternately expanded and contracted the reach of the state and its legitimacy, in the region. Patriarchal prerogatives to rule a household, which the authorities in the frontier only half-heartedly defended in cases of violence against women and children, took a decisive back seat when the violence involved people outside the family. In all of these cases men, women, and children attempted to use the representatives of the state to their own advantage, not only bringing their own understanding of proper gender roles to bear on an antiquated but rapidly changing legal system, but also mobilizing their local networks to try to leverage the good will of state agents.

Even though many of the concerns and reactions surrounding family conflicts in this chapter echo those in other contexts in which a liberal jurisprudence was being introduced for the first time, some of the resolutions to these conflicts were unique to the “skeletal state” arrangement. Courtrooms, throughout the nineteenth-century, played an important role in getting people from disparate “social groups to work out . . . struggles for political control and cultural influence” in frontiers, especially when those conflicts involved family and social order.<sup>102</sup> For example, as Ana María Alonso found in a small Chihuahua village “abused . . . wives paradoxically challenged the extent of their husbands’ power while affirming their own submission and reproducing hegemonic constructions of femininity” by using the courts to try to curtail abuses.<sup>103</sup> In other Latin American cases, the contests *inside* the courtrooms decided those struggles; which was often not the case with struggles involving Patagonian families, as most cases found informal resolution before they reached the beleaguered federal judge. If, as Suzanne Desan explained, “local practices built the republican family on the ground, in constant negotiation with the policies and political culture” of national authorities, the arrangements of the “skeletal state” expanded those local practices beyond the confines of the courts themselves and onto the entirety of the judicial apparatus.<sup>104</sup> On balance, even if Argentine lawmakers—like their Venezuelan counterparts— “allowed the prolongation of rights specifically made for heads of households as well as the continuing treatment of the family as a sphere in which a separate set of rights” the state representative on the frontier did not always follow their lead.<sup>105</sup> Patagonia’s remoteness, more than the century separating its introduction to liberal jurisprudence to that of the rest of the hemisphere or the absence of alternate sources of institutional legitimacy, accounts for the less formal “rationalization of patriarchy” taking place there in the early decades of the twentieth century.

This process of creating and maintaining reputations, of using local authorities to mediate and resolve disputes in informal ways, and of contesting the results of these arrangements with a cadre of outside bureaucrats concerned with long-term stability rather than immediate social order worked to strengthen the settlers’ trust in the state. Detaining Mases without charging him, failing to investigate Alonso’s wild second-hand story of sexual conquests, stonewalling Rebolledo’s efforts to get his abused wife back by sticking narrowly to the letter of the law, levying suspicious fines against Sinsky for abusing his wife, were the kind of irregularities that made outsiders accuse the frontier government of corruption and ineffectiveness. Those accusations, even if objectively accurate, missed the point of *how* and *why* settlers continued to rely on state agents to mediate some of the most important and delicate conflicts in their lives. The informal workings of the “skeletal state” did not erode the settlers’ trust on the government; it strengthened it by providing a responsive, highly localized local agent and a meticulous, deliberately insular regional institutional setup. With laws generally stacked against them, family members wanting to escape patriarchal abuses needed to be able to bring their communities into their domestic frays, essentially making the private realm of the family a

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<sup>102</sup> Shelton, *For Tranquility and Order*, 158.

<sup>103</sup> Ana María Alonso, “Rationalizing Patriarchy: Gender, Domestic Violence, and Law in Mexico,” *Identities* 2, no. 1–2 (January 1, 1995): 29, 42.

<sup>104</sup> Suzanne Desan, *The Family on Trial in Revolutionary France*, Studies on the History of Society and Culture 51 (Berkeley: University of California Press, 2004), 12–13.

<sup>105</sup> Arlene J. Diaz, *Female Citizens, Patriarchs, and the Law in Venezuela, 1786-1904* (University of Nebraska Press, 2004), 6.



#### Chapter Four: “Private Crimes” or “Public and Notorious”

public affair. Unable, and often unwilling, to break the law to assist them, state representatives found creative ways to adjudicate family conflicts in the grey areas around the law, turning lethargy into an informal, selective tool to maintain peace in the frontier towns.

### **Part III: Legitimacy, Local Politics, and Power (1920s-1930s)**

The interwar period saw a maturation of northern Patagonian civil society at the same time that the institutions and practices that had characterized the frontier state during its first four decades of existence began to change dramatically. The triumph of the Unión Cívica Radical at a national level led to the replacement of many (but not all) of the people who had administered the National Territories since their inception. Reformers arriving in the frontier came into conflict with local elites and regional authorities who had grown accustomed to the workings of the “skeletal state” and were in no rush to transform it. Chapter Five looks at how self-styled *vecinos* (politically active neighbors) in small towns throughout northern Patagonia began using their carefully built social networks to demand political changes in their communities. Pushing back against police abuse and “bad government,” this petit-bourgeoisie of the frontier practiced their citizenship despite the continued complete and systematic suppression of political rights in the National Territories.

In 1930, Radicals were removed from power, but the national state’s role in Patagonia only deepened. A sign of the growing state presence in almost every facet of life was the expansion of the National Hygiene Department. Its system of medical certification had a particularly disruptive effect in northern Patagonia. Chapter Six discusses how struggles over medicine, between patients, healers, certified doctors, and their uncertified rivals, came to embody conflicting sources of legitimacy in the frontier. Doctors with the backing of national authorities moved into frontier outposts and had to learn to collaborate with medical practitioners who had deep connections in the communities they were serving. When their conflicts escalated into judicial battles, having the backing of the law did not always overpower the legitimacy that years of service conferred on healers and uncertified doctors. The combination of robust social networks and positive social standing (a “good reputation”) proved to be a formidable way of using the fading institutions of the “skeletal state” to resist and contest changes imposed from Buenos Aires.

## Chapter 5

### The “Respectable Neighbors:”

#### Vecinos, Local Politics, and the Courts

*“...not to lose composure since nothing unusual is happening [...] trust and tranquility is all I ask of the pueblo...”*

—Chief of Police Tomás Bello, attempting to reassure the population of Neuquén which was growing uneasy about the armed stand-off between the governor and the police

*“I am once again filled with faith and trust in the National Justice, and I am ... convinced that there is still a good judge, even for the humble folk”*

—the unprompted praise of a poor *vecino*, Carlos Vivoni, heaped on a federal judge that had interceded on his behalf to expedite an overdue payment

In the small hamlet of Chipauquil, in the central plateau, a resident entered the police headquarters looking for the local police authority, *sub-comisario* Servellon Ortellado, in order to file a complaint against a neighbor. To his surprise, he found the officer sharing an afternoon *maté*\* with the man he intended to accuse: Ricardo Bruce. Bruce was a prominent merchant in town, and the police “headquarters” were actually housed in his home since the state had not gotten around to building a dedicated office for the police. The implication of this kind of relationship between locally prominent people and police is the subject of this chapter.

This chapter analyzes the way people who called themselves *vecinos* interacted with and helped to build the state in Patagonia. The way settlers in northern Patagonia used the term *vecino* to describe themselves built upon long-standing traditions of urban politics. In other Latin American contexts, the term refers to elite urban dwellers who thought of themselves as neighborhood leaders, or who had prominent roles in local government, and who often had important roles in non-governmental institutions.<sup>1</sup> In the Argentine context, the term has had a

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\* Mate is a caffeinated herbal infusion drunk in southern South America. Traditionally it is drunk from an open gourd in a communal fashion. The witness’ mention of the friendly, shared mate when he entered underscored the seemingly close relationship between the *sub-comisario* and the merchant.

<sup>1</sup> For example, in the context of the Mexican Revolution (1910-1940), “vecinos” were neighbors who actively participated in the construction of schools Elsie Rockwell, “Schools of the Revolution: Enacting and

## Chapter Five: The “Respectable Neighbors”

much narrower definition, as it primarily refers to a municipal-level type of citizenship: in this context, the category of *vecinos* has been juxtaposed with that of “national citizens.” Yet, scholars have begun to articulate a much longer tradition of popular involvement in high politics than previously acknowledged, reaching as far back as the immediate post-independence period.<sup>2</sup> These studies echo the work by historians of Mexico who have established the importance of local politics for the consolidation of the national state in the post-Independence period as increased violence and incompetent administrations threatened to erode the government’s legitimacy.<sup>3</sup> Studies of municipal-level political engagement in Buenos Aires, for example, in the 1870s and 1880s have revealed an active political life centered on demonstrations, mobilizations, and “get out the vote” campaigns that prefigure the growth of political involvement and demands for reform in the 1890-1910 period.<sup>4</sup>

Similarly, studies of the interwar years in Buenos Aires’ growing urban periphery have highlighted the emergence of active, participatory local political life centered in neighborhood associations and a political culture that superseded institutional limits.<sup>5</sup> The key to this novel political culture was the rapid urban growth that the city experienced in the first decades of the twentieth century, as the interaction between skilled workers, shopkeepers, small merchants,

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Contesting State Forms in Tlaxcala, 1910-1930,” in *Everyday Forms of State Formation: Revolution and the Negotiation of Rule in Modern Mexico*, ed. Gilbert Michael Joseph and Daniel Nugent (Durham, NC: Duke University Press, 1994), 170–208, or town-dwellers who had benefitted from the privatization of indigenous land, Florencia Mallon, “Reflections on the Ruins: Everyday Forms of State Formation in Nineteenth-Century Mexico,” in *Everyday Forms of State Formation: Revolution and the Negotiation of Rule in Modern Mexico*, ed. Gilbert Michael Joseph and Daniel Nugent (Durham, NC: Duke University Press, 1994), 69–106, or parishioners with an active hand in shaping religious institutions Marjorie Becker, *Setting the Virgin on Fire: Lázaro Cárdenas, Michoacán Peasants, and the Redemption of the Mexican Revolution* (University of California Press, 1996); and more broadly, politically active neighborhood liaisons: John Lear, *Workers, Neighbors, and Citizens: The Revolution in Mexico City* (Lincoln: University of Nebraska Press, 2001).

<sup>2</sup> For example: Gabriel Di Meglio, *¡Viva el Bajo Pueblo!: La plebe urbana de Buenos Aires y la política entre la Revolución de Mayo y el rosismo, 1810-1829* (Buenos Aires: Prometeo Libros, 2006); and the classic: Ricardo Donato Salvatore, *Wandering Paysanos: State Order and Subaltern Experience in Buenos Aires during the Rosas Era* (Durham [N.C.]: Duke University Press, 2003).

<sup>3</sup> For some examples of this vast literature see Peter F. Guardino, *The Time of Liberty: Popular Political Culture in Oaxaca, 1750-1850*, Latin America Otherwise (Durham: Duke University Press, 2005); Brian DeLay, *War of a Thousand Deserts: Indian Raids and the U.S.-Mexican War*, unknown edition (New Haven, Conn.; London: Yale University Press, 2009); Andrés Reséndez, *Changing National Identities at the Frontier: Texas and New Mexico, 1800-1850* (Cambridge, U.K. ; New York: Cambridge University Press, 2004); Florencia E Mallon, *Peasant and Nation: The Making of Postcolonial Mexico and Peru* (Berkeley: University of California Press, 1995); Mallon, “Reflections on the Ruins”; Eric Van Young, *The Other Rebellion: Popular Violence, Ideology, and the Mexican Struggle for Independence, 1810-1821* (Stanford, Calif: Stanford University Press, 2001).

<sup>4</sup> Hilda Sabato, *The Many and the Few: Political Participation in Republican Buenos Aires* (Stanford, Ca: Stanford University Press, 2001).

<sup>5</sup> Luciano de Privitellio, *Vecinos y ciudadanos: política y sociedad en la Buenos Aires de entreguerras*, Historia y cultura (Buenos Aires, República Argentina: Siglo Veintiuno, 2003).

tradesmen, and their families resulted in the proliferation of a “dense web of associations” such as community libraries, municipal councils, and an array of political associations. From this primordial stew of republicanism a “neighborhood elite” emerged organically: a middle class forged in the shared experience of an urban frontier.<sup>6</sup> Recent scholarship has argued that while merchants in Buenos Aires and other large cities certainly acted in defense of “shared interests” during this period, they stopped well short of conceiving themselves as a broader “middle class.”<sup>7</sup> In the nation's larger cities merchants coalesced around shared economic interests in the late nineteenth century, striking for lower taxes and an end to price controls by the government, and in the 1930s they fought the socialists over worker's rights and mandatory holidays. In short, merchants of the early twentieth century in Buenos Aires had a narrow understanding of their social identity. Even if they had strong neighborhood socio-political life, they acted as merchants first. In northern Patagonia, where the distinction between private and public was tenuous, merchants developed political identities sooner, and built them more inclusively.

In small Patagonian towns, however, the self-label “vecinos” came to define a different kind of townsfolk. Merchants took a leading role coalescing other settlers into self-conscious and politically engaged *vecinos*, routinely occupying municipal posts (either through elections or appointments) and serving as justices of the peace. In remote settlements without municipal councils they were important in less direct ways. They often supported the police force, covering their wages when the state fell behind (which happened often) and providing them with supplies if their own equipment wore out or was insufficient. Northern Patagonian merchants, like their peers elsewhere in the world were “more conformist than revolutionary, more backward looking than progressive [and] often defended the status quo,” especially when they had a prominent role in that existing order.<sup>8</sup> Prominent *vecinos* also helped to ameliorate the state's lack of infrastructure in the earlier years, as police headquarters in remote villages were often housed in the homes of wealthy *vecinos*, as was the case with Bruce's house in rural Valcheta county. Their patronage of the police force secured a symbiotic relationship that granted some *vecinos* preferential treatment from otherwise indifferent (or incompetent) police officers. Scholars have characterized *vecinos* in small Patagonian communities as a counterweight to the arrangements in place between police and justices of the peace in the rural hinterland to cushion social conflict and resolve disputes away from the courts—what Gabriel Rafart termed a “web of firm loyalties” deliberately crafted by those charged with maintaining the peace.<sup>9</sup> Given the tight

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<sup>6</sup> Leandro H. Gutiérrez and Luis Alberto Romero, *Sectores populares, cultura y política: Buenos Aires en la entreguerra* (Buenos Aires: Editorial Sudamericana, 1995), 71–107.

<sup>7</sup> Ezequiel Adamovsky, *Historia de la clase media argentina: apogeo y decadencia de una ilusión, 1919-2003*, 1a ed (Buenos Aires: Planeta, 2009), 111-117; 121-133; and specifically 162-169.

<sup>8</sup> Jeremy Adelman and Stephen Aron, “Trading Cultures: The Worlds of Western Merchants,” in *Trading Cultures: The Worlds of Western Merchants: Essays on Authority, Objectivity, and Evidence*, ed. Jeremy Adelman and Stephen Aron (Turnhout: Brepols, 2001), 2.

<sup>9</sup> Gabriel Rafart, *Tiempo de violencia en la Patagonia: bandidos, policías y jueces: 1890-1940* (Buenos Aires: Prometeo Libros, 2008), 146–47.

relationship between the police and the *vecinos*, their relationship can be better thought of as part of a larger complex of networks—in tension with each other, but not always in conflict—created by the *vecinos* themselves, not by the justices and the police.

*Vecinos* played a critical role in the development of the state in northern Patagonia, particularly in the hinterlands, one that remains understudied. Political life in the National Territories operated in two separate registers: one in the territorial capitals and another in the more remote rural districts. In the capitals of Viedma and Neuquén, *vecinos* often jockeyed for political power with the representatives of the national government (mostly the governors and their entourages) using conventional avenues like political parties, newspapers, and municipal councils. The political life in the capitals has received the majority of scholarly attention, but represents the experiences of at most a fifth of northern Patagonians in 1920.<sup>10</sup> The political life away from the capitals, marked by informal power networks and corruption, but also a commitment to self-rule, has not received as much attention while being more representative of the experiences of most Patagonian settlers. Ultimately, local social networks, based on commercial ties as well as reputation, were both the activating force and the limit on state action in northern Patagonia.

This chapter considers how *vecinos* mobilized their social networks to challenge and attempt to co-opt the state, exercising their political rights by deftly using petitions and the criminal courts. Drawing from a wide variety of criminal court cases, from complaints and grievances to thefts, malfeasance, and even sedition, this chapter weaves a portrait of the ways *vecinos* related to the state agents around them, the tools available to them to control those agents, and the effects of this power on the growing state presence in Patagonia at a time of rapid change. As the quotes that open this chapter suggest, the interplay between police, governors, judges, and *vecinos* was complex and included a wide range of conflicts, from the mundane to the dramatic.

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<sup>10</sup> Martha Ruffini, *La pervivencia de la República Posible en los Territorios Nacionales: poder y ciudadanía en Río Negro* (Buenos Aires: Universidad Nacional de Quilmes Editorial, 2007); Martha Ruffini, “El tránsito trunco hacia la ‘República verdadera’. Yrigoyenismo, ciudadanía política y territorios nacionales,” *Estudios Sociales* 19, no. 36 (2009): 91–115; Martha Ruffini, “Ciudadanía y Territorios Nacionales. El ejercicio del poder político en los Concejos Municipales del Territorio Nacional de Río Negro (1886-1908),” *Revista Digital Escuela de Historia* 1, no. 3 (2004): 3; Lisandro Gallucci, “Las prácticas electorales en un municipio patagónico: Neuquén, 1904-1916,” *Revista Pilquen*, no. 7 (2005); Lisandro Gallucci, “La vida política de los instrumentos: Imágenes y prácticas de los sectores subalternos en el Neuquén de la primera mitad del siglo XX,” *Quinto sol*, no. 12 (December 2008): 151–74; Susana Bandieri, “Asuntos de familia: La construcción del poder en la patagonia: el caso de Neuquén,” *Boletín del Instituto de Historia Argentina y Americana Dr. Emilio Ravignani*, no. 28 (2005): 65–94; Susana Bandieri, “Sociedad civil y redes de poder social en los Territorios Nacionales del Sur: Neuquén, Patagonia argentina, 1880-1907,” *Boletín americanista*, no. 57 (2007): 53–67; Mirta Kircher, “Miradas, relaciones y prácticas: la construcción de la política en Neuquén (1884-1904),” in *Pasiones sureñas: prensa, cultura y política en la frontera norpatagónica, 1884-1946*, ed. Leticia Prislei (Buenos Aires: Prometeo Libros, 2001); Leticia Prislei, “Imaginar la Nación, modelar el desierto: los ’20 en tierras del ‘Neuquén.,” in *Pasiones sureñas: prensa, cultura y política en la frontera norpatagónica, 1884-1946* (Buenos Aires: Prometeo Libros, 2001).

### **Between the municipal and the regional: *vecinos* in the urban centers**

The rhythms of municipal life in the regional capitals and main urban centers in northern Patagonia became hotbeds of politics when a new governor was about to be appointed, as prominent *vecinos* tried to leverage their local networks to signal to their national allies their preference for one or another potential candidate, especially those with preexisting local connections.<sup>11</sup> These ritualized, continuous, but peaceful, negotiations flourished during the period between the end of the so-called “military governorships” (1878-1898) and the arrival of the Radical party to power in 1916.<sup>12</sup> However, the period immediately following the election of Radicals brought uncertainty and open conflict to Patagonian society in the capitals—new patrons at the national level, heightened expectations for change and, ultimately, continuity of restrictive political system that some *vecinos* had grown used to.

These conflicts of the late 1910s and 1920s were led by a new wave of settlers and reformers who descended on Patagonia. The national-level transition from decades of conservative rule to a series of popularly elected Radical party rulers initially presented less of an institutional disruption than one would expect. Even as new ministers took charge of cabinets and reformed them, and the President began intervening in rebellious governorships, the director of national territories, Isidoro Ruíz Morales, remained in his post in the Ministry of the Interior.<sup>13</sup> From his small, but powerful position, Ruíz Morales protected old allegiances and working relationships, which would collide with the reformist impetus of the early Radical regime. One case in particular saw the situation swiftly devolve into chaos, with rival factions accusing each other of sedition, and dual armed militias patrolling the streets. In May 1919, the entire city of Neuquén was engulfed in an uprising that threatened to fill the streets with violence, when the territory’s politically ambitious chief of police, Tomás Bello, ignored an order from the governor’s office and then refused to yield power when he was relieved of his function, setting off an “insurrection.”

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<sup>11</sup> María Teresa Varela, “Prensa y participación ciudadana en los territorios nacionales. Viedma, Río Negro, 1916-1930,” *Estudios Sociales* 45, no. 1 (October 17, 2014): 106.

<sup>12</sup> Ruffini, *La pervivencia de la República Posible*; María E. Argeri, “La formación de los sectores dominantes locales. Río Negro (Norpatagonia) a principios del siglo XX,” *Secuencia: Revista de Historia y Ciencias Sociales*, no. 45 (September 1999); Gallucci, “Las prácticas electorales en un municipio patagónico”; Kircher, “Miradas, relaciones y prácticas: la construcción de la política en Neuquén (1884-1904)”; Susana Beatriz Torres, “Grupos inmigratorios y relaciones identitarias en algunos centros urbanos de la Patagonia,” in *Hecho en Patagonia: la historia en perspectiva regional* (Neuquén: Universidad Nacional del Comahue, 2006); Martha Ruffini, “La prensa escrita y la construcción de la figura del ciudadano. Un análisis de las representaciones municipales en el periódico Río Negro. 1912-1917,” *Revista Pilque, Viedma: Universidad Nacional del Comahue*, no. 3 (2000): 11–36; Ruffini, “Ciudadanía y Territorios Nacionales.”

<sup>13</sup> For a critical take on the role of this “holdover from the old regime,” see Osvaldo Bayer’s prologue to Juan Carlos Chaneton, *Zainuco: los precursores de la Patagonia trágica* (Buenos Aires: Editorial Galerna, 1993), 13–16.

Bello had arrived in the region a few years earlier, as part of the reformist tidal wave that followed the election of Hipólito Yrigoyen to the presidency in the country’s first open elections in 1916.<sup>14</sup> His reformist credentials earned him a following with Neuquén’s unions and socialists (by all accounts a small sliver of capital’s population at the time), but his nationalist rhetoric made immigrants nervous, and his political aspirations annoyed the *vecinos*. Remember that Neuquén had been established a short decade before, and had been a particularly fertile environment for immigrants’ upward mobility, based in no small part on their far reaching social networks. As an outsider—a federal appointee without ties to the community—Bello would need to reach out to the *vecinos* and cultivate his own social networks to manage conflict both locally and in the entire territory. Instead of buying into the existing arrangement, he attempted to overturn it, relying solely on the legitimacy conferred on him by his appointment from the national government.

Soon after his arrival, in early 1918, Bello found himself the target of a series of articles in the prominent newspaper *Neuquén*, whose publisher Abel Chaneton (one of the leading *vecinos* in Neuquén’s first decades of existence) had been murdered the previous year ostensibly for his long investigation into a police massacre following a prison break in 1916.<sup>15</sup> Continuing the combative streak of its martyred leader *Neuquén* zeroed in on Bello’s political ambitions, admonishing the “thuggish way” in which he used the police force to campaign for himself and his allies in local elections. The newspapers had begun to speculate that the chief of police intended to seek an appointment to the governorship, which had been vacant for almost a year, using the police to silence any critics in the region.<sup>16</sup> Alleging defamation and malice from the newspaper’s editor, Bello sued. The defense called a slew of witnesses, who began eagerly corroborating the newspaper’s claim of police abuse and misconduct, capitalizing on the opportunity to expound on their grievances against the new chief of police in an official document. The judge, and eventually an appellate court, sided with the newspaper.<sup>17</sup> In the early days of 1919, Bello’s troubles with the *vecinos* were compounded as he found himself under siege by a consular complaint—filed by the Chilean Legation—which alleged racial bias in police investigations (discussed at length in Chapter Three).<sup>18</sup>

Tomás Bello had a long track record of actively trying to reform state institutions. At age fifty-nine the longtime state employee, veteran of the “Conquest of the Desert” and seasoned bureaucrat, had been assigned as Neuquén’s chief of police in 1917 to help stabilize the territory

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<sup>14</sup> Tomás Bello was appointed as Chief of Police of Neuquén following the institutional crisis in the aftermath of the police massacre, and ensuing cover-up, in the Zainuco valley, discussed in Chapter Three.

<sup>15</sup> Chaneton, *Zainuco*, 157–60.

<sup>16</sup> “Bello, Tomás- querrela criminal contra Director del diario ‘Neuquén’ por calumnias e injurias,” 1918-352-f.305 (AJL-TN).

<sup>17</sup> *Jurisprudencia Argentina*, vol. 3 (Buenos Aires: Impreso en los talleres gráficos Compañía impresora Argentina, 1919), 669–71.

<sup>18</sup> “Legación de Chile, sus denuncias,” 1919-104-f.244 (AJL-TN).



after upheaval following the police massacre in the Zainuco valley. Bello belonged to a long tradition of middle class insurrectionaries (under the umbrella of the Unión Cívica Radical) who rose up against the conservative elites that clung to power in the interior, having personally led revolts in Buenos Aires, Tucumán, Santiago del Estero, and Salta.<sup>19</sup> He had served as police chief in a time of crisis a couple of years earlier in the southern territory of Santa Cruz, in 1915. During his time in the Far South, he argued for the need to promote indigenous *caciques* as police officers within their communities. He argued that doing so would allow them to administer justice “in their own special way” and attempt to “harmonize” their lifestyle with the demands of the “civilizing mission.”<sup>20</sup> His tenure in Santa Cruz saw him issue recommendations to the governor on how to best administer the sparsely populated territory—which were summarily dismissed. During his two-year appointment as chief of police in Neuquén he would seek to reform both the police and the government itself, but he would face stiffer resistance from a civil society that had grown accustomed to the way the system operated.

The crisis that had been playing out in the newspapers and in hushed complaints during the previous year spilled onto the streets in May 1919 when Acting Governor J. C. Molinero—taking advantage of the judge’s order the previous day to reopen all of the suspicious investigations against Chilean residents—ordered Bello to promote an agent that the latter found ideologically unfit.<sup>21</sup> Bello’s refusal prompted Molinero to order him removed from his post. Bello’s replacement, Leandro N. Alem, approached police headquarters to take command from him, only to find the compound barricaded. Bello had garrisoned most of the loyal police force, as well as some prison guards and at least four members of the local union (the *Central Obrera*), including a known anarchist. Together they formed a defensive perimeter around the building preventing anyone from approaching it, and began armed patrols of the city, including some engaging in menacing forays to the areas surrounding the gubernatorial palace. The anti-Bello forces, directed by Alem, were cobbled together hastily to assist with the defense of the governor’s office and the federal courthouse. Besides a handful of police officers that Alem had been able to recruit to his side, the “loyalists” included an assortment of prominent *vecinos* (some of whom, according to Bello, had connections with the nationalist conservative movement “Liga Patriótica Argentina”) as well as several convicts temporarily released from prison. Eventually they added the decisive support of the military detachment under the command of Lt. Col. Rodríguez, the district commander for the region.

Both sides attempted to defuse the confrontation without publicly conceding defeat, appealing to “el pueblo” in public pronouncements and broadsheets. Both camps tried to control the message in the streets, where confusion and hearsay spread as the conflict dragged on. A broadsheet signed by Molinero and posted around the city at the height of the standoff explained his side of the story, describing Bello as a “rebellious employee” who had been suspended. He

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<sup>19</sup> Rafart, *Tiempo de violencia en la Patagonia*, 161.

<sup>20</sup> Notes on this can be found on the communications “Jefe de Policía Tomas Bello al Gobernador Interino Elías Romeroa,” dated March 12, 1915.

<sup>21</sup> “Bello, Tomás- desacato a la autoridad, usurpación y SEDICIÓN,” 1919-164, f.36 (AJL-TN).

assured the population that with the support of “distinguished neighbors” [“vecinos caracterizados”] and the commander of the military district the situation should be resolved “in a few hours.”<sup>22</sup> Bello also relied on public broadsheets, pleading with the neighbors “not to lose composure since nothing unusual is happening that cannot be solved by the highest authorities of the Nation [...] trust and tranquility is all I ask of the *pueblo*.”<sup>23</sup> In Bello’s interpretation of the events, Molinero was nothing more than an “orejudo del Viejo regimen,” an untrustworthy holdover from the conservative regime who would stop at nothing to suppress the will of the people. But in the National Territories, who exactly made up “the people” was hard to determine. In a turn of phrase that would justify the charges of sedition against him, Bello framed the impasse in Neuquén as a “conflict of authority,” which only the national authorities could resolve.<sup>24</sup>

Bello and Molinero were both political appointees, and they had patrons in different ministries, but the authorities in Buenos Aires failed to decisively back one or the other. Just days before the insurrection, on 16 May, Bello had sent President Yrigoyen a telegram requesting that he replace Molinero, whom Bello suspected of plotting to destabilize him, but the president never responded. The Chief of Police’s suspicions were not wrong—during much of the previous year Molinero had expressed reservations about the direction Bello was taking the police in his communications with the Minister of the Interior.<sup>25</sup> He accused the Chief of Police of overtly angling for the governorship, while failing to properly familiarize himself with the “environment” before shuffling police officers throughout the territory, presumably upsetting the established order arranged by local *vecinos* (further discussed in the next section). During the early hours of the conflict Bello had pleaded with the Ministry of the Interior, offering to stand down peacefully if they sent an independent investigator to examine Molinero’s actions against him. By the end of the second day of insurrection, Bello’s allies in the national government had lost out, and the Ministry of War and Ministry of the Interior separately requested Lt Col Rodríguez to help relieve Bello of his command immediately.

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<sup>22</sup> The original broadsheet, included in the evidence pack in the file “Bello, Tomás- desacato...” reads:

“Al Pueblo: Ante el desacatamiento injustificado por parte del Jefe de Policía, don Tomás Bello, a las resoluciones de esa Gobernación, con fecha de ayer se ha suspendido a este funcionario en el ejercicio de sus funciones, medida que, como es de dominio público, ha dado margen a que el empleado suspendido haya acuartelado las fuerzas de policía, resistiendo aquella resolución.

Esta Gobernación ha adoptado las medidas necesarias para garantizar la tranquilidad de la población, contando para ello con el concurso de un núcleo de vecinos caracterizados y del señor jefe del Distrito Militar, y tal vez dentro de pocas horas, quede solucionada esta situación. Neuquén, Mayo 21 de 1919.” [bold in the original].

<sup>23</sup> The original (found in the broadside titled “Al Vecindario” in “Bello, Tomás- desacato...”) reads: “Encarezco que no se pierda la serenidad por cuanto nada anormal hay que no sea solucionado por los altos poderes de la Nación. Confianza y tranquilidad es lo único que pido al pueblo.”

<sup>24</sup> The wording in the broadsheet was used by the prosecutor in the case against Bello for sedition, but the defense attorney tried to play down the inflammatory rhetoric, claiming that “el gobernador estaba en su despacho funcionando, y [Bello] también en el Departamento de Policía [...] y resultaba evidente que había en el hecho una discordancia en las facultades que el Gobernador entia tener,” which created the literal “conflicto de autoridades.”

<sup>25</sup> *Jurisprudencia Argentina*, 3:271–72.

When confronted with the new reality, the Chief of Police surrendered. He was arrested and charged with sedition, impersonating an officer of the law, and refusing to follow orders. The charges against Bello were eventually dropped, as the appellate court found that the actions of the Chief of Police had no criminal intent. By 1922 Bello had earned an appointment elsewhere in the country, signaling that his allies in the national government had not given up on him completely.

In the immediate aftermath of the confrontation, Tomás Bello received vigorous support from the national printed media, which clamored for an “outside investigation” to clear up the situation. An article appearing in the Bahía Blanca daily *La Nueva Provincia* framed the crisis as a political tactic in the ongoing contest for the governorship, viewing the suspension of Bello as a move by Molinero to destroy a rival. In trying to advance this angle, the editors of *La Nueva Provincia* pointed to the ongoing campaign to defame Bello by reopening cases (stemming from the “Chilean Legation” memo discussed in Chapter Three) in order to embarrass and discredit him. The newspaper argued that Molinero had tried to politicize an otherwise “effective, fair system,” and that simply removing him would restore the proper functioning of justice in Neuquén. As part of a “special edition” dedicated to the conflict, *El Neuqueniano* (a local socialist/anarchist newspaper from Neuquén) advanced the idea that the Senate should convene an extraordinary meeting to determine “once and for all” whether Molinero “is or is not the lawful governor of Neuquén, or whether he is simply *the employee responsible for the governor’s office*.”<sup>26</sup> They argued that Molinero should be arrested and charged with abuse of power, for having freed, armed, and organized convicts to combat the police during the rebellion. The tight relationship between *El Neuqueniano* and Bello ran deep: at least two people connected to the newspaper were on the police payroll, but were not police officers. The goal of the pro-Bello press coverage was to discredit Molinero outright, since his claim to the governorship was tenuous (as his title of “acting governor” made clear), and he derived his legitimacy from the support of the *vecinos* and his patrons in the national government. This kind of event was exceedingly rare, but the underlying situation was not.

The “Bello rebellion” represented an anomaly in northern Patagonia, as the “skeletal state” arrangement proved resilient in avoiding major civic unrest during its fifty-year existence. The events in Neuquén, however, had two powerful root causes. First, they occurred during a time without legitimate institutional power. The safeguards against this kind of events had collapsed: the long-time governor and the judge had both stepped down in the aftermath of the Zainuco massacre, and their permanent replacements had not been named, given the political transition at the national level. The vacancies of the top two regional authorities allowed the conflict between some of the *vecinos* and the chief of police to devolve into a full-on armed confrontation. The conflict highlighted the patchwork-like power of the governorship, as the acting governor, Molinero, had little effective power (the police refused to follow his orders, siding with their supervisor instead), making him susceptible to the *vecinos*, who convinced him to act against Bello. The public injected itself into the political conflict through different newspaper articles, trying to control the flow of information, and both sides waged a public

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<sup>26</sup> The original (in “Suplemento de EL NEUQUENIANO,” included in “Bello, Tomás- desacato...”) reads: “si Molinero es o no gobernador legal del Neuquén, o, simplemente, *encargado del despacho* de la gobernación.”—emphasis added.

opinion war through broadsides. The anti-Bello coalition of *vecinos* understood their opposition to the outsider as an attempt to uphold the institutional framework in place—so much so that one of Molinero’s first actions when the rebellion began was filing a legal complaint against Bello. The *vecinos* used the press to accuse him of abuses, and rebuffed his efforts to fight them in court by mobilizing their network of allies, who were happy to air their grievances. Effectively, they flexed their corporate power as part of a growing civil society, using the institutional tools available to them, to force Bello out of “their” city.

Besides the unprecedented lack of institutional authority, the situation in Neuquén came at a time of social flux. The residents of northern Patagonian capitals had spent the previous two decades getting used to a particular political arrangement in which they parlayed socio-economic uncertainty in the frontier for a modicum of political power. They expected to be consulted on appointments (even if their advice was non-binding), and they expected to have a somewhat consistent police force. The arrival of reform-minded appointees from the new Radical presidencies changed that, as they did not have loyalties in those communities, and often did not particularly care to make allies with people they associated with the “old regime”—as suggested by Bello’s courting of labor and his attacks on the Chilean population and the local press. Those *vecinos* came together in force, creating a common front against a state representative without deep social connections in order to prevent any changes in the way they exercised their (limited) political rights. Throughout the 1920s, these kinds of conflicts multiplied, as more people and administrators arrived in the region and the *vecinos* fought to keep control of their communities.

The arrival of new outsiders disrupted the well-worn manner in which municipal life had developed in northern Patagonia during the early-twentieth century, and the power vacuum in Neuquén in 1919 resulted in an armed conflict. Elsewhere, the conflicts played out less dangerously within the “skeletal state” arrangements—through patronage, the criminal complaints, and appeals to outside authorities to break through local arrangements. This was especially true away from the territorial capitals, in the small towns and rural counties where almost 80% of the population of northern Patagonia lived.

### ***Vecinos* and the regional authorities: perception of personalist power**

Except for the prominent *vecinos* of the capitals, who socialized in the same circles, most Patagonian settlers never directly interacted with their regional authorities. Governors ruled by edicts and decrees, changing tax codes and setting policy on their own, often without feedback, or pushback, from the population affected by those measures. Settlers expected to have access to governors and tried creative ways to have their opinions and complaints heard by them. Some *vecinos* in remote districts even imagined their relationship with regional authorities in very personal ways (similarly to how Cándido Benítez, the grief-stricken father of Chapter Four, appealed to the governor as a “family man”), and assumed that they deployed political power in personalist ways.

Consider the case of José Lerman, a merchant from the remote Andean hamlet of Curri Leivu, in the northern district of Chos Malal, under the imposing Tromen Volcano.\* On 17 April 1922 Lerman had his lawyer, Angel Barga, file a criminal complaint against the governor, Don Francisco Denis, for abuse of public power.<sup>27</sup> The merchant had previously traveled to the city of Neuquén to discuss the legality of the governor’s most recent tax decree, but neither the governor nor the chief of police met with him. In his complaint, Lerman claimed that the governor ordered the local police officer to illegally break into his business to close it down, using unpaid taxes and expired operating licenses as a pretense. After the police closed down his business he returned to Neuquén, this time armed with the criminal complaint to compel the governor to explain his actions. The investigation was resolved swiftly. The Chos Malal deputy simply forwarded the investigator the telegram he had received from the governor instructing him to close down the business unless Lerman paid the *patentes* [taxes] for that year, detailing the laws, codes, and provisions justifying the order. The judge dismissed the merchant’s complaint immediately and Lerman, we assume from the absence of any further action, paid the required fees and taxes.

Lerman’s gambit failed, but he took advantage of the constitutional rivalry between the governor and the judge, and attempted to circumvent one unelected official by appealing to another. In a sense, Lerman’s complaint succeeded: he received an explanation for the taxes, which was his original demand, before the governor’s refusal to meet with him offended him and compelled him to get the court involved. The remoteness of Curri Leivu (a backwater of a remote district in a frontier territory) underscored the precarious situation in which *vecinos* in small towns found themselves. In hamlets like Curri Leivu, where the sole state authority was the police, *vecinos* had to carefully manage that relationship since they were extremely vulnerable to abuses. However, even in this precarious position they thought of themselves as proximate enough to the people in the highest rungs of regional government to expect an audience with the governor to discuss taxes. To Lerman, the police’s actions could only be explained by a vast conspiracy against him—the governor had *personally* tried to shut him down, and his only recourse was to appeal to the judge to clear up the situation.

Although merchants were in a better position than anyone else to take advantage of such mechanisms to push back against local authorities abusing their power, they were not the only ones who did. In early 1930, Carlos Vivoni, a poor worker from the agricultural town of Villa Regina, thirty miles downriver from General Roca, contacted the judge imploring him to intervene on his behalf against General Roca’s justice of the peace, Bartolomé Porro.<sup>28</sup> Vivoni had been owed money by an employer, Leopoldo Zapata, and he had complained to the justice of the peace in order to force Zapata to pay him—but even after an arrangement had been struck the payment had not materialized. Vivoni believed the justice of the peace was colluding with the

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\* Towering at 3,978 meters, roughly 13,000 feet high, Tromen is one of a series of imposing volcanos dotting the landscape in northern Neuquén.

<sup>27</sup> “José M. Lerman, querrela criminal contra Don Francisco R. Denis por usurpación y abuso de autoridad” Leg #1922-204- f. 807 (Archivo de la Justicia Letrada del Territorio de Neuquén, administered by the GEHiSo, in the UNCo, hereafter AJL-TN).

<sup>28</sup> “Carlos Vivoni- queja contra el Juez de Paz de General Roca,” Leg #xx, 23811 (AHP-RN, JL).

employer and had only pretended to arrange a payment agreement to appease him, in the typical fashion of local power networks. As soon as the judge in Viedma received the complaint, he sent a communication to General Roca asking for further information to clarify the situation, as was routine. A few weeks later Vivoni sent another telegram to the judge, thanking him in ebullient language for his intervention. He claimed that his complaint

...has been swiftly resolved to my uttermost happiness, **thanks solely and exclusively to your valuable intervention.** I cannot show you my deep gratitude for your **noble and democratic interest** in the life of this **humble worker**, since my lack of education prevents me from expressing how my heart feels... I am once again **filled with faith and trust in the National Justice**, and I am ... convinced that **there is still a good judge, even for the humble folk.**<sup>29</sup>

The details in the file do not allow us to ascertain exactly how the judge compelled Porro to expedite the worker’s claim, or if the timing of both events was merely coincidental. As far as Vivoni could tell, the judge had cared enough to break through the local arrangements to redress his situation. Settlers believed that the highest regional authorities were accessible to them and that they could be persuaded to act on their behalf, bypassing local arrangements.

### ***Vecinos* as patrons: citizenship in small towns and rural areas**

For most settlers, especially in rural settings, the police represented their main interactions with state authorities. In fact, in small towns *vecinos* and the police shared a strong material bond and a complicated patronage relationship. From sharing buildings (like Bruce had done in Chipauquil) to providing credit, merchants kept the police force in operation, and in exchange they expected them to maintain order, foster an environment conducive to commerce, protect their wellbeing, and assist them in enforcing contracts. This was more than clientelism or corruption: it showed an investment in the success of the Argentine state in Patagonia. It was self-serving, but it was more than a narrow concern for their own economic position.

The dramatic lack of basic materials to conduct police work had consequences, as personal items had to substitute for government-issued ones. Consider the case of Pedro Sandoval (a twenty-five-year-old born in Chile), a police officer in Valcheta who in the early months of 1908 was forced to borrow money from a local merchant to settle an onerous debt owed to his immediate supervisor.<sup>30</sup> *Comisario* Francisco Perelli had loaned Sandoval a revolver to use in pursuit of a fugitive since the department lacked enough weapons for all the agents.

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<sup>29</sup> The original reads:

“el asunto por el cual me permití distraerle, ha terminado rápidamente y con mi entera satisfacción, **gracias única y exclusivamente a su valiosa intervención.** No puedo demostrar a Usted mi profundo agradecimiento por ese noble y democrático interesamento [SIC] para **la causa de un humilde obrero**, porque mi escasa instrucción no me permite expresarme como mi corazón desea. No obstante, puedo sencillamente asegurar a Usted que ese gesto me ha conmovido profundamente, por **cuanto vuelve a mí la fé y la confianza en la Justicia Nacional**, y vuelvo a convencerme de que **hay todavía un buen Juez, aún para la gente humilde.** Ruegole aceptar mis demostraciones del agradecimiento más sincero y profundo, y asegurándole de que ese buen gesto no será nunca olvidado, me repito de Usted muy atento y S.S.S.--” [emphasis added here and in the text]

<sup>30</sup> “Perelli, Francisco- abuso de autoridad,” Leg. #43-1657 (Archivo Histórico Provincial- Rio Negro, Justicia Letrada, hereafter AHR-RN, JL).

During a shootout with the fugitive in a remote rural area, Sandoval lost the borrowed revolver. The *comisario* threatened to garnish his wages until he had repaid the price of the weapon, which he estimated at eighty pesos—four times its actual cost. Local merchant Carlos Leandroglio (a forty-nine-year-old Italian immigrant) lent Sandoval enough money to repay Perelli. Sandoval squared his debt with Perelli and, fearing retribution, waited three months until the *comisario* left the town before filing a complaint against him. With Leandroglio’s testimony in support of Sandoval, the court ordered that the garnished wages be restored and proceeded to reprimand Perelli (who had since become *comisario* in a different town). The merchant’s endorsement was decisive: in most cases policemen brought against supervisors, the courts acted swiftly but rarely come down harshly on the supervisors. Since the state had failed to provide the police with adequate weapons, a chain reaction led to a merchant stepping in to help replace the equipment, while extending a fairly lenient line of credit with the police officer, who was now indebted to the merchant in more ways than one.

A select few merchants in each rural outpost had permission from the state to issue “advances” on police pay. This was a very lucrative arrangement since it allowed merchants to pay out the advances in goods rather than cash.<sup>31</sup> The merchants enjoyed a dual benefit: they secured a captive customer base which had to choose between spending their salaries in a particular store (probably paying inflated prices) or risk waiting for the usually late and incomplete official payment to arrive. It also strengthened the merchant’s relationship with the local *comisarios*, who were eager to keep their police stations staffed. This special relationship provided the merchants with preferential treatment and the occasional police escort (with the implicit threat of the coercive power of the state) when dealing with debtors, creditors, and other settlers. This arrangement did not guarantee a *good* police force, but it at least ensured a *present* police force. Although the police’s uneven performance often made the headlines of local, regional, and even national newspapers, the *vecinos* in small towns had little choice: they continued to support their preferred agents, while keeping their distance from, or attempting to remove, the corrupt and incompetent ones.

In some cases, *vecinos* would join together and intercede on behalf of favored police officers when threatened by regional authorities. For example, in 1925 the “Merchants of Cinco Saltos” sent a telegram to their judge in defense of a policeman under siege.<sup>32</sup> The officer in charge of the local detachment, Don Segundo Ibarra, faced prosecution for “abuse of authority” after handling a suspect too violently. In their letter the merchants, following the pattern of other *vecino* petitions, assured the judge that Ibarra was “a staunch warrior against ‘thuggish elements’” in their community. He had helped to heal the town with his “correct” behavior in the past and they completely trusted his judgement in this instance.<sup>33</sup> They politely urged the

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<sup>31</sup> Rafart, *Tiempo de violencia en la Patagonia*, 182.

<sup>32</sup> “Comerciantes de ‘Cinco Saltos’ - pedido a favor de Segundo Ibarra,” Leg# 706-28530 (AHP-RN, JL).

<sup>33</sup> The original reads: “Los que suscriben comerciantes de esta tienen el honor de dirigirse a Ud. en petición para que se tome en consideración la buena actuación del encargado del destacamento local Don Segundo Ibarra por cuanto fue combatidor del elemento maleante y ha saneado este pueblo con su proceder correcto por lo que más merece nuestra mayor confianza. Rogamos a Ud. tome en consideración nuestra petición para el servidor del orden público antedicho y se haga justicia. Saludan a Ud con nuestra mayor consideración. [firmas]”

judge to consider their assessment of Ibarra’s character and his worth to the town when deciding the case. Their telegram had a deferential, respectful tone, different from the language in a complaint and more candid than the usual court document. They seemed to self-consciously appeal to the judge as trustworthy stakeholders rather than a contentious rabble. With no possibility of input into who made up the police force in their town, the merchants of Cinco Saltos tried to intercede as representatives of the broader community in the decisions of the regional authorities.

The relationship between a *vecino* and a single police officer could sometimes influence an entire force. Consider the case of Desiderio Tapia, a merchant in General Roca, who once testified against a “dangerous anarchist” by the name of Abad and later needed police assistance.<sup>34</sup> After a short stint in prison, Abad returned to General Roca and began threatening some of the neighbors who had helped the state’s case against him. Fearing the wrath of the anarchist, Tapia visited his friend the *comisario* and requested that he launch an investigation into Abad, explaining that he did not want to be held responsible for “committing an involuntary act of violence” in self-defense. The *comisario* dispatched two agents to question Abad, who had been seen drinking in a local bar. Inexplicably, the officers went beyond their mandate and escalated the situation, violently confronting Abad and, after a knife fight, detaining him. Abad spent almost a week in isolation in the General Roca jail, before being transported to Viedma in a painful rudimentary stockade. Shortly after Abad’s arrival at Viedma’s public jail, the judge ordered his release. It was clear to the prosecutor that the General Roca police had overstepped their authority by detaining and abusing Abad based solely on Tapia’s fear, without any evidence that a crime had been committed. During the follow-up investigation of the illegal arrest the offending officers admitted that they knew they were acting outside the law, but felt compelled to protect Tapia nonetheless, since he had good standing with the police. This rationalization by the police officers defines the core tension of the informal arrangements that kept the peace in northern Patagonia: upholding the law and defending the propertied were often at odds.

In the small hamlet of Chipauquil, at the headwaters of the Valcheta creek,\* a *vecino* pressed a complaint against the local police authority, *sub-comisario* Servellon Ortellado.<sup>35</sup> While the *comisario*, Ángel Martínez, was touring the county to check in on all the police detachments under his jurisdiction, Ricardo Bruce, an Argentine merchant in his early forties, took advantage of his visit to present a set of grievances. Bruce’s complaint was two-fold and betrayed a deeper, ongoing dysfunction in the village’s social life. Firstly, he believed the police had failed to properly eradicate unauthorized peddlers who were hurting his business as a “registered merchant.” Merchants and traders had to register with the local justice of the peace, who would collect taxes on commerce and attempt to clamp down on contraband. Bruce identified at least four individuals who he believed the police were allowing to operate without

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<sup>34</sup> “Ramasco, Lorenzo—denuncia contra oficial Basualdo”—Leg# 789-33708, AHP-RN, JL.

\* Valcheta creek is landlocked, gurgling from a spring before disappearing as it traverses the plateau, creating an oasis valley in the otherwise arid landscape of the plateau. The creek is famous (in some circles) as the home to a unique and rare species of fish, the *mojarrita desnuda*, called this way because of its translucent skin.

<sup>35</sup> “Bruce, Ricardo- denuncia ocultación de delito y abuso de autoridad contra sub-Comisario Servellon Ortellado,” Leg# 648-26375 (AHP-RN, JL).



proper registration: Celestino Chico, Jorge Melilla, Modesto Peralta, and David Navarro, who also traded in illegal *guanaco* fawn hides. This part of the complaint did not receive any further police attention, but did set up the second, more substantial part of Bruce’s grievance.

His other complaint was that the local police did not consistently deter the “illegitimate acquisition of animal by-products” [“acopio ilegal de frutos del país”], especially the illegal trade in stolen cattle, which Bruce argued was hurting him as a landowner. He did not have a list of suspects to offer the investigator but instead relayed a personal story: when he had previously complained to the police that one of his horses had been stolen (by José Carrizo, a twenty-two-year-old Argentine farmhand), Ortellado had failed to initiate a criminal investigation, instead dealing with the complaint informally. Bruce claimed that the *sub-comisario* had first tried to offer him a “replacement horse” from a “friend of the police” and had then organized a private meeting between the two men to resolve the issue. A police agent in Valcheta, Juan Rivas, confirmed the unusual way the case had unfolded: Carrizo had been arrested and detained in the Viedma jail, until Ortellado ordered him to be released since “a deal had been brokered,” although no official case had been opened against the peon.

Bruce told the investigator that he had complained to Ortellado, and to the community in general, about the *sub-comisario*’s informal solution but this complaint had led to increased police harassment. Some *vecinos* reported similar shakedowns, which extended to their associates and employees, who were suddenly arrested and harassed, including Bruce’s godson, Silberio Moreno. Bruce ended his deposition with an ironic plea: he hoped that his complaint would help reform the local police to avoid the negativity that complaints against the police generated in the community! Witnesses provided at least one more concrete case in which Ortellado had failed to officially record a crime, preferring instead to deal with it informally: a bar brawl that ended in a non-fatal stabbing that the *sub-comisario* resolved by talking to both parties involved. These complaints provide a glimpse into a world that otherwise remains out of sight for scholars—the informal arrangements by which local authorities tried to defuse conflict and maintain legitimacy by negotiating solutions rather than enforcing the law. These arrangements, which served to establish and maintain state hegemony in the rural reaches of the frontier, arose from expediency as the local police could not afford to pursue and prosecute every infraction. When the cumulative effect of these informal arrangements made Bruce feel like maintaining the peace was not as important as re-establishing the rule of law, he sought to bring in authorities from outside to re-impose order.

The *sub-comisario* explained the dual manner, informal and formal, in which he conducted police work in rural Valcheta in his deposition, which he refused to give until the judge confined him in the Viedma jail. Ortellado explained that he had put forth “informal inquires” to determine if Carrizo had stolen Bruce’s horse, since the merchant had not filed a proper complaint and had only “told him about it in passing.” While the *sub-comisario* was awaiting judgement in Viedma, one of his subordinates in Chipauquil came forward with another complaint against him. Juan Rivas (the same police agent mentioned earlier) claimed that he had bought a horse from Ortellado, which was paid for but never delivered. Rivas offered proof of payment in the form of a “purchase credit transfer” at a local trading house (“Casa Chatier y Cía”) and explained that Valentin Ayelef, claiming to be the rightful owner of the horse, had removed it from its winter pasture. With a receipt showing payment but no horse to show for it, Rivas had asked the *sub-comisario* to either retrieve the horse or refund him the money, only to be refused. Following Bruce’s suggestion, the police officer took advantage of his supervisor’s

absence to get the regional authorities involved. The police deposed Valentin Ayelef (an indigenous peon from the rural hinterlands of Valcheta county), who offered a sordid tale: Ortellado had tried to obtain Ayelef’s horse in exchange for “fixing” his legal troubles.

Ayelef’s account of horse-trading for favors illustrates the darker side of the informal approach to justice, as Ortellado apparently used his office to swindle a poor peon simply because he could. The *sub-comisario* had arrested Ayelef over an undisclosed outstanding charge but before booking him, he offered the peon a deal. If Ayelef “gave him the horse,” Ortellado could get him a reduced sentence. Ayelef reluctantly accepted with the understanding that he would be released in just two weeks, but Ortellado’s promise never materialized. After spending six months in Viedma’s public jail he finally returned to Chipauquil and refused to turn over the horse’s purchase papers to the *sub-comisario*. Since Ortellado had already sold the horse to Rivas, he *needed* the papers, so he became violent—insulting Ayelef and threatening him with physical harm.<sup>36</sup> Fearing for his life, and following the advice of the local butcher, Ayelef left town immediately and retrieved his horse from the pasture, prompting Rivas to complain to his superior about the suddenly suspicious sale. Ortellado claimed that Bruce had orchestrated Ayelef’s repossession of the horse, explaining that Ayelef would not have backtracked on his “spontaneous gift” otherwise.<sup>37</sup>

The Bruce and Rivas complaints were handled separately by the courts. For the Bruce complaint, the prosecutor recommended a month in prison and a fine for “hiding crimes” but exonerated him from any charge of systematic abuse of power. The defense argued that the complaint against the *sub-comisario* was fueled by “petty passions” which were eroding the prestige of the local police by openly airing the details of the case in the local media, damaging his otherwise “irreproachable record.” As far as the second complaint was concerned, the prosecutor and the judge agreed that, without material evidence of any wrongdoing and given Ortellado’s sterling reputation, the case should be dismissed and Rivas’ money returned. Similar to Sandoval’s case (the police officer with the lost revolver), the court ordered the supervisor to return the money thanks to the detailed accounting from “Casa Chatier” that certified the monetary exchange was the only material evidence that anything unusual had happened. The governor and the chief of police sent the court two brief letters in support of Ortellado, highlighting “the great opinion that his supervisors and the public have of him, given the competent and fair way he has performed his duties.”<sup>38</sup> The defense offered Ortellado’s “good reputation” as proof that the charges were bogus—even presenting newspaper clippings that highlighted the high opinion that the press had of the *sub-comisario*. Considering his reputation

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<sup>36</sup> The original reads: “Como podría matarte indio de mierda, ratero, hijo de puta...”

<sup>37</sup> To his credit, the police investigator pushed Ortellado hard on the question of why Ayelef would spontaneously gift him a horse without a quid pro quo arrangement in place. When asked why he would accept a gift from somebody he was investigating, he simply answered that he did not think anything of it.

<sup>38</sup> The original reads: “tiene el mejor concepto público y de sus superiores, por la corrección y competencia en sus funciones como tal.”

and record, the judge decided that after six weeks in jail he had already served enough time and should return to his post immediately.

On the surface, this long and thorough investigation sparked by Bruce’s criminal complaint did not ultimately result in major convictions or changes in how the police operated in Valcheta County. It did, however, disrupt the *sub-comisario*’s operation and bring to the forefront the simmering conflict between the town’s leading merchant and its main state representative. Interestingly, Ortellado’s testimony included a revealing piece of information: the police detachment in Chipauquil was headquartered “in Bruce’s house.” This was not entirely uncommon, as insufficient infrastructure was a constant complaint of travelers, reformers, and critics, who mockingly highlighted the “imposing majesty” of make-shift courthouses in mud huts.<sup>39</sup> Building police offices in rural districts was not a priority for statesmen, even if governors often used their scarcity as an excuse for requesting further funds. By the late 1930s, though, the Ministry of Public Works would embark on an effort to build a monumental building in the county that would proudly announce the arrival of the state as an autonomous authority, not one housed in a merchant’s home.<sup>40</sup> Bruce had cultivated an easy relationship with the *sub-comisario*: one of the witnesses mentioned routinely walking into Bruce’s house to look for Ortellado, only to find them casually sharing a “mate” tea and talking amicably. The tight relationship between the two men led Ortellado to turn an informal, “in passing” complaint into an illegal arrest and detention. But Bruce felt betrayed by his ally when the police failed to push back against peddlers and poachers.

Bruce’s complaint was his way of exercising citizenship in his small community. Although his original grievance was economic, it was quickly articulated in political terms as an issue of good governance. This can seem like a cynical ploy as Bruce complained that the police were failing to protect his business interests, but his long investment in the community had made him expect that the police would act in his defense. After all, he justified his grievance by alluding to a greater communal good: trying to eradicate complaints against the police to preserve the prestige of the police. By going around the *sub-comisario* and complaining directly to the authorities outside of town (twice, since the first complaint was slow to show results) Bruce brought attention to the potentially embarrassing ways in which Ortellado maintained the peace: informal investigation, strong-arming suspects, and peddling stolen goods to his employees. Bypassing local officials to appeal to their supervisors did not always resolve the situation, but the attention and embarrassment could transform the situation in unexpected ways.

Unlike their counterparts elsewhere in the country, who organized “civic organizations” to fully revamp the police force in their communities, Patagonian *vecinos* worked to ensure that

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<sup>39</sup> “Juzgado de Paz de Patagones. Pobreza Franciscana,” *La Nueva Era*, March 29, 1908—quoted in Fernando Hugo Casullo and Joaquín Perren, “‘Cierta imponente majestad’: en torno a la administración de la justicia en el Territorio Nacional de Río Negro a partir de las fuentes cuantitativas (1884-1920),” in *Los estados del Estado: instituciones y agentes estatales en la Patagonia, 1880-1940* (Rosario, Argentina: Prohistoria Ediciones, 2013), 15.

<sup>40</sup> Recall that one of these massive police headquarters was built in the town of Valcheta in the late 1930s, shown in Figure 6, in Chapter One.

they had a *working* police force.<sup>41</sup> In other words, they were not committed to wholesale transformation of the system but tried to reform it in ways that made it work for them. Consider a criminal complaint filed in a remote district in western Neuquén. In the rugged Picunches county along the Agrio River, Don Florencio Gargallo (a thirty-two-year-old Spanish merchant, living in the country for over a decade) found himself in open confrontation with the local *comisario* over some suspicious hides whose origin Gargallo could not explain.<sup>42</sup> Trade from these remote mountain districts usually had to pass through several small towns on its way to transportation hubs like Zapala, increasing the risk of running into meddling, rogue police officers, like Gargallo’s cargo did. Once the police confiscated his cargo, Gargallo had two options in front of him: he could attempt to resolve the impasse informally through personal connections, or he could escalate, bring outside attention to the conflict, and risk losing his cargo in order to dismantle that informal setup. *Vecinos* whose relationships with local police ran deep faced disastrous consequences if those arrangements came undone, which could threaten their livelihoods as well as their standing in their community.

In rural districts like Picunches and nearby Loncopué, the police’s main goal was to curb rustling. Protecting private property was seen as necessary for social stability and as a way to establish law and order. To this end, the police paid close attention to the trade of hides, especially any hides which appeared tampered with.<sup>43</sup> Local merchants who traded in hides could attempt to disrupt a rival’s operation by mobilizing police allies to investigate their shipments, seizing them, and sometimes damaging them. For example, in 1917, in a very different setting from Picunches, an Italian breeder, Luis Della Rosa, found himself illegally detained in the Viedma jail for complaining too loudly that the local authorities in his district (the island of Choele Choel in the mid-Río Negro valley) unfairly confiscated his hides to benefit his commercial rivals. Della Rosa’s wares were kept in a damp storage room for weeks at a time while the acting justice of the peace and the *sub-comisario* slowly itemized them, returning a couple at a time when the Italian complained loudly enough.<sup>44</sup> Della Rosa eventually managed to get the federal judge involved and the ensuing investigation disrupted his rivals’ network of support on the island. While Gargallo never complained explicitly of police collusion with a rival, he intimated that the police authorities were the rivals and that they used illegal seizures of hides to unfairly disrupt his business by delaying shipment and damaging his goods when they detained his truck driver.

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<sup>41</sup> Ernesto Bohoslavsky and Maria Silvia Di Liscia, eds., *Instituciones y formas de control social en America Latina, 1840-1940: una revisión*. (Buenos Aires: Prometeo Libros ; Universidad Nacional de General Sarmiento, 2005), 53.

<sup>42</sup> “Gargallo, Florencio- denuncia contra comisario de policía de Las Lajas por abuso de autoridad,” Leg# 1926-119, f.486 (AJL-TN).

<sup>43</sup> Sheep hides (the main export product in Patagonia during the period) were marked in one of two places: they were branded in the back quarters, but they also had markings on the ears, which were easier to see if the hide still had wool. Each *criancero* [herder or cattle-owner] had a registered combination of markings that tied particular hides to their flocks. Possession of cattle or hides marked with someone else’s markings required a proof of purchase.

<sup>44</sup> “Luis Della Rosa, queja contra el Sub-Comisario de Choele Choel por detención indebida,” Leg #xx, 16893 (AHP-RN, JL).

In the dead of night in late January 1926, the police in Las Lajas (the main town in Picunches) detained a truck loaded with two thousand goat and sheep hides from Loncopué (a difficult fifty-mile journey upriver) on its way to Neuquén and then Buenos Aires. The seizure was unusual, as hides were normally only inspected at the point of origin (to verify that they had been lawfully acquired) and once they arrived at their destination (to ensure that no unlawful hides were added to the cargo during the transportation). A suspicious and delayed police investigation of the seized cargo revealed that about eight hundred of the hides did not have appropriate markings. Gargallo filed a complaint, claiming that the seizure was illegal and the police had abused their authority by keeping his property, attempting to steal or replace many of the hides, and damaging several others to reduce their value and remove their legitimate markings (usually on the ear). He estimated the value of the cargo to be about three thousand pesos. The complaint noted that since nobody in the district had reported any missing hides, perhaps the police were trying to launder their own illegal hides by mixing them with Gargallo’s legitimate ones. The complaint managed to cast the police actions as highly irregular, so the court ordered an immediate injunction against the police to avoid any further tampering and dispatched an outside investigator, Tránsito Álvarez, to sort the situation out.

For the next three months, Álvarez’ investigation interviewed everyone involved, carefully inventoried the cargo again, cross-referencing every marking on the hides with existing records, and produced a 150-page report with his findings. Álvarez interviewed the *comisario* of Las Lajas, thirty-six-year-old Carlos Luis Gouget, whom Gargallo had identified as the ringleader of the suspicious police activity in the region. Gouget explained that the irregular inspection and seizure of the hides resulted from his suspicions of the merchant over several weeks. Gargallo had asked him earlier that month to inspect a cargo that the police in Loncopué were refusing to certify, but the merchant never followed through with the request. The *comisario* grew suspicious when he discovered that Gargallo had decided to send the uninspected cargo to his Buenos Aires buyers in the dead of night using two unusual drivers. As for the peculiar, week-long delay in examining the two bundles of hides, Gouget blamed it on the lack of tools to re-bundle the hides after taking the inventory. The lack of appropriate space and tools to properly inspect, warehouse, and repack the cargo underscore the continued paucity of resources by frontier detachments. The police in this district had few other responsibilities than combating rustling and regulating the hides trade, making the lack of equipment to perform that very task particularly baffling. Interestingly, Gouget could fall back on the police’s well-known lack of resources to justify his behavior and deflect suspicion.

The merchant, however, believed that the police had more purposefully tried to damage his cargo. Gargallo suggested foul play, in particular regarding the unsupervised inspection of the cargo which his surrogate in Las Lajas, Juan Ochoa (a Spanish-born merchant who was both a relative of Gargallo, and a friend of Gouget) confirmed. Ochoa testified that he had seen the hides in custody and confirmed that the bundles had been tampered with before his arrival, casting the police inspection in a negative light. The experts commissioned by the investigation (a butcher and an elderly Italian breeder) examined the cargo and itemized its contents, concluding that the damaged hides seemed to have suffered animal attacks, not systematic tampering by the police or anyone else. Having settled the competing allegations of purposefully tampered hides, Álvarez tried to clarify why the merchant had deliberately avoided the routine inspection in the first place. Gargallo explained that he had decided to ship the cargo without proper inspection papers because the Loncopué police kept stalling, claiming that they only had

“time and personnel” to check one of the two bundles. Since he needed to send them to the buyer the following morning he decided to load them up in the transport with the incomplete verification, which was only a minor infraction of the *Código Rural*. Álvarez decided to arrest Gouget for the “gross irregularities” in the way he handled the evidence, but he also requested Gargallo’s detention given the systematic anomalies in his inventory.

The prosecutor and the judge decided that the state had not uncovered enough evidence of a systematic attempt by the police to steal hides, or launder stolen ones, but the court spread the punishment around. Gouget received a reprimand for illegally confiscating hides over a minor infraction. In a passionate plea to the judge, a jailed Gouget requested a quick dismissal of the charges against him so that he could pursue a separate complaint against Gargallo. The *comisario* believed that the merchant and his associates were trying to defame him: apparently the Buenos Aires daily *La Prensa* had published a story backing Gargallo’s account of police corruption and harassment, which had, in turn, been picked up by the regional newspaper *Neuquén*, “negatively impacting” his reputation. The merchant’s connections in the territorial capital and in Buenos Aires mobilized swiftly to defend him, attempting to establish a narrative in public opinion that carried extra weight given the centralized nature of the frontier state.<sup>45</sup> Gouget saw his reputation tarnished, as the preliminary arrest while the state weighed the merits of the charges against him only seemed to corroborate the allegations against him spreading in the press. The judicial system itself appeared to preserve its sense of impartiality by pursuing the overreach by one of its deputies seriously enough to detain him, while also remaining independent enough from public opinion to resist making him a scapegoat for the irregularities in the western districts.

The harshest effect of the investigation fell on the merchant, however, who paid an economic cost for his attempt to fix what he believed to be police corruption. The court ordered Gargallo’s seized property auctioned off at a fraction of its value, using the proceeds to cover legal, storage, and handling costs, with any surplus given to the merchant as payment for his damaged cargo. In a very tangible way, his attempt to break up the local network of loyalties in Las Lajas and Loncopué backfired magnificently, as he only recovered a fraction of the value of his hides. Gargallo could easily have “greased” the local police with patronage, favors, or simply by turning a blind eye to any irregularities, in order to release his hides faster and with fewer losses— but then he might have had to do the same the next time an illegal seizure occurred. Since the judicial records did not show a sustained conflict between the two men before or after, perhaps this overt flare-up reshuffled the local arrangement in a way that worked for both sides.<sup>46</sup> In a sense, he sacrificed the cargo to the legal process in the hope that it would lead to a fairer and more deferential treatment from the local police. *Vecinos* periodically willingly sacrificed their economic and social wellbeing to bring attention to the coercive ways in which local state agents behaved, but individual efforts like Gargallo’s simply had too high a

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<sup>45</sup> Police commanders, as discussed in Chapter One, were appointed by the governor’s office, who was himself a federal appointee. If a particular *comisario* became politically untenable, it would be expedient to remove him, unless the officer’s own allies rallied around him.

<sup>46</sup> A person by the name Carlos Gouget assumed the governorship of Neuquén on an interim basis between January 30 and February 4 of 1929. I have not been able to ascertain if they are the same person, but it seems likely. If so, this judicial encounter and the ensuing bad press did not permanently damage his political career.

risk to be sustainable in the long term. When *vecinos* banded together, like those in the following section, they increased their chances of getting outside authorities involved, while minimizing the socio-economic risk of their political gambits.

### **Acting together: *vecinos* and social order in the frontier**

When local authorities failed to respond to their informal complaints or acted in an antagonistic way, *vecinos* had an additional weapon in their repertoire: criminal complaints [alternately *quejas* and *querellas*]. These complaints represent one of the most common types of cases in the archives and resulted in some of the broadest possible investigations. They would usually begin with an individual contacting an officer of the law to formally lodge a complaint, much like Bruce had done when he encountered the visiting *comisario* in his village. The complaint would lead to a formal police investigation to first determine if a crime had occurred and, if so, also to gather a list of witnesses who could provide any relevant evidence to solve the case. Even in the (very common) cases when the police failed to establish that a crime had in fact taken place, the investigation itself disrupted local arrangements by shining an unflattering light on their abuses.

The effectiveness of the complaint depended on many factors: the level of interest by the outside authorities, the depth of support for the local authorities (within the community and with their supervisors), and the effectiveness of the *vecinos* in mobilizing their own network of loyalties to aid the outside investigators. The first two factors were outside of the *vecinos*' control, but they could increase the political effectiveness of their complaints by filing them in association with other residents. When they did, they identified themselves as the “most respectable neighbors,” or “the guardians of the *pueblo*,” as a way to juxtapose their coalition (respectable and “the people”) from their opponents in town. They framed their fundamentally material grievances in civic and political terms. Seeking as much exposure as possible, these complaints were often made through the governor, who would in turn forward them to the police for investigation. One of the most dramatic examples of these kinds of complaints happened when some elements of the Maquinchao police escalated their harassment of the town's residents, forcing them to take drastic measures.

On 20 June 1922, shortly after five in the afternoon, the governor of Río Negro received a telegram in his office in Viedma.<sup>47</sup> The note, sent from the small town of Maquinchao in the heart of the plateau, had a curious demand. The “most respectable neighbors and industrious businessmen” of Maquinchao complained of daily harassment and abuses at the hands of the local police.<sup>48</sup> The situation had reached a boiling point earlier that morning when the *vecinos* convened a *Magna Asamblea* to discuss and work out a unified response to the crisis. During this “great assembly” the local merchants made the dramatic decision to close down all of their

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<sup>47</sup> “Vecinos de Maquinchao, su queja contra la Policía (Almendra, Pedro; Rodríguez, Bernabé y Arrieta, Gregorio) sobre delito contra la libertad individual.” Leg. #717- 28927, Archivo Histórico Provincial de Río Negro, Juzgado Letrado (hereafter: AHP-RN, JL).

<sup>48</sup> The original reads: “comerciantes industriales y vecinos más respetables”

businesses to protest the “unusually frequent” abuses. They informed the governor that since they felt that their constitutional guarantees as citizens were “virtually suspended” under these circumstances, the commercial life in the town would stop until he sent an outside investigator and restored peace to their community. The trigger seemed to have been a series of beatings in early April and mid-June, when several of the merchants’ employees were viciously attacked in the streets by members of the police when their supervisor was out of town, but the list of grievances was long.<sup>49</sup> Showing an awareness of their own importance to local trade and prosperity, the merchants reminded the governor that “only with a *pueblo armonioso* can this hardworking community continue to contribute its efforts to make the country great.” The telegram bore the signatures of dozens of Maquinchao’s merchants and some of their employees. The governor took immediate action, deputizing Armando Zimmerman (the *comisario* of San Antonio Oeste) the next morning to head an investigation.

The investigation began by collecting testimonies from all the neighbors who had signed the telegram, in order to legally ratify the complaint. This resulting document provided a cross-section of the “most respectable neighbors” in Maquinchao. The group was immigrant-heavy, and it included a wide swath of the town’s population, from the ring-leader Elias Sede (a thirty-four-year-old “Arab” merchant, who had lived in Argentina since he was nineteen) to the carpenter José Vázquez (a thirty-three-year-old Spaniard, who had been living in Argentina for thirteen years), the hairdresser Antonio Sabata (a thirty-year-old Spaniard), the greengrocer Camán Sede (an illiterate fifty-six-year-old “Arab” national, living in Argentina for only seven years), and Alberto Donato Alamo, the twenty-eight-year-old Argentine manager of the Sociedad Anónima Mercantil.<sup>50</sup> The *vecinos* had different national affiliations, with the expected presence of immigrants of Spanish and Sirio-Lebanese heritage (the groups which, along with Italians, represented the largest cohort of upwardly mobile immigrants) as well as French, Polish, and even British immigrants with varied lengths of time living in the country. They represented a range of occupations: hairdresser, carpenter, cobbler, trader, and even several illiterate peons.

Their grievances against the police were equally varied. Some police activity against the *vecinos* had a definite economic goal of either extracting payment from them, or harming their businesses. Witnesses reported illegal confiscation of hides and goods, the practice of forcing some merchants to pay a surcharge to transport their goods into town, an armed assault on a logger in the street, and forced nightly closures of legitimate businesses (a selective curfew). These activities directly harmed some residents of Maquinchao, but made clear to the entire community the power of the police to protect those within its network of loyalties and wound those outside of it. Other complaints had little commercial ramifications, but highlighted a sense of social unrest, or a lack of order. *Vecinos* complained of on-going night-time dangers, despite the selective curfews, and charged the police with protecting an illegal brothel and organizing a gambling operation during the May 25<sup>th</sup> Independence Day celebrations. The officers’ relationship with the brothel, in particular, led to several bizarre accusations. In one case, the

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<sup>49</sup> The case was attached to a couple of earlier complaints by some of the individual merchants, which had gone unanswered until the joint complaint.

<sup>50</sup> The police investigators used “árabe” as blanket term to describe immigrants from the territories that had been part of the Ottoman Empire before 1919. It is unclear if the witnesses themselves identified that way, or if the police simplified their answers to a more familiar ethnic nomenclature.



police were alleged to have disarmed most visitors to the brothel, except those who had “bribed” the police into being allowed to keep their weapons, leading to a dangerous situation in which only a handful were armed inside the establishment. In another case, a police officer corralled the local school teacher and a clerk inside the brothel and proceeded to “rough them up, in a generally jovial manner.” The combination of grievances that highlighted social and economic injustices by the police forced the *vecinos* to act in concert, sharing the risk to their businesses and persons, in a way that Gargallo’s lone crusade could not.

After the telegram had gone out, the police doubled down on harassing the ringleaders, particularly Sede, prompting further complaints when the investigator arrived. The *vecinos*’ complaints had upset the police’s allies in town, sharply delineating the battle lines. For example, one of Sede’s clerks, Miguel Perez, recounted being summoned unexpectedly by the justice of the peace, Miguel Ferré. Ferré threatened to kick and potentially shoot the clerk for “having signed in support of those *turcos de mierda*.”<sup>51</sup> As in the Della Rossa case, the justice of the peace defended his allies in the police force and within the community. The xenophobic rhetoric betrayed the resentment at the merchants’ success among certain sectors of the population, as discussed previously, singling out their “otherness” in remote outposts in the central plateau. But the justice’s outrage is also telling. The strength of the vertical alliance weaved by the merchants, joining employees to merchants and tradesmen, all economically connected, seemed to confound Ferré. Ferré seems to have expected residents to band together along ethnic, or national, lines and their embrace of a more inclusive *vecino* identity angered him, as his outburst escalated as he ranted, threatening first to kick and “on second thought” to shoot the “treacherous” clerk. Despite Ferré’s confusion, townspeople sided with Sede and the merchants for a variety of reasons.

Even though some of the signees to the telegram had not personally suffered any abuses, they explained that they felt it was their *duty* to join their voices to their neighbors who had been harassed by the police. “As an Argentine citizen, aware of my duties and rights” one of them argued, “police [...] have proceeded mistakenly and with lamentable arbitrariness,” which prompted him to sign the petition to ensure that the town did not descend into tyranny and chaos. Employees and common folk reacted strongly to the violence against non-merchants, taking particular exception with being targeted to intimidate people too powerful to coerce more directly. For example, Zacarías Terzaghi (a forty-six-year-old Italian day laborer who had lived in the country for thirty-five years) testified to having witnessed police officers beating up one of Elías Sede’s employees (Fredo Lugi, a middle-aged Italian bricklayer) near the train tracks, which the pharmacist (Luis Cazzolino) and a couple of other merchants also witnessed. Terzaghi claimed that when Sede informed him of the telegram being drafted following the General Assembly, he agreed to sign it since “all the merchants were doing it.” The telegraph operator (Armando Agreenhill, of British descent) claimed to have seen a different beating, and signed the complaint “to prevent further abuses to other residents.” The Polish cobbler, Teodoro Busdzco, agreed, claiming he signed the telegraph after a request by the “merchants who were being abused.” The coalition of *vecinos* taking a stand against the social disruption caused by the

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<sup>51</sup> The original reads: “porque ha firmado en favor de esos turcos de mierda le voy a pegar unas patadas... no unas patadas sino unos balazos.”

police did not seem to care that the abuses had initially been economically motivated—it had grown to be an issue of order and governance that affected the entire town.

The characterization of the police as corrupt and the out-of-control was not shared by all. Two witnesses in particular came forth in defense of the police: the Australian-born foreman of the Estancia Maquinchao—a massive sheep-raising enterprise that owned a significant amount of land in the county and employed a lot of the rural peons in the area—and the owner of the brothel. Their support for the police was tepid at best. In remarkably similar statements both the foreman and the brothel owner claimed that the officers had generally behaved appropriately and fairly towards them, and declined to add anything else to the investigation—a shrewd strategy to stall an investigation. At a certain point, the critical mass of peers joining the complaint made neutral *vecinos* feel the pressure to add their voices, acquiescing to the benign tyranny of the majority. For example, the French merchant Luciano Berbecke explained that he signed the telegram “to support the businesses, and *to not look bad*.”<sup>52</sup> Zimmerman detained the suspected police officers in June to prevent any further retaliatory harassment while the court decided the case, but released them in August. After a series of setbacks and delays, the case was allowed to expire by the judge, who finally dismissed it four years later.

The problem seemed to have been resolved even without an official sanction: by mid-November 1922, Zimmerman reported that the three suspects were no longer in town, requesting their detention from their last known locations: Rosario, San Pedro (Bs.As.), and Nahuel Niyeo (further down the railroad line in the plateau). They were detained once again in late December 1922, and released in early 1923. During the investigation one of the local policemen who had not been directly implicated in the charges against the department mentioned in passing that one of the instigators had already “moved on” to Buenos Aires. The investigation’s anti-climactic end, buried in a desk drawer in Viedma for several years, actually resolved the situation in Maquinchao without having a legal ruling on it. Since the merchants could not produce any material evidence of the abuse and harassment their case had little legal weight. But the show of force, the investigation, and the attention brought to how the police had been running roughshod over the *vecinos* resulted in the dismembering of the abusive gang. Two of the officers relocated elsewhere and were frequently recalled to Viedma to ratify, dispute, or supplement parts of the case. That level of state attention probably prevented them from getting too comfortable in their new jobs. The other two accused officers were considered fugitives of the law and were never captured, which probably meant that they had to lay low and forgo any official police duties wherever they ended up.

These *vecinos* banded together and leveraged their economic standing in the plateau, appealing to the state’s main priority for Patagonia (economic development in the fledging settlements) through their carefully selected language.<sup>53</sup> They identified themselves as “respectable, industrious neighbors,” positioning themselves as worthwhile subjects and

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<sup>52</sup> The original reads: “que la firma la prestó acompañando al comercio, *para no quedar mal con nadie*.”—emphasis added.

<sup>53</sup> A further example of the complexity of these relationships: a couple of years later, in a remote district under the jurisdiction of the *comisario* of Maquinchao, the police were accused of moonlighting as hired guns for local merchants and landowners. See: “Fuentes, Arturo- denuncia oficial Libermann (de los Menucos), Leg# 814-34798 (AHP-RN, JL).

increasing the likelihood that the governor would intervene on their behalf. The *vecinos*’ rhetorical strategy was revisited again at the end of their telegram, as they highlighted the idea of a “*pueblo armonioso*” with “hardworking neighbors.” The emphasis by the *vecinos* on both their economic importance and their desire for social harmony was used to advance decidedly political demands for good governance, which could garner broad support from the community. Individuals, such as the telegraph operator or the cobbler, responded to a sense of shared danger even when they had not themselves been the target of abuse, suggesting that the category of *vecino* was more than simply the confabulation of a vocal elite. The merchants, their employees, and those that saw themselves sharing a *common social identity* coalesced to protect the rule of law and push back against growing corruption; a convergent political program growing from their common socio-economic concerns.

The corporate nature of the merchants’ complaint was not usual, but their success in changing local conditions was. A few years later, the neighbors of the Andean hamlet of El Bolsón, had a similar set of grievances against some of their local police officers but their complaint failed to galvanize the population or change the local terms of government.<sup>54</sup> El Bolsón had been the location of a short-lived independence movement during the previous decade (discussed in Chapter Three) as a result of police abuses against the residents. Their telegram demanded that the governor “guarantee our lives and livelihoods, which are currently threatened by the lack of real police, since the one we have has been operating outside the law for some time.”<sup>55</sup> The local police were accused of an assortment of bizarre actions, including nightly cemetery skulking, theft of an iron fence, and petty harassment, but the investigator could not find a systematic breach of the law. Unable to find any material evidence beyond hearsay and the victims’ own accounts the investigator concluded his task without detaining any of the officers. The prosecutor recommended that the case be dropped, and the judge agreed. Although both cases ended with suspects exonerated, they could not have arrived at that point in a more different manner.

Unlike the swiftness of the Maquinchao investigation, which began less than a week after the complaint was lodged, the El Bolsón one stalled for almost six months. The chief of police struggled to find an impartial outside investigator, and the one he settled on was delayed by late-fall snow drifts, the remoteness of El Bolsón, and the treacherous canyons and deep valleys that surrounded the town. Dirt paths became impassable due to mud and ice, or disappeared altogether as the overgrown temperate rainforest devoured them. Once he arrived in El Bolsón, however, the investigator proceeded swiftly. Those six months between the original complaint and the arrival of outside authorities to investigate probably accounted for the lack of popular fervor in support of the complaint. Judging by how other cases proceeded we can assume that the police and their allies increased their attacks on disgruntled neighbors, breaking up their

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<sup>54</sup> “Los Vecinos de ‘El Bolsón- su queja contra la policía de esa localidad,” Leg #810-35294 (AHP-RN, JL).

<sup>55</sup> The original reads: “[...] solicitando respetuosamente se dignen garantizar nuestras vidas y haciendas amenazadas actualmente por la falta real de policía pues la que hace de tal hace tiempo proceden fuera de la ley si no ya numerosos los actos delictuosos cometidos por la misma sin que probablemente tenga conocimiento VS pues de tenerla hubiera tomado las medidas que corresponde con un funcionario policial que es una vergüenza para la institución y un descredito para el país... [firmas]”

network like the justice of the peace Ferré had attempted to do in Maquinchao. Additionally, the half-year delay in getting the investigation started might have calmed tempers, as *vecinos* upset with nighttime skulking in the cemetery or the theft of the iron fence either forgot or lost interest.

The *vecinos* from El Bolsón failed to articulate a broader economic rationale for their complaint or to demonstrate the damaging social effects of the lawlessness and harassment. They did not use their businesses as leverage to expedite the outside investigation, either—perhaps because their Andean hamlet was much less accessible than Maquinchao, which was connected by the state-owned railroad at the time of the complaint. As discussed in Chapter Three, El Bolsón’s isolation from the rest of the Andean region, let alone from the broader northern Patagonia, made it a particularly difficult community to incorporate and the presence of the state there particularly tenuous. Despite their isolation, the *vecinos* of El Bolsón still coalesced into a corporate shared identity calling in unison for assistance to protect themselves from abusive police.

Even when towns had elected representatives (or persons appointed to serve the role of elected officials) groups of *vecinos* still relied on complaints to ensure that outside authorities kept a watchful eye on their communities, especially in times of heightened political activity. For example, in the town of Zapala, on the eve of the first-ever election for a municipal council in 1927, a series of candidates from the “Unión Comercial y Obrera” presented a complaint against the *comisario* for issuing voting cards to people from outside of town (mostly rural workers and *estancieros*).<sup>56</sup> Three of the four candidates identified themselves as merchants and the witnesses they offered for the investigation were either merchants or “trustworthy employees,” all representatives of the *vecinos* of the town. They had filed their complaint to ensure that both members of the community and regional authorities in the capital monitor the police on the eve of the election. Their criminal complaint ultimately collapsed when, after the election had already taken place, one of the signees recanted his support for the continued veil of suspicion on the newly elected council. Maximo Besoky, a forty-two-year-old Russian mechanic, confessed that they had issued the complaint pre-emptively in order to influence public opinion if the election went against their party. He retracted the claim, and said he fully supported the elected officials and that they needed the support of the community instead of sowing distrust. The alliance between “merchants” [*comerciantes*] and “workers” [*obreros*] in that municipal political party and their fear of “rural” elements “interfering” with the election embodies the small-town ethos of the *vecino* identity, similar to the petit bourgeoisie of early modern German towns.<sup>57</sup>

Throughout the twenties (much more than in any other decade of the period under study) merchants and their allies used collective petitions written to attempt to effect change in their communities. Even though they had limited political rights (Maquinchao, El Bolsón, Loncopue, Chipauquil, and Cinco Saltos, for example, did not have a local government of any kind at the time of the complaints), these *vecinos* thought of themselves as part of a civil society, a

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<sup>56</sup> “Afione, Severino (y otros concejales)- denuncian abusos del comisario,” Leg# 1927-140, f36 (AJL, TN).

<sup>57</sup> Mack Walker, *German Home Towns: Community, State, and General Estate, 1648–1871* (Ithaca, NY: Cornell University Press, 1971), See chapters 4 and 9, in particular.

counterbalance to the coercive power of the police and remote institutions of the National Territories—and acted accordingly. *Vecinos* almost always acted politically to defend their social and economic standing in their communities, but sometimes they acted to defend the *respectability* of their communities. This defense of a town’s reputation was the articulation of civic pride, a fairly common impulse, but one which the Argentine statesmen who devised the political tutelage of the National Territories though would *only* come from repeated municipal elections.

A good example of a complaint by *vecinos* against the “political” transgressions of local authorities came from Bariloche in 1924, when a telegram compelled the judge to initiate a thorough investigation of the town’s police force. Evaristo Gallardo, a Chilean merchant who would be part of the first elected municipal government in Bariloche at the end of the decade, spearheaded the complaint, which was backed by several other foreign-born merchants (mostly Spaniards and Chileans, but also Italians and Germans). The neighbors alleged that the *comisario* Guillermo Schultz had ordered a police officer to unceremoniously drag the body of a recently deceased teenager, Laura Haneck, through the streets of the town as a vendetta against the teen’s father.<sup>58</sup> The police, however, claimed that the entire unfortunate incident was the result of the lack of appropriate equipment to exhume and transport a body needed for an autopsy.

The testimony of the merchants was full of outrage, labeling the parade as an “inhumane act in this *civilized town*” (“acto inhumano en un pueblo culto”) while grounding their complaint on the town’s civilized “culture” (“la cultura del pueblo”). The *vecinos* presented a unified front and the story that emerged from their testimonies reflected their horror at the disruption of Laura Haneck’s remains. The thirty merchants interviewed by the investigator used very similar phrases to express their outrage, which suggested that they had probably discussed the issue at length before the complaint was lodged. Those who had witnessed the casket being dragged through town appeared to be genuinely shocked by the sight, relaying their shock and disbelief to the investigator. Both their shared language and seeming synchronization of their testimonies suggest a complex level of coordination among the neighbors—*vecinos* coming together in opposition to the excesses of the state representatives in their community.

The standing in the community of the deceased teen made the police actions particularly troubling to the *vecinos*. Many of the *vecinos* deposed considered Laura’s father, Herman Haneck, a noteworthy “compadre” and were appalled that the body was exhumed without family and friends being present. Haneck did not deserve this affront, they argued, since he was one of the original settlers of the area and had long worked to establish the “culture of the town.” For the police to treat the corpse of his daughter, of all people, that way seemed like a provocation, a political declaration against him and his allies. The idea that Haneck and his family were some of the “original settlers” of the area might sound laughable to the indigenous people of the region but it carried considerable weight in the minds of fellow settlers. The first generations which had risked their meager fortunes and their lives to try their luck in the state-sponsored colonization of northern Patagonia had struggled to build the scaffolding of civil society in the frontier—recall the German-language school built and founded by the settlers in Bariloche in the early years of

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<sup>58</sup> “Gallardo, Evaristo- su denuncia contra el Comisario de Bariloche,” Leg #803-34873 (AHP-RN, JL)

the twentieth century, discussed in Chapter Three. To the *vecinos* the police’s behavior was worse than what happened in Maquinchao a few years earlier because it disrespected one of the town’s founding fathers, adding a political dimension to an otherwise social grievance. In a young town like Bariloche the creation of a “pantheon” of town elders, people whose lives became enshrined and whose experiences of the frontier were a self-validating mythology, was a decisively political act which elevated some members of the community while erasing others. The perception that the police had not respected one of the “original” families was a political undermining of the town’s self-construction as a “pueblo culto.”

What the *vecinos* understood as dishonoring the Haneck family by desecrating Laura’s body, to the police was just another example of their own ingenuity in the face of a systematic lack of resources. In his deposition, Schultz explained that he had ordered the officers to exhume the remains to comply with an autopsy order from the court. Since the police did not have a vehicle suitable for transporting the casket, he had asked one officer to procure one. Even after asking around the town for several hours the officer had failed to secure a wagon or a wheelbarrow. Without the appropriate tools, and not wanting to disobey his boss, the officer dug up the casket and simply dragged it across town to the police station. When the casket was being dragged down the main street of the town, the officer noted, an unnamed neighbor rushed to offer his horse. As the two men tried to lift the casket and secure it to the animal’s back the casket fell over and shattered, exposing the corpse for the townsfolk to see. In the police version of the events the tragic accident stemmed from the community’s refusal to fund their operation. The police officer’s inability to secure the needed implements from the community suggests that the conflict between the old settlers and the *comisario* preceded the casket affair, which galvanized their grievances.

One of the witnesses confirmed this longer animosity. Criminal investigations, which brought the judicial authorities into the conflict, were a useful last resort—but they were drastic and had unexpected consequences (like Gargallo, whose hides were ruined). Small towns did not have a robust newspaper presence, but some of their residents had connections to national press outlets and tried to use them to create political pressure on the governors from *outside* of the region. A local resident who worked as a journalist for a national newspaper testified during the investigation that Haneck had previously tried to convince him to write a negative piece on *comisario* Schultz to bring negative national attention to bear on the town. The journalist had refused Haneck’s repeated requests, but claimed that the old merchant had remained insistent. Like in the cases against Ortellado and Gouget, the old settler had tried to get the attention of the national media to smear and threaten a police commander who was beyond his direct control (as they were not elected offices, and did not have to answer to the population). Since governors, who personally appointed police officers and commanders, were not directly susceptible to electoral backlash for their appointments, settlers had to find other ways to make them pay a political price for keeping bad police in their communities.

### **Coda: nationalists turn “vecinos” into “gringos”**

The strength of the complaints by the *vecinos* of Maquinchao and Bariloche stemmed from their ability to articulate a shared municipal identity, uniting immigrants from different nationalities as well as Argentine-born settlers. Like the justice of the peace in Maquinchao, Ferré, some people within the frontier towns found that these alliances had begun to wield

outsized influence in their communities. These sentiments of exclusion from the networks of loyalties that made up the *vecinos* coincided with, and were fueled by, the rise of the nationalist “Liga Patriótica” at a national level to challenge the inclusiveness of the *vecino* identity.

In Bariloche, for example, by 1934 the international elite of the “first settlers” found itself economically ruined and politically marginalized. In the 1920s Bariloche (and the entire area of the Andean valleys) found itself in flux, as a series of tariffs implemented by Chile and Argentina suffocated the trans-Andean trade that had fueled the regional economy since the military annexation of Patagonia. The economic crisis arising from this disruption, coupled with the collapse of the world economy in the early 1930s, destroyed the economy of the area. Large multinationals, like the Sociedad Anónima de Importación y Exportación, and small family firms found themselves overleveraged and in ruin. Their situation only worsened with the arrival of a new generation of settlers to the Andean town who brought heightened anti-immigrant sentiments.<sup>59</sup> The town and its old guard of immigrant merchants would finally lose their grip on the area when the national government established a massive National Park just outside of the town, forcefully injecting itself in local politics, rearranging landownership patterns, and refocusing its economy towards tourism and the service industry.

The most emblematic example of the rise and fall of the *vecinos*-led citizen model in the region was Primo Modesto Capraro, who defined the broader Lake Nahuel Huapi region during the first three decades of the century. Born in Italy in 1875, he emigrated to Mexico without any money at the end of the century and found his way to the Andean valleys, through Chile, by 1903. He used a small land-grant on the northern shore of the lake to stage a logging business that supplied the main cattle company in the region, eventually expanding onto a larger parcel as a lessee where he grew and processed award-winning wheat. He partnered with the *comisario* of Bariloche (José Alanís) to start a brick factory, and traveled throughout the region selling his building materials and expertise (he had acquired building skills for the rugged mountainous area during his duty with the Italian army in the Alps). By 1920, he had reinvested his earnings into a veritable construction empire in the Bariloche region, owning a power plant [“usina”], a lumber mill, a smith, a mechanics shop, as well as several general stores, a hotel, and a dock. His prominent position afforded him a steady patronage from the state, which contracted him for almost every infrastructural project (and would end up owing him vast sums by the time of his death in 1934) including the much-delayed transcontinental rail line that would link the Andean valleys with the Atlantic ports.

From his position of prestige he encouraged greater immigration of Italians into the region to work for him, further broadening his base of support. He was continuously appointed to the municipal council and earned a minority seat in the first elected council. He was active in the Italian cultural association as well as the German one (his wife and son were German), while serving as the local representative of the Italian consulate and of several international companies. His success would not last forever, though, as a new cadre of settlers organized around a competing corporate identity began to actively challenge his role in the town’s life. The nationalist “Liga Patriótica,” formed in 1919 in Buenos Aires as a reaction to the perceived instability caused by foreigners to Argentine social harmony, grew in importance in Patagonia

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<sup>59</sup> Laura Méndez, *Estado, frontera y turismo: historia de San Carlos de Bariloche* (Buenos Aires: Prometeo Libros, 2010), 191–94.

during the mid-1920s. In Bariloche it was presided over by the local medic, doctor Luis Pastor, and included Argentine-born *vecinos*, police officers, and a teacher (all of them recent arrivals in town), who distrusted and disliked Capraro and his associates.

Convinced that the foreigners in town wielded too much power (having dominated the municipal council for over a decade) the “Liga” reacted negatively to Governor Quaglia’s appointment of yet another foreign-led municipal council in 1927.<sup>60</sup> The “Liga Patriótica” began accusing the Italian community in general, and Capraro in particular, of abusing and harassing its adversaries. Incensed by these attacks on his character and by the complicity of the local police, Capraro filed a complaint against Luis Pastor accusing him of slander and libel.<sup>61</sup> His complaint included familiar outrage at police provocations, beating of employees, and illegal fines, but added specific ethnic language. The complaint described the victims as “peaceful foreigners” and their tormentors as “minions” egged on by “rough police” [*policia brava*] who sought to “publicly demote the *gringos*.”<sup>62</sup> The political turmoil in Bariloche eroded Capraro’s political capital with the national and territorial authorities, even as the immigrants continued to defend their version of “el pueblo culto” against the newcomers. The collapse of the world economy in the early 1930s decimated his holdings, taking away the economic underpinning of his power. These dual pressures wore out his diabetic body and, exhausted, he killed himself in 1934.<sup>63</sup>

Although the scope and size of Capraro’s enterprises in northern Patagonia made him a highly unusual example, his experience on the frontier was fairly representative. The merchants in Maquinchao, for example, operated single trading houses but aspired to diversify their businesses in the same way that Capraro did—as the examples in Chapter Three illustrated, as immigrants accumulated capital in the frontier they tended to invest it in diverse ventures in their communities. While Capraro was connected to national and international institutions (newspapers, embassies, companies) in a way that only a few people in each town were, even smaller merchants like Gargallo or Bruce could count on some degree of support from outside allies in their contests against local authorities. By the end of the 1930s, witnesses walking into the police department would not be entering into the home of a local merchant—no matter how

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<sup>60</sup> Laura Méndez, “‘El león de la cordillera’. Primo Capraro y el desempeño empresario en la región del Nahuel Huapi, 1902-1932,” *Boletín americanista*, no. 59 (2009): 36–37.

<sup>61</sup> “Capraro, Primo (y otros)—contra Luis Pastor por calumnias e injurias,” #705-28478/78/80 (AHP-RN, JL)

<sup>62</sup> The original reads: “Ha sido posible sufrir vejámenes de toda índole, hasta los que con infamia llegaron a mi hogar, ha sido posible sufrir la indudable persecución hacia mi persona, con los atropellos a mis empleados; Contemplar la camaradería ostensible y provocativa del Sr. Comisario con los Secuaces del Dr. Pastor, y sus depuestos en público, contra el *gringo*... Ha sido posible el azote de una policía brava, castigando sable en mano a *pacíficos extranjeros*; cobrando multas fuera de la Ley y por causas antojadizas, y hasta ayer mismo, en la demostración a un maestro ascendido, su concurrencia de uniforme y su discurso de carácter político, coartando la libertad de los educacionistas que ejercen el periodismo. El triunfo más efectivo, cabe reconocerle a la camarilla destructora que contradice y traba el fomento cuantioso que el Gobierno procura a favor de estas zonas, pues se advierte los resultados de su campaña de alarmas, anotando que, en el pasado mes, de cien el número de viajeros, ha llegado a ser nulo en los últimos dos trenes. Créame profundamente afectado y hasta enfermo, que por segunda vez en pocas semanas he debido guardar cama...”

<sup>63</sup> Méndez, *Estado, frontera y turismo*, 211–33.



big or small their businesses, their role in the “skeletal state” had been taken over by a more robust, and chauvinistic, national government.

### Conclusion

Like Capraro, early Patagonian merchants (many of European descent, but a significant number of Argentine and Chilean ones as well) worked to parlay economic advantage into social capital and political ambitions, forming the backbone of a broad-based *vecino* identity. The examples in this chapter offer a cross-section of the interplay between social networks and patronage networks in northern Patagonian towns, as well as the ways in which they interacted with powerful yet passive regional authorities. The peculiar institutional arrangement in northern Patagonia created the conditions for this neighborhood-centered kind of citizenship, which built upon local, regional, and even national socio-economic relationships to emerge and flourish. The first generation of settlers (the “pioneers” of settler mythology) grew adept at using the material scarcity of the state to their advantage, and learned how to use institutional and informal mechanisms to apply pressure on local authorities to maintain “good governance,” as defined by themselves. This growing social order needed impoverished state agents to thrive. The police force, in particular, occupied a strategic space in the institutional arrangement in Patagonia—alternately victimizing and protecting the settlers while maintaining a semblance of state presence in the remote towns and hamlets despite a dearth of resources. They were both part of the *vecinos*’ extended networks of loyalties and—as the linchpins of paralegal arrangement designed to restrict access to justice and resolve conflict informally—they were also the *vecinos*’ antagonists.

The resistance to police abuses, and attempts to dislodge informal arrangements and corruption, went from being the purview of independent merchants to collective responses, which minimized the risk incurred and amplified the complaint so that regional authorities had to respond to them. What had begun in the late 1910s as the rejection of Radical reformists like Bello, who tried to empower different sectors of local society and wipe away the municipal arrangements in the hinterlands, turned into a broader coalition of *vecinos* that included their employees and other dependents. However, just as this *vecino*-centered system reached a level of self-awareness and self-confidence in the mid-1920s, demographic and institutional changes began to upend the arrangement altogether. The language of a shared *civilized* culture in Bariloche, and the foreign-born settlers’ tight fraternity, underscores how self-aware civil societies in small Patagonian towns were becoming by the middle of the 1920s. This collective identity was leveraged against material and moral excesses by the police, using the skeletal infrastructure available to them. These kinds of “mature” political conflicts, which went beyond immediate economic threats and began to articulate a shared culture in the town, came to a sudden halt with the changes in administration and state intervention of the early 1930s. The state that had been distant but willing to intervene became much more present and intransigent, reshaping the way conflicts were resolved and citizenship practiced in the frontier.

Following the expanded infrastructure of rails and roads new settlers arrived in the plateau and the Andean valleys bringing a different set of expectations and sensibilities. Mostly Argentine-born, these new settlers resented the power of the tightly-knit immigrant communities, and some even boasted competing claims to legitimacy. New federal appointees, and their connections through the Liga Patriótica to those new settlers, provided a counterbalance to the

## Chapter Five: The “Respectable Neighbors”

networks that the earlier *vecinos* had painstakingly crafted. The increase in funding for police (and the reduction in their numbers to prioritize professionalization, discussed in Chapter One) might not have resulted in *better* police for northern Patagonia, but it certainly made it less reliant on the largess of local merchants and neighbors. The era of “pioneers” on the frontier was ending, but the community-based system of legitimacy grounded on reputation, cooperation, and reciprocity would prove hard to uproot entirely for the newcomers. To the resilience of that system we now turn.

## **Chapter 6**

### **At the Edges of Medicine:**

#### **Doctors, Healers, and Patients in the Frontier**

*Folk medicine, in all its forms, is one of the worst enemies of public health... Now that we are building the nation.... we cannot not ignore... the public clamor against these professional liars and deceivers; we cannot be deaf to the educated men and the most renowned scientific associations who demand the complete extirpation of this well-recognized evil.*

—José Ramos Mejía, 1906.<sup>1</sup>

After jamming a needle into her thumb so deep that she could not remove it, Tomasa Catalán de Pelletieri, a forty-year-old widow, sent one of her four children to get Doctor Núñez for assistance. Ten hours later, when Núñez finally showed up to treat Tomasa, he stunned the widow by not greeting her or engaging in small talk, proceeding to “cruelly” remove the needle while cursing “rudely.” Ernesto Luis Núñez, a certified “National Doctor,” had only recently arrived in the village of San Martín de los Andes and was having a difficult time adjusting to the shifting demands of the frontier. When Tomasa attempted to barter for the service rendered, the doctor refused, going as far as telling her that he would not see her again until she had money to pay up-front. Worried that the wound was getting infected, and unable to afford a consultation with Núñez, she visited the town’s older doctor, a German immigrant named Rodolfo Koessler, who happily redressed the wound free of charge. Citing a provision in the Penal Code against the illegal practice of medicine, Núñez initiated a complaint against Koessler claiming that he alone had the right to practice medicine in San Martín, as the German doctor’s authorization had expired the previous month. During the investigation members of the community offered testimony in support of Koessler and against the new doctor, in an effort to stress whom *they* considered to be the legitimate doctor of the town. Conflicts between settlers and state authorities over legitimacy in a rapidly changing frontier space flared up throughout the 1930s, often involving entire communities. This chapter explores these kinds of conflicts over legitimacy and medical practices, highlighting the importance of reputation in establishing legitimate opposition to state-sanctioned authority.

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<sup>1</sup> Quoted from Mauricio Ernesto Macagno’s *Salus Populi, Suprema Lex*. Originally from the memos and discussions around the 1906 project to reform the Penal Code. The original reads: *El curanderismo, en todas sus formas, es uno de los peores enemigos de la salud... que, desgraciadamente, se extiende en todas partes. No podíamos prescindir... ya que hacemos obra nacional, del clamor público contra estos profesionales del engaño y de la mentira; no podíamos, en fin, ser sordos a la protesta de todos los hombres cultos y de las corporaciones científicas más autorizadas [...] a fin de llegar a la extirpación completa de este reconocido mal.* —emphasis added.

The provision cited in Núñez' complaint, Article 208 of the Penal Code, had been designed by lawmakers as a top-down directive to eradicate dangerous threats to public health, but the law would ultimately prove a versatile tool for Patagonian settlers. When a conflict flared up between a "certified" doctor and an uncertified one, or between a doctor and an ancillary medical professional, or even between healers and doctors, the outcome did not always favor those holding the official, government-sanctioned titles. The paradoxical position of doctors in the frontier—they had a robust institutional presence in the national government (through the Hygiene Department), but lived in a remote space where their institutional support was less developed and they had to adapt to the local society—illustrates the gulf between doctors' self-regard and their standing within their communities. To the surprise of many newly arrived doctors, like Núñez, social standing in a community represented an alternate source of legitimacy in the "skeletal state" arrangement, one that proved hard to overcome even with the backing of national authorities.

The majority of the cases against "illegal practice of medicine" in northern Patagonia originated in small towns, or in the rural areas immediately surrounding them, which differentiates them from the better-studied cases against the illegal practice of medicine in Buenos Aires where the cases were concentrated in marginal areas in the urban centers.<sup>2</sup> Scholars have imagined a linear progression in the quality and quantity of health services available to settlers, pointing to the transformation of the medical institutions in the hinterlands of Argentina by 1940, with a flurry of maternity wards, first aid stations, and other medical facilities being built by the national government.<sup>3</sup> But the experiences arising from the court cases do not fit a neat pattern of growing, uniform, popular support for the state-led health initiatives. Instead the cases followed the rhythms of each community. The social networks exposed through police investigations of allegations of "illegal practice of medicine" show how contingent the establishment of legitimacy ultimately was. Each town followed a different pace, depending on size, social make-up, and the personality of the doctors and investigators, as well as the existence of satisfactory alternatives to certified doctors.

Most of these cases took place in the late 1920s and 1930s, when the "skeletal state" underwent rapid change as the police force became more professionalized and the arrival of a new generation of settlers undermined the arrangements that had previously stabilized municipal

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<sup>2</sup> Although it is unwise to extrapolate definitive conclusions from an incomplete data set, there are some interesting tendencies evidenced in the cases found in the archives. I counted 5 cases in the Neuquén Territory between 1921 and 1940, compared to 43 in the Río Negro Territory. Higher population in Río Negro—estimated at 115,380 in 1933, according to Moldes and Entraigas (2007), compared with just 42,241 in Neuquén, according to Mases et al. (1994)—explains some of the discrepancy, but not all of it. Other reasons for this disparity include: (a) the lower population density in Neuquén—still 74% rural in 1920, according to Rafart (2008) compared with a low-water mark of 51% for Río Negro that same year, according to Moldes and Entraigas (2007)—; (b) the higher concentration of people of indigenous descent in Neuquén, as well as (c) the greater integration of northeastern Río Negro with the province of Buenos Aires. The combination of these factors could explain why there was less police attention to these kinds of crimes in the hinterlands of Neuquén, where certified doctors arrived years later (and in smaller numbers) than in the mid-size towns of the Río Negro valley and the central plateau. A less disarticulated indigenous culture in the remote Andean valleys of western Neuquén similarly suggests less of a police presence in that area, and less reliance by those settlers on the state to mediate disputes arising from medical irregularities.

<sup>3</sup> Maria Silvia Di Liscia, "Cifras y problemas. Las estadísticas y la salud en los Territorios Nacionales (1880-1940)," *Salud Colectiva* 5, no. 2 (August 2009): 271.

life. This chapter argues that even as the “skeletal state” arrangement was disappearing, social standing—based on networks of loyalty and reputation in the community—remained a decisive factor in adjudicating complaints about the illegality of a medical practice.

### Regulating medicine: a brief background

The passage of Article 208 was the culmination of a long process by which statesmen and medical practitioners attempted to codify in law the boundaries to the legitimate practice of their profession.<sup>4</sup> The law had only three provisions, which clearly enumerated the restrictions on practicing medicine and stipulated a penalty that ranged from fifteen days to one year in jail for breaking them. Primarily it singled out for punishment anyone who “without a title or authorization or anyone who exceeds their authorization, practices the healing arts, or who habitually promoted, prescribed, administered or applied medicine, water, electricity, hypnotism, or any other means to healing diseases, even without receiving remuneration.”<sup>5</sup> The other two provisions in the law punished anyone who promised impossible results, as well as any person with a legitimate title who allowed someone else to heal under their name. The reformed Penal Code (drafted in 1906, and finally promulgated in 1921, after a series of ideological and political setbacks) was the first time that the practice of medicine without the appropriate certification was considered a crime punishable with incarceration.<sup>6</sup>

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<sup>4</sup>Kristin Ruggiero, *Modernity in the Flesh: Medicine, Law, and Society in Turn-of-the-Century Argentina* (Stanford, Calif: Stanford University Press, 2004); Ernesto Bohoslavsky and María Silvia Di Liscia, “La profilaxis del viento. Instituciones represivas y sanitarias en la Patagonia argentina, 1880-1940,” *Asclepio* 60, no. 2 (December 5, 2008): 187–206; Mauricio Ernesto Macagno, “Salus populi, suprema lex: control de la medicina y el arte de curar en Argentina y el monopolio de la corporación médica. Un ensayo acerca de los antecedentes y motivos del delito de Ejercicio Ilegal de la Medicina, art. 208, Código Penal,” *Revista Pensamiento Penal* 1, no. 135 (November 2011); Di Liscia, “Figures and problems”; María Silvia Di Liscia, “Imaginario y derroteros de la salud en el interior argentino. Los Territorios Nacionales (fines del XIX y principios del XX),” *Revista de Historia Entrepasados* 18, no. 33 (2008); Ricardo Salvatore, “Sobre el Surgimiento del Estado Médico Legal en la Argentina [1890-1940],” *Estudios sociales* 20, no. 1 (2005): 81–114; The classic text for this subject is Michel Foucault, *The Birth of the Clinic: An Archaeology of Medical Perception* (New York: Vintage, 1994).

<sup>5</sup> The actual text of the law reads as follows:

“Art. 208: Será reprimido con prisión de quince días a un año:

1° El que, sin título ni autorización para el ejercicio de un arte de curar o excediendo los límites de su autorización, anunciare, prescribiere, administrare o aplicare habitualmente medicamentos, aguas, electricidad, hipnotismo o cualquier medio destinado al tratamiento de las enfermedades de las personas, aun a título gratuito;

2° El que, con título o autorización para el ejercicio de un arte de curar, anunciare o prometiére la curación de enfermedades a término fijo o por medios secretos o infalibles;

3° El que, con título o autorización para el ejercicio de un arte de curar, prestare su nombre a otro que no tuviere título o autorización, para que ejerza los actos a que se refiere el inciso 1° de este artículo.”

<sup>6</sup> Macagno, “Salus populi, suprema lex,” 2; The reform of the Penal Code was delayed by a decade and a half as the ruling elite coalition splintered on the eve of the Electoral Reform of 1914, and legislative consensus was not marshalled again until 1921. Although the delay may seem remarkable, it was not unusual: the original Penal Code was first drafted in 1867, and was not promulgated until 1886. For an in-depth analysis of the evolution of criminal and legal thinking Thomas Duve, “¿Del Absolutismo Ilustrado Al Liberalismo Reformista? La Recepción

The text of the law was both precise yet surprisingly vague. The specificity of the law responded to the influence of the growing number of university-trained doctors who were coalescing into a medical establishment, with growing influence in the state (in the National Hygiene Department, established in 1880) that enabled them to secure their position of privilege, and exclude alternative practitioners.<sup>7</sup> The capacious aspect of the law, broadly proscribing those without authorization, with limited authorization, and those who “habitually” practiced “any other means” of healing, responded to the relative youth of the certification process and the dynamism of the medical practices at the time. José María Ramos Mejía, the only member of the team drafting the Penal Code with a medical degree, was the law’s strongest proponent and its spiritual author. In his writings at the time, he identified “outsiders” (defined to include foreigners but also non-scientifically trained medical practitioners) as the biggest threat to the social body, and the language of the law reflected his broad concern. The powerful yet vague piece of legislation gave a lot of leeway to prosecutors and judges to interpret it in a socially acceptable way.

Interpreting the law required a constant, implicit negotiation between local authorities and the National Hygiene Department, which forwarded complaints made by doctors to territorial authorities. The National Hygiene Department had long had the power to regulate the practice of medicine in the national territories, as an 1891 law adjudicated that role to provincial institutions, except for territories under federal authority—like northern Patagonia.<sup>8</sup> Between 1891 and 1920, without a national law against the illegal practice of medicine, the department played a marginal role: it would periodically survey the national territories, issue recommendations to lawmakers, and handle epidemics. After the implementation of Art 208 a growing clamor for self-regulation by doctors within the department led to guidelines limiting the “legitimate practice of medicine” to members of the National College of Medicine, the main guild for medical practitioners. This requirement jeopardized the legitimacy of medical professionals with international degrees, who had operated freely in the National Territories before 1921. Surprisingly, despite rising nationalism and a more professionalized police force, state authorities during the 1930s in northern Patagonia did not interpret the law in a way that consistently punished “outsiders” unless they were newcomers to the region.

At a national level, the 1920s and 1930s were a time of change for the medical establishment. The criminalization of unlicensed medical practitioners overlapped with an increase in the power of the National Hygiene Department to create a centralized and self-regulating medical system. The newfound self-confidence and power of the medical institutions came at a time of acute moral crisis for the medical community in Argentina. The economic depression of the 1930s had exposed and exacerbated the poverty of large swaths of the

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Del Código Penal Bávaro de 1813 de Paul JA von Feuerbach En Argentina Y El Debate Sobre La Reforma Del Derecho Penal Hasta 1921.,” *Revista de Historia Del Derecho* 27 (1999): 144–55.

<sup>7</sup>Juan Bubello, *Historia del esoterismo en la Argentina: Prácticas, representaciones y persecuciones de curanderos, espiritistas, astrólogos y otros esoteristas*, Primera edición, Historia (Buenos Aires: Editorial Biblos, 2010), 100.

<sup>8</sup>Susana Belmartino, *La atención médica argentina en el siglo XX: instituciones y procesos*, Colección Historia y cultura (Buenos Aires: Siglo Veintiuno Editores Argentina, 2005), 61.

population, a reality that was foreign to most urban doctors. At the same time, a growing number of doctors seemed increasingly concerned with making a profit rather than providing healthcare to those in need, leading to a sense that the profession had “lost its way.”<sup>9</sup> In this context, the National Hygiene Department began aggressively assigning doctors to particular districts, conferring on them the title of “National Doctor” and guaranteeing them a monopoly on healthcare in their area. This was supposed to encourage city-dwelling doctors to move to the countryside, ensuring that rural patients received “rational treatment” from a reputable source while guaranteeing the doctors an exclusive patient base. This is probably how Núñez ended up as the “legitimate” doctor in San Martín, displacing Koessler. Like Núñez, some of these new “National Doctors” turned out to be ill prepared for the harsh social, and professional, realities in the more peripheral areas of the country, as the cases in this chapter show.

The cases presented in the following pages will highlight the different ways in which Art. 208 was prosecuted in the frontier, which not always aligned with the intention of its framers. Doctors used Art. 208 to root out and combat *curanderos* [healers], to eradicate faith healers, as well as to contest the legality of other, seemingly legitimate, medical professionals. Settlers, on the other hand, exploited the vagueness of the law to thwart these efforts and protect health providers that had served the community. Social standing in a community influenced the likelihood that the police would take the complaint seriously and investigate it, at the same time, local reputation and social networks continued to offer a critical counterweight to the action of the representatives of the state. This delicate balance between society and state, between a community and the authorities outside of it, remained at the core of the “skeletal state” arrangement even as it was being fundamentally transformed.

### **The state against the folk: how the police investigated complaints against healers**

Most cases brought forth against “illegal doctors” targeted poor, untrained folk healers (“*curanderos*”)—but only when they interfered with the work of certified doctors or resulted in harm to the patient. An envoy of the Hygiene Department sent to survey the Territories in 1908, recommended a different interpretation of “illegal practice of medicine” for the frontier. In his estimation, simply practicing medicine without certification should not result in prosecution unless the patients had been deceived. He concluded that given the shortage of certified doctors in the territories, medical professionals simply had to coexist and cooperate not only with folk healers, but also with foreign medics without appropriate certification.<sup>10</sup> At first glance, the persistence of healers in northern Patagonia several decades into the twentieth century seems consistent with notions of the region as a frontier still underdeveloped despite the efforts of reform-minded national elites. At the same time, the survival of healers almost five decades after the Conquest further underscores the limited success of the government, in this case the all-powerful positivist hygienist segment of the state (called the “*estado médico-legal*” in the literature), in rationalizing and regimenting society.<sup>11</sup>

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<sup>9</sup> Belmartino, *La atención médica argentina en el siglo XX*, 86–95.

<sup>10</sup> Di Liscia, “Imaginarios y derroteros de la salud,” 57.

<sup>11</sup> Bohoslavsky and Di Liscia, “La profilaxis del viento,” 189.

Instead, the continued reliance by the population on curanderos and the ongoing efforts by certified doctors to coexist with them while managing their reach reflects the scarcity of medical care: by 1940, the entire territory of Río Negro had only 50 doctors (for a population exceeding 128,000—a ratio of 0.39 doctors per 1,000 residents) and Neuquén had a mere fifteen (for a total population exceeding 69,000—a ratio of 0.22 doctors per 1,000 residents). To contextualize those numbers, that same year the entire country had 11,398 doctors (for a population of just over twelve million—a ratio of 0.89 per 1000).<sup>12</sup> In Patagonia, doctors occupied a privileged place in local social life and operated in a scarce market, since there never were enough to meet the needs of the population.<sup>13</sup> Two decades after that 1908 survey of northern Patagonia little had changed in the everyday practice of medicine, even if Patagonian society had undergone dramatic changes; but the criminalization of medical practice without accreditation in 1921 involved the local authorities in sorting out what did, and did not, constitute the illegal practice of medicine.

Based on the language of the law the police would attempt to establish two related, but distinct, points: urgency and recidivism. First, they tried to ascertain if the violation in question came in response to a critical need—that is, if it was a case of a “good Samaritan” instead of an “illegal doctor.” Second, they tried to determine if the medical intervention was part of a broader behavior—that is, if the suspect regularly wrote prescriptions, attempted to sell remedies, impersonated a certified doctor, or advertised their services publicly.

For example, when María Cruz Guzmán (a “robust” Chilean laundress, either forty-three or fifty years old) was accused on 9 October 1930, of illegal medical practices by Dr. Correra, the administrator of the YPF hospital in Plaza Huincul, the investigators tried to determine the nature of her intervention regarding Juan Inestresa, who had broken his leg while playing soccer with some other YPF employees. Dr. Correra had hastily prepared a splint before sending him to the large hospital in Allen, about 100 miles east.<sup>14</sup> On the way to the train station Juan and his brother José realized that they could not cover the fare, which prompted José to take his brother to a local healer, María Guzmán. After dropping the brothers off at her house, the driver of the company car they were riding in informed Dr. Correra that José had not gone, after all, to the hospital, prompting the doctor to go to the Guzmán house. By the time he arrived, however, María had already replaced the temporary splint, covering the wound with a strange liquid which had begun to cause a serious infection.

María Guzmán testified that the brothers had arrived unexpectedly, and that Juan complained of severe pains in his bandaged leg. After examining the wound, she determined that the shin bone had come out of place, puncturing the skin. She re-set the bone with her hand and “spread a mixture of chicken eggs and flour over the wound” before covering it with

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<sup>12</sup>Based on the data presented in the “Boletín Sanitario” of 1940. The data was gathered, secondhand, from Bohoslavsky and Di Liscia, “La profilaxis del viento,” 198; Di Liscia, “Figures and problems,” 262.

<sup>13</sup>Ernesto Bohoslavsky and María Silvia Di Liscia, “La profilaxis del viento. Instituciones represivas y sanitarias en la Patagonia Argentina, 1880-1940,” *Asclepio* 60, no. 2 (December 5, 2008): 195--This is probably consistent with other areas of the Argentine interior, as the example of Cuyo in the 1920s and 1930s attest. In San Juan, in particular, a populist doctor and his family were able to parlay their popularity amongst the working poor into political office. The case of Governor Manuel Fresco in Buenos Aires during the 1930s also offers parallels.

<sup>14</sup>Bohoslavsky and Di Liscia, “La profilaxis del viento.”



bandages previously disinfected with vinegar, using a chicken bone as a splint.<sup>15</sup> In her testimony she acknowledged having helped José with a similar cure a few years earlier, and many others before as well, never charging for her assistance. She defiantly believed that even without “proper certification” she was *qualified* to perform these cures, after all, her patients never complained and even referred their families and friends to her.

María Guzmán was sent to the public jail in Neuquén, and since she could not cover the 500-peso bail she secured her release under her own recognizance until her trial, which dragged for over a year. The prosecutor [*fiscal*] requested two months of jail time (on the lower end of the range set in Art 208), while the public defender presented a crafty counter-argument placing the blame for the incident on the YPF hospital (and Dr. Corraera specifically), whose badly-prepared first-aid splint had failed, forcing Juan to seek her emergency care or risk an increasingly severe injury.<sup>16</sup> He requested clemency, given the accused’s lack of education and extreme poverty.<sup>17</sup> Ultimately, the judge sided with the prosecutor ordering her to serve two months in jail and pay a 100-peso fine, but seemed to have shown leniency as far as the length of the conviction was concerned. Still, despite her defense attorney’s attempt to recast her as a Good Samaritan, her own admission of habitual practice and the pride she showed in her reputation as a skillful healer resulted in a conviction.

Besides determining the urgency of the intervention, the investigators would try to find proof of a systematic violation of Art. 208: evidence of habitual practice, of dispensation of homemade remedies, of charging for their services and remedies, or of impersonating a certified doctor to defraud patients. The case against Leopoldo de la Place (called in the file the “Príncipe Indú”), an “Abyssinian” traveling healer and salesman and a self-described representative of the “Centro Religioso Espiritista,” a spiritist group in Buenos Aires, showed how the police went about building this kind of case. Leopoldo was accused of the illegal practice of medicine by Bernardo Serafin D’Arco, a resident of Viedma, in August 1927.<sup>18</sup> Bernardo’s father, Silverio, had heard of a spiritual healer in the city of Bahía Blanca who could help his oldest son’s deteriorating mental health (the son was, confusingly, also named Silverio). After some convincing, Leopoldo de la Place settled in the D’Arco home in Viedma and began treating Silverio the younger with herbal infusions and prayers whenever he had a mental breakdown. The D’Arcos not only provided Leopoldo with room and board but also paid him a steep fee of six hundred pesos and covered his travel costs to continue to see his other patients in southern

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<sup>15</sup> The original reads: “se lo acomodó [...] haciéndole una untura de huevos de gallina y un poco de harina [?] se la puso encima de la herida.”

<sup>16</sup>The original reads: the doctor “ha faltado a un deber de médico en perjuicio del fracturado porque la demora en curarlo podría haberle acarreado un mal mayor. Y en cambio la procesada ha obrado dentro de su escaso conocimiento con toda humanidad prestando socorro a un enfermo que carecía de recursos pecuniarios...”

<sup>17</sup>The original reads: “teniendo en cuenta también la falta de instrucción y medio ambiente en que vive.”

<sup>18</sup> “Della Place, Leopoldo- ejercicio ilegal de la medicina,” Leg #874-37459 (AHP-RN, JL). There were a series of nicknames for Leopoldo de la Place in this case, many of them alluding to his “exoticness”: *El Príncipe Indú, el Heredero de Abyssinia, el Maestro*. When prompted during his deposition, he denied having any aliases.

Buenos Aires.<sup>19</sup> Having heard of the “mysterious Abyssinian mentalist” in their midst, neighbors from all over Viedma began to contact Leopoldo both to hire him and to purchase his supposedly powerful herbal remedies. For example, a neighbor (Lautaro Montalva) with a “mentally deranged” child requested de la Place’s assistance, and was dismayed when the healer requested a fee to treat the child, in advance no less, since “he could not work for free.”<sup>20</sup> Bernardo’s original complaint painted an unflattering picture: his father and siblings had fallen victim to the healer’s quackery, lavishing him with gifts and perks, while zealously protecting him from skeptical outsiders.

The police arrested de la Place in a large operation after he refused to surrender, and elevated the case to the prosecutor. Despite the protestations of both Silverios, who insisted that de la Place was a guest in their home and that his cures had been working, the prosecutor was merciless. He requested three months of jail in addition to a steep fine, arguing that the healer had distributed medicine, impersonated a professional doctor by brandishing dubious accreditation, and appeared to live solely on the income from his practice—essentially violating every provision of Art. 208. The defense pointed to the lack of hard evidence against de la Place and requested an acquittal, but the judge believed the testimonies confirmed a “crime against public health.” During the unsuccessful appeal to the Federal Appellate Court, the defense opted for a different approach: challenging the integrity of the investigators and their interpretation of the law. The defense suggested that Leopoldo’s tall frame, dark skin, and strange ways, which compounded his lack of local connections to serve as character witnesses, made him an “outsider” and led to the conviction. The defense also suggested that the sale of herbal supplements should not have been considered an “illegal medical practice,” since any store could sell them (a clever distinction between the regulation of medical practices and the regulation of commerce which other defendants wielded successfully, as we will see). The court dismissed the appeal offhand, upholding the prison sentence, which de la Place managed to postpone for several months while he dealt with “family issues” in Tres Arroyos.

In typical cases against the illegal practice of medicine, as the police tried to establish the urgency of the medical intervention and the recidivism of the suspect, a healer’s social network—as far as they had one—sprang into action. In an effort to deflect police attention, their friends, patients, and patrons tried to use the healer’s reputation in the community to reframe or derail the investigation. The case of Filomena Salvo, an illiterate thirty-year-old Chilean homemaker who had lived in Patagonia for half her life, underscores how, even when they fell short of forcing an acquittal, these networks were critical in ameliorating the punishment received.<sup>21</sup> Following an “anonymous” tip from a neighbor while on patrol, Joaquín Spuch, a police officer in the town of Allen (home of the only “Public Assistance” hospital in the upper Río Negro valley), filed a complaint against Filomena. His sources claimed that she not only practiced medicine without an appropriate license but also charged fees for her services. The police deposed the two disgruntled patients who confirmed that she had indeed treated them

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<sup>19</sup> The file mentions the cities of Tres Arroyos, Bahía Blanca, and Olavarría, among others.

<sup>20</sup>The original reads: “sin plata, no podía trabajar.”

<sup>21</sup> “Joaquín Spuch denuncia contra Filomena Salvo por ejercicio ilegal de la medicina,” Leg #642-26165 (Archivo Histórico Provincial de Río Negro, Justicia Letrada, hereafter AHP-RN, JL).

and received remuneration for her work. Their testimony furnished the police with a long list of other patients, and established that it was “public knowledge” that for at least the previous four years Filomena had operated throughout town as a “known *curandera*.” Filomena herself testified to her reputation in town, claiming that she had treated many ailing patients without ever hearing any complaints or registering any dissatisfaction from them—a clear point of pride for the healer, but a legally unwise admission. Unchallenged, this initial interpretation of the events—a recidivist healer, who received payments for her services, and who operated extensively in the area—could have resulted in a conviction similar to De la Place’s. However, the longer list of witnesses, all grateful patients, managed to paint a slightly different picture.

The grateful patients interviewed by the police had similar testimonies to the original two, confirming the treatment and the remuneration, consolidating her as a repeat offender. However, each new witness introduced additional details to the investigation, which modified the initial narrative. For example, one of the witnesses explained that Filomena operated under the auspices of the town’s physician, Dr. Cámpora, who allowed her to treat minor ailments to enable him to attend to more serious cases. Another witness explained how she had heard through acquaintances of the healer and doggedly sought her out for weeks to get assistance with chronic indigestion. Finally, several of the witnesses made the point that Filomena had never *asked* for money in exchange for her services or her remedies but that she gladly *accepted* any monetary gifts, since she was poor. Filomena’s support network was not very robust: even the patients who she had helped free of charge did not go out of their way to exonerate her, and her alleged patron, Dr. Cámpora, failed to testify in her defense. Her allies, patients, and acquaintances did enough to combat the original complaint, which was the only one to allege that she charged for her services, but were unable to exonerate her completely. The judge determined that she was guilty of the illegal practice of medicine, but gave her the shortest sentence possible: just twenty days in jail (since she had been waiting in jail for a month, she was immediately released for time served) and a fine of 500 pesos, which she claimed that she could not pay, leading the state to evaluate her assets. The judge explained that he had shown leniency in his sentencing since Filomena did not habitually charge for her services, or solicit customers, which suggested that she acted out of goodwill instead of the desire for profit.

As the examples of Filomena, María, and Leopoldo showed, successful cases against healers hinged on three key variables which determined if a case resulted in a conviction and ultimately how severe the punishment was. First, the strength of the initial complaint carried an outsized weight in the final judgement. Questions like who initiated the complaint, how much detail they added to the complaint, and how readily they could provide a list of corroborating witnesses set the course of the investigation. In the case against Filomena, only the two initial witnesses (who we can assume were related to the “anonymous” complaint) suggested she charged for her services, and they provided the police with a long list of witnesses to build a case against her. Similarly, in the case against Leopoldo the initial complaint by Bernardo carried a lot of weight, as the counter-narratives by the two Silverios failed to exonerate him, and in the case against María Guzmán the fact that an influential doctor complained against her almost surely doomed her chances of acquittal. The relationship between the person initiating the complaint and the local police was paramount in establishing this narrative and spurring police action.

The second variable deciding these cases was the disposition of the state agents: police investigators, prosecutors, and judges could either doggedly pursue a case or lazily let it languish. The investigator in the case against Filomena decided to detain her even though he

failed to turn up evidence that she received payment, beyond hearsay. As Leopoldo's lawyer tried to argue, making the distinction between simply selling herbal teas and illegally peddling home-made remedies was up to the investigator's and the prosecutor's discretion. The "urgency" of the medical intervention in question, as the case against María Guzmán showed, could also be a judgment call. These "human" moments made the application of the law fairly uneven, even in cases that appeared to have similar details.

But if the first two variables were largely outside the healer's control, they had some influence over the third variable: the social "status" of the accused. The healer's social standing, not only in a socioeconomic sense, but also their reputation, broadly defined, had a decisive influence in the prosecution of cases against them. Their poverty, for example, could provide an "attenuating circumstance" for the judge to consider a lesser punishment, as in the case against María Guzmán who only paid a reduced fine once it was established that she could not afford more. The healer's ability to summon and mobilize members of the community as witnesses to try to challenge, and change, the initial narrative often proved critical in avoiding a conviction, or at the very least avoiding a harsh sentence. The success of this variable—the social constraints on state power—depended in large part on *who* were the witnesses that were brought forth: prominent *vecinos* and local doctors had the most influence in investigations, but coordination between the witnesses or legally creative witnesses also had surprising sway.

The vulnerability of the accused in all three cases was remarkable: they lacked strong social connections (although Filomena and Maria were not technically "outsiders" in the same way as Leopoldo was), did not demonstrate legal shrewdness, or offer clear examples of attenuating circumstances. None had powerful friends who could intercede on their behalf, even if, as was the case with Filomena, they might have a working relationship with prominent people in their towns (Dr. Cámpora, who allegedly had endorsed her practice in the past, did not intervene in the investigation, after all). None had savvy witnesses who could manipulate the investigation by explicitly referencing the healer's charity work, or by specifically situating their activities outside the particular parameters of the law, although Leopoldo's defense attempted to ameliorate the charges against him by arguing this during the appeal process. The cases in the next section show how healers accused of the illegal practice of medicine could, together with their patients and supporters, craft a narrative during the investigation that maximized the chances of the charges against them being dismissed.

### **Good neighbors: spiritual healers, social networks, and the state**

The main concern of the framers of Art. 208 was the eradication of the "curanderos" who impersonated "legitimate doctors" by offering dubious medicine and treatments. However, some of the most evocative cases found in the archive centered on a different kind of healer, who operated outside of both folk medicine and the scientific medical tradition altogether, resorting instead to prayers, spirits, and positive thinking as avenues to alleviate suffering: "mentalistas". These "spiritual healers," or "faith healers," often came from Europe, combining their own folk beliefs with indigenous spiritual traditions.<sup>22</sup> These spiritual healers often enjoyed the

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<sup>22</sup> Strangely, none of the cases found in the archives was against an indigenous healer ("machi" or "witch-doctor"). One possible explanation for this is temporal: most of the cases hail from the late twenties and early thirties—almost fifty years after the beginning of the military occupation of the region, suggesting a certain level of success in disarticulating indigenous societies' social and cultural practices (for more information see: Argeri: *De*

unswerving support of the community around them, which patronized and protected them when the state sought to criminalize their practices. Their lives and practices were deeply intertwined with the people around them—they saw themselves as neighbors, first and foremost, providing a helping hand when they could, comfort in times of crisis, and hope in times of despair. These longstanding relationships with their rural neighbors made their social networks particularly resilient and effective in deflecting judicial attention. Some had powerful patrons, like Pancho Sierra in Buenos Aires, who used his close relationship with President Julio Roca to secure an office close to the presidential palace and immunity from the police.<sup>23</sup> Most of the Patagonian spiritual healers, however, did not have powerful allies—but they were not alone.

This sense of “belonging” to the wider rural population was captured by one of the healers, when describing his typical relationship with one of his patients as “a visit with friends, a chat, and a shared [yerba] *mate*.”<sup>24</sup> This relationship, built on trust and the reputation of the “mentalista,” should not have represented a threat to physicians, who tended to different flocks. Most established doctors worked in cities or small towns, dealt with acute health crises rather than chronic conditions, and were not always prepared (or willing) to assist people who could not afford their services. Spiritual healers treated people in the countryside (like most curanderos did), with chronic maladies and psychosomatic conditions, and almost always accepted bartering for their services.<sup>25</sup> The stories of a small group of (unconnected) spiritual healers being chased around the Río Negro valley in the early 1930s offer a fascinating glimpse of how even the humbler elements of society could support those they considered to be their own, even to the extent of thwarting the state justice system.

Even modest attempts by witnesses to refuse to cooperate with the investigation beyond what they felt was required of them could stall the judicial process. Consider the case of Cornelio Goñi, a sixty-year-old Spanish butcher who arrived in the country at the age of 21. In 1935, the police in San Antonio Oeste received an anonymous tip that he had been illegally practicing medicine in the area. The police had little trouble arresting Goñi in Viedma a few weeks later; he had a checkered past and the police constantly suspected him of illegal medical

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*guerreros a delinquentes*, which discusses this process in regard to economic and political practices). Another explanation is spatial: most of these types of cases took place in rural areas with a high proportion of settlers from European descent—urban areas tended not to offer fertile ground for spiritual healers, and rural areas with high concentration of people of indigenous descent often did not turn to the state to mediate their disputes. See Bubello, *Historia del esoterismo en la Argentina*, 21, who argues very effectively for the amalgamation by the end of the colonial period, of the homegrown and transnational esoteric fields in present-day Argentina.

<sup>23</sup>Bubello, *Historia del esoterismo en la Argentina*, 61.

<sup>24</sup> Quoted from Cornelio Goñi’s deposition in “Goñi, Cornelio (“El Curandero”) s/ ejercicio ilegal de la medicina” Leg #1240-53138 (AHP-RN, JL). **Note:** *mate* is an herbal infusion prepared in a gourd. It is consumed by pouring hot water over the leaves and sucking through a straw. The connotation is significant because *mate* is a very communal experience, with everyone—close friends, family members, or complete strangers, all sharing the same gourd and straw. The passing back and forth of the implements sets a pace conducive to small talk and idle chatter, which is a tacit part of Goñi’s description.

<sup>25</sup>Bubello, *Historia del esoterismo en la Argentina*, 123-- in his study of similar cases in Buenos Aires, Bubello notes the widespread popular support for some of these esoteric healers, but he focuses more on the extra-legal avenues taken by them to circumvent the legal process entirely.

practices.<sup>26</sup> The San Antonio Oeste police had detained him twice in the early 1930s over his suspected illegal practice of medicine without charges being filed. After the 1935 arrest, he claimed to be in Viedma only temporarily—staying with his friend José Colma—while they awaited news of a job opening in the “Ingenio San Lorenzo,” about a hundred miles upriver. Goñi’s reputation with the police in both San Antonio and Viedma suggests that his healing practice moved with him, and he collected a stable of loyal patients.

Witnesses summoned by the investigation revealed Goñi’s unorthodox healing methods, which combined common household items with intense prayer, apparently to great success, but none of them gave the investigation any certain evidence of having broken the law. Silvana Paileman, a sixteen-year-old employed by the local school kitchen, suffered severe injuries to her ribs when a shelving unit collapsed on top of her. She continued working after the accident until the pain kept her bedridden for over a week (she recalled having a baseball-sized lump on her ribs). Goñi treated Silvana for two days, massaging cooking oil on the injury with his right hand, while placing his left hand on her forehead and “praying quietly under his breath.” He continued to periodically apply an unknown home-remedy on the bruise while praying, and she claimed to have felt much better. Antonio Mellado, a seventy-two-year-old landowner in the process of losing his eyesight, came to see Goñi after several years of progressive blindness and little success with conventional medical solutions. He suggested that he place boiled egg-whites over his eyelids every night, which Antonio claimed helped his vision. A pair of elderly widows, Carolina Ayelef de Pazos and Josefa Barnes de Contreras, had received similar treatment from the spiritual healer for their aching legs. For Carolina, he drew water from her well while praying and, after blessing it, asked her to drink it slowly as he placed his hands on her forehead and continued to pray for her health. On occasion, he would also massage her legs while praying as she drank the water. In Josefa’s case, he simply blessed the water she had at home, holding his hand over her wounded leg and arm while praying. Although he did not charge any of his patients all of them reported that he “would accept whatever [they] could afford.” None of the witnesses gave the police what they needed to push the case further: no evidence of payment, or solicitation, or of peddling homemade remedies for profit.

Convinced that there should be more witnesses, the investigator spent the next year and a half requesting nation-wide reports for this case, hoping to depose more patients. Goñi was released from jail in May 1935 a few weeks after his arrest, while the police continued to inquire into his practices. Since no other patients came forth to volunteer any evidence against him and none of the known patients was willing to name other patients, the case was dismissed after it expired in 1937. Despite Goñi’s seemingly itinerant lifestyle he managed to forge strong connections with his patients, who stalled the investigation simply by refusing to talk. However, the spiritual healer did spend several days in jail and probably continued to receive police suspicion, even if his name never again appeared in the case files. People with deeper roots in the community could expect their followers to not only halt the investigation, but even seek to delegitimize it.

Cases against spiritual healers could be hard for police to prove, since they tended not to generate the kind of physical evidence that could convince a judge, like the chicken-bone splint

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<sup>26</sup> In 1927 Cornelio, a widower, was found guilty of robbery in the town of Nahuel Niyeo (in the central plateau of Río Negro), and ordered to spend four years in prison. He was released after serving only 18 months in June 1928, and spent the next seven years bouncing between San Antonio Oeste and Viedma.

made by María Guzmán in the earlier case of the soccer-related accident. Besides not having a lot of evidence to use against them, the faith they elicited from their patients could make the police work particularly difficult. The case against Felix Susso, an erstwhile *curandero* who combined spiritual work with animal sacrifices but had lately turned to more esoteric ways, showcased this difficult dynamic. Susso had enjoyed the power to heal people throughout his life; a powerful force worked through him, bringing peace and health to those around him. He claimed that “I have had this ability since birth—it is not unusual that, when any people are near me, they feel no pain; even at night in my bed, I feel that when I ask the spirits, people’s ailments disappear.... The only treatment I provide is placing my right hand, which is the one with the gift of making illness and infirmity disappear, on the affliction.”<sup>27</sup> He had moved with his family to Argentina from Spain at age two in 1879, as part of the massive immigration of the late nineteenth century detailed in Chapter Four.<sup>28</sup> In 1930 he was accused of the “illegal practice of medicine” in Viedma by a doctor upset with his meddling with a patient, but the charges were dropped after the patient died of unrelated causes.<sup>29</sup> A few years later he was charged again, and for the second time the charges were dropped for lack of evidence—but the unwanted police attention forced him to move away from Viedma and relocate to the hamlet of Colonia Frías, near the “Ingenio San Lorenzo,” in the mid Río Negro valley. He seemed to have given up his habit for *curanderismo* in the early 1930s, and set up a farm with his wife.

By 1936, he had run afoul of the law once again. Following an anonymous tip to an officer on patrol, the police in Colonia Frías initiated an investigation against Susso for the “illegal practice of medicine.” The police claimed that he had been openly treating patients in the entire region, moving from town to town, never in the same place too long to avoid detection. After a futile four-day manhunt in San Lorenzo the investigation moved to the nearby town of Cubanea, where the police compiled a list of witnesses from the original anonymous complaint. The witnesses, housewives of all ages, reported a series of ailments and maladies, mostly back

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<sup>27</sup> The original quote reads: “cualidad que tiene el diciente desde su nacimiento, ya que es común que cualquier persona que se encuentra a su lado no manifieste ninguna dolencia, que por contrario siente el declarante, y pidiendo a los espíritus, en la noche, desde su cama, que desaparezcan los dolores agenos (sic) [...] que solamente en sus tratamientos les aplica la mano derecha, que tiene la virtud por otras causas de hacer desaparecer las dolencias.”

<sup>28</sup> “Susso, Felix, s/ ejercicio ilegal de la medicina,” Leg #1367- 61263 (AHP-RN, JL).

<sup>29</sup> The case was a fairly typical case against a *curandero*. While Susso was visiting an old acquaintance (Juan Casadey, a thirty-six-year-old Italian merchant), he learned of his son’s illness, which the doctor had diagnosed as diphtheria—and had been treating with daily injections for almost a month. After inspecting the child, Susso noticed that beyond the diphtheria, the child seemed to suffer from a severe indigestion, and casually remarked that when one of his own children had suffered a similar indigestion, he treated it by sacrificing a chicken and quickly creating a poultice with the animal’s entrails over the affected area of the abdomen. When the doctor (Domingo Harosteguy) returned to Casadey’s house to administer the daily injection and found the child wrapped with chicken entrails, he stormed off, furiously telling the child’s father that he would not treat him any longer. That same afternoon, he lodged an official complaint against Susso, and the police quickly detained him. A few days later the child passed away, and the coroner determined that Susso’s suggested treatment (which he claimed to have picked up “from some Indians and experimented only with my own children”) had not aggravated the condition. He was released after being detained for two weeks, since the prosecutor determined there was not enough evidence to charge him, suspending the case.

pains and headaches. For all of them Susso had a similar recipe: tall glasses of cold water before going to bed and cold baths, if possible. They claimed that he never charged them but he would accept any remuneration they could offer. As in Goñi's case, these patients failed to give the police anything useful in their quest to convict the old healer. By denying that he requested payment or prescribed anything beyond regular water and faith, they blunted the investigation, and by refusing to name other patients to add to the witness list, they bogged it down. The police, however, had a second lead: one of the healer's known associates.

Back in the town of San Javier, the police identified Fabián Núñez as Susso's enabler, since he had housed the curandero for a couple of weeks and they believed the place had been used to treat patients. Núñez denied this and offered several witnesses to corroborate his account. Leopoldo Linares, a neighbor, explained that he had visited Susso extensively in Núñez' home but he had done so in search for friendship, not treatment. He claimed that, in all his visits, he never witnessed Susso treat anyone. Another man who had been identified by several witnesses as the person responsible for transporting patients to see Susso refused to add anything useful to the investigation, repeatedly responding to every leading question from the investigators that he had never "seen" Susso doing anything since he always waited outside. Other witnesses similarly refused to comment on second-hand stories or on Susso's reputation. Still others resorted to vague and unrevealing answers—for example, when asked how long they had known Susso they simply answered "for some years" or "since I moved here." When pressed by the investigator to name any "strange people" [*personas extrañas*] seen around the house, every single one of the witnesses denied knowing anyone that fit that description. This was a brilliant piece of obstructionism—in a small town like San Javier no one would be a "strange person," making their statement true, if misleading. These were subtle "weapons of the weak,"—to borrow James C. Scott's famous term for peasant resistance—small ways in which common people modified and conditioned the operation of the state apparatus in order to protect a member of their community.

The police's insistence on that point highlighted how much the investigators wanted to lengthen the list of possible witnesses to use against Susso, only to be constantly thwarted. Completely frustrated and hearing reports that he had left the region altogether for Bahía Blanca, the police requested a nation-wide manhunt for Susso. When the police finally captured him on his way upriver from Coronel Frías to Choele Choel, Susso surrendered peacefully and was sent to the public jail in Viedma where the investigator deposed him. Claiming not to be a doctor, or a practitioner of any kind of medicine, he identified himself as "someone attuned to the spiritual world," explaining that this connection prevented him from charging for his services—doing so, he believed, would result in the loss of his powers, a punishment for "not sharing his gift." Susso's testimony perfectly echoed the ones by his supporters, as he refused to give the police any more ammunition to use against him and even attempted to establish that receiving payment for his services was anathema to the service itself. Additionally, his followers, unlike Goñi's, had another card to play. The neighbors of the Ingenio San Lorenzo sent a letter to the judge requesting the dismissal of all charges against Susso, since they considered him a communal "treasure." They argued that he should not suffer unjust persecution for "his gift," insisting that he was not a quack or a charlatan. The seven-page letter was tightly packed with the signatures



of merchants, day laborers, homemakers, peons, and everyone in between.<sup>30</sup> The prosecutor kept the case file for two years without offering an opinion for the judge to rule on, until the window to try the case expired and the charges against Susso were dismissed in 1938.

Like many other people caught in the maws of the judicial process in northern Patagonia, Susso's ultimate punishment did not come from the sentencing but from the process itself. After his deposition, his lawyer secured a temporary release from the Viedma jail while the court continued to process the case. Susso, however, was not a free man: due to flight risk, the judge forbade him from leaving the territory without written permission. The broad coalition of settlers in tiny agricultural villages that made up Susso's social network felt emboldened enough to challenge the investigation in a formal letter, requesting an exemption from the law for the healer. While not as impressive as those built by merchants and justices of the peace, featured in the previous chapter, Susso's network of loyalties was formidable and it managed to rein in an investigation hell-bent on punishing him. However, its efforts were ultimately limited by its own size, as it did not attempt to mount a broader resistance to the workings of the police by linking its resistance to that of others around them, like Onofre Morales' did.

In the upper Río Negro valley around the agricultural hubs of General Roca and Villa Regina, the local police played a protracted game of cat-and-mouse with an elderly Peruvian immigrant named Onofre Morales, a sixty-two-year-old farmer living in the country since the age of fifteen. He had built an impressive following among the impoverished rural dwellers of the small hamlets that dotted the rich agricultural valley. Following an anonymous complaint to an officer on patrol, the police ordered his detention and compiled a long list of witnesses based on that initial complaint. He was finally captured in April 1934 by the Villa Regina police in the village of Chinchinales, where he had been living for just under a year.<sup>31</sup> The investigation swiftly marshaled an astonishingly large number of witnesses, mostly patients and their families. The witnesses answered the police questions in a methodical way, turning the question around to their advantage. When asked if they knew Morales was a *curandero* they did not answer directly, offering instead, in precise detail, a narrative of the suffering of their loved ones and the failures of more "orthodox" attempts at healing them, without contributing any incriminating evidence against the healer. Morales' patients contrasted his success to the failures of local doctors, emphasizing how he had acted out of need—not an urgent need, but one none the less. They also made a point of highlighting how "Morales...did not charge for his services...he lets those with means support him if they want to."<sup>32</sup> Supported by wealthy patrons, Morales was something like a public good in his community.

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<sup>30</sup> The last names ranged from Spanish-descent to indigenous names, Italian and eastern-European ones. The handwriting suggests all levels of instruction and social class—from sure-handed signatures to timid scribbles, and even whole families' names carefully written out in the same script.

<sup>31</sup> "Morales, Onofre s/ ejercicio ilegal de la medicina" (and other attached documents), Leg #1075-46881 (AHP-RN, JL).

<sup>32</sup> The original reads: "Que Morales no le ha prescripto medicamento alguno ni le ha cobrado, dejándolo a la voluntad de las personas pudientes y que lo quieran ayudar, como él lo hace con aquellas personas que recurren a su mentalismo."

According to the testimonies his remedies consisted of a very precise combination of water and faith. For example, Antonio Sánchez, a Spanish-born forty-year-old farmer with twenty-five years in the country, shared the story of his ten-year-old daughter, Isabel, who was forced to constantly travel to Buenos Aires for operations due to a severe throat condition. Despite the treatments, Isabel found herself in a lot of pain and had been told she would need at least two more costly procedures in Buenos Aires. Morales (whom Antonio called in) recommended a treatment based on a succession of hot and cold baths throughout the week, which the father believed completely healed his daughter without any surgical intervention.<sup>33</sup> Similarly, an Italian immigrant, Carlos Basich, testified about his wife's debilitating ailment which persisted despite taking numerous medicines. Morales recommended she try a succession of hot and cold baths after which she felt her state improve.<sup>34</sup> Morales recommended a similar cure to another patient suffering from severe rheumatism in his legs and the patient also healed in response to the hot and cold baths. In all the cases, Morales told the patients "to have faith" while his "mentalistic" powers worked to heal them. Sometimes Morales did not need water to work his miracles. Jorge Fedie recalled that his wife Maria Veiga had been ill and under the care of the local physician (Dr. José Nebbia) but her condition did not improve. After examining and talking to her for a while Morales determined that "there was nothing wrong with her" and that if she *believed* she was cured, she would be. He told other patients to have faith, and to constantly think about healing, until they eventually were. These kinds of miraculous spontaneous healings had turned Morales into a local celebrity, and it was not the first time.

When police harassment had forced Morales to move out of General Roca the previous year, his patients in town were outraged. Several of his neighbors took action: in November of 1933 they sent a petition to Governor Adalberto Pagano demanding that the government stop persecuting Morales, who they considered "a mentalistic, not a quack" (an important legal and epistemological distinction) and an asset to their community.<sup>35</sup> In their letter (a text riddled with spelling mistakes and "folkisms" that was primarily penned by one of the neighbors, Bernardo Santos) they provided an argument for Morales' innocence, offering the precedent of a similar case while also wrestling with the moral merits of Art. 208. It was a makeshift legal brief challenging the state's understanding and application of a law, which also attempted to exculpate him from each possible violation of the provision of the law.

In the opening paragraphs of the petition, Santos contended that "to advise a desperate or disillusioned patient on ways to mitigate physical pain is not quackery [...] to morally and financially help those in need is not illicit trade, nor does it invade the jurisdiction of the sciences."<sup>36</sup> Conscious of the subtle points of the law, he claimed that Morales not only *refused*

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<sup>33</sup> He ordered the child be bathed with really hot water on Sunday and very cold water on the six subsequent days.

<sup>34</sup> In this case he ordered her to take hot baths on Sundays, and cold baths on Mondays, for three consecutive weeks. Once again, Morales did not charge for his services or prescribe any sort of medication.

<sup>35</sup> The original reads "quien es un mentalista y no un curandero."

<sup>36</sup> The original quote reads: "...dar consejo a un paciente decepcionado o desesperado sobre modo de mitigar los dolores físicos (sic), no es ser curandero...Ayudar moral y pecuniariamente al que necesita (sic), ni es ejercer (sic) un comercio prohibido, ni con ello invade jurisdicción en el campo de la ciencia."

to charge his patients but he gave them money when he thought they needed it more than him. The letter continued to present Morales as a selfless servant of the community, since “patients that appeal to Morales not only bring to him their ailments, but also bring their saving faith in this humanitarian man who knows nothing of selfish calculations, nor cares for profit [...] he does not advertise, and never charges, accepting only the complete gratitude of those that are helped or saved by their faith.”<sup>37</sup> The author of the letter attached an article from the local newspaper discussing the notorious case of Yrina Silva viuda de Figueredo, a faith healer from a nearby town in Avellaneda county, who was freed from custody when the local police admitted that her activities did not violate Article 208. The petition concluded with twenty pages of tightly packed signatures representing (once more) a cross-section of the rural population of the region, who supported the work that Morales had done in their community.<sup>38</sup> This letter went further than the one written by Susso’s supporters, since it moved well beyond simply expressing outrage against the actions of the state and attempted to match, like a shadow-boxer, the movements of the state against the healer.

Despite the testimony of the patients (which agreed that he did not prescribe medicine, never charged for his services, and had not caused any harm to them) and Santos’ petition the previous year, the police of Villa Regina felt that he had “robbed his patients of the *rational* assistance provided by licensed individuals” and sent him to Viedma’s public jail.<sup>39</sup> To determine his ability to post bail the local police made an inventory of his goods and concluded that he had no assets to seize, echoing the assessment made earlier by the police who described him as having a “humble” physical appearance and social standing.<sup>40</sup> Morales’ apparent poverty underscored the charitable nature of his endeavor; instead of charging for his cures, he accepted a wide variety of items as tokens of appreciation, including “cigar boxes, casks of wine, chickens, crates, favors, and an occasional cash gift.” Patients from “all over the region” came to Morales’ home, which often was “full of people” seeking the kind of help he had demonstrated with “several significant cures...in every town in the valley.” His reputation as a charitable healer echoed the perception of him that emerged from the Santos’ petition (which was attached to the file during the investigation). When the case finally arrived at the judge’s office, the prosecutor determined that there was insufficient evidence to charge him with the crime and recommended the immediate dismissal of the case.

The outpouring of public support for Susso and Morales suggests an affinity between these healers and the population they served. They provided a service in the absence of more

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<sup>37</sup> The original reads: “los pacientes que recurren a la casa de Morales, llevan además de sus dolencias, la fé salvadora en este hombre humanitario que no sabe de cálculos egoístas, ni de comercio [...] no hace propaganda, no cobra y solo recibe agradecimiento en sus múltiples aspectos de los mejorados o salvados por esa fé.”

<sup>38</sup> A quick estimate of the 20 pages of signatures returns about 550 signatures, quite a significant number for this kind of petition. The letter forced the governor to request an investigation which resulted in a series of disjointed testimonies from people who had signed the petition. All the information gathered from this investigation was later forwarded as an attachment to the case against Morales in Villa Regina.

<sup>39</sup> The original reads: “sustrayendo a los pacientes a la asistencia racional dada por las personas con título.”

<sup>40</sup> The original police report dryly stated: “aspecto: humilde/ condición social: humilde.”

established medical options (although the continued police attention that some of these men encountered suggests that *someone* was unhappy with their activities, possibly the accredited doctors). By refusing to charge a standard fee these healers not only made their services available to the poorer people in their towns but also avoided conviction. It is nearly impossible to ascertain to what extent their unorthodox healing techniques actually cured the patients—and how much they simply “felt better” despite still being ill—yet the healers gained legendary reputations across the region.

Although they represented the anti-scientific “social type” that Ramos Mejía had imagined when crafting the law, they seemed to operate beyond the reach of the law, as part of the community and not as outsiders. In many ways it was their informal, familiar manner that made them so accessible to settlers and so “slippery” for law enforcement agents. Regardless, at the national level, critics continued to denounce these kinds of healers, demanding stiffer sentencing and believing that the “insignificant punishments” levied against them nationwide had failed to stymie this “plague.”<sup>41</sup> The mounting attack, at a national level, on esoteric healers through the 1930s increasingly reflected the medical establishment’s concern with shoring up its own “scientific authority.”<sup>42</sup> In Patagonia, these broader concerns by the medical community ran into the complexities of the “skeletal state” arrangement, where legitimacy from a title and state institutions had less sway than the legitimacy of popular support.

### **Conflict at the edges of medicine: medical professionals negotiate the law**

One of the key provisions of Art. 208 punished individuals “who exceeded the limits of their authorization” to practice medicine. This particular restriction was strategically used by Patagonian doctors to fend off rivals and settle scores with other certified professionals. This restriction had peculiar consequences in a sparsely populated frontier zone like Patagonia, where physicians often served several towns simultaneously. The scarcity of doctors forced settlers to rely not only on *curanderos* and faith healers for medical advice and treatment, but also on pharmacists and other health professionals who were on the margins of the restrictions of Art. 208. Consider that, in a 1909 survey of the territories, the government could only identify one medical professional in the entire Neuquén Territory, and six in the Río Negro Territory (one medic, two pharmacists, and three midwives).<sup>43</sup> By 1940, a similar survey revealed that Neuquén boasted fifteen medical professionals and Río Negro fifty, but in the interceding years, “legitimate” doctors and “other” medical professionals worked alongside each other in a somewhat symbiotic relationship.<sup>44</sup> Occasionally, when disputes arose rival legitimacies of community and title came to the fore to show doctors exactly how the population felt about them.

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<sup>41</sup>Bubello, *Historia del esoterismo en la Argentina*, 129.

<sup>42</sup>Bubello, *Historia del esoterismo en la Argentina*, 141.

<sup>43</sup>Di Liscia, “Imaginarios y derroteros de la salud,” 56, 65.

<sup>44</sup>Di Liscia, “Figures and problems,” 262.

Pharmacists served a dual role in the towns in which they operated. Not only were they in charge of selling over-the-counter medicines, supplies, and filling prescriptions, but they also offered their customers rudimentary medical advice and first aid. This second role got Francisco Pagano Vivancio, the apothecary of the city of General Roca in the early 1920s, into trouble for constant *curanderismo*. Vivancio's activities had been common knowledge for the four certified doctors in General Roca: Álvaro Sellanos (a thirty-six-year-old Uruguayan surgeon), Isaac Aday (a twenty-eight-year-old surgeon), Félix Navarre (a thirty-two-year-old surgeon) and a person referred to in the documents simply as "Doctor Dengler." Álvaro Sellanos, who had arrived in General Roca in 1923, had developed a "personal enmity" with the pharmacist, leading the two men to "barely talk to each other" by mid-1924 after a complaint by the doctor against Vivancio had been ignored by the police.<sup>45</sup> That incident had convinced the doctor that, since the pharmacist had lived in town longer, the police were protecting him by not investigating his activities. Early in 1925, Sellanos closed his practice and moved his family to the town of Tres Arroyos in southern Buenos Aires province—but before leaving he tried once more to bring Vivancio to heel, this time accusing him of contributing to a patient's death.<sup>46</sup>

Julio Mardones, a Chilean day laborer, died shortly after taking a purgative sold to his brother Herminio Mardones by Vivancio. Julio had returned from the countryside indisposed and his wife Rudencia tried to treat him at home, eventually asking Herminio (a thirty-two-year-old Chilean mechanic) to get her a purgative from her trusted pharmacist, Francisco Pagano Vivancio. Herminio did not know nor trust the pharmacist, but did as he was told and purchased the purgative, which did not seem to improve Julio's condition. The next morning, Doctor Dengler was called in but he could not diagnose the patient. The family called Doctor Navarre, who became worried upon discovering that the patient had taken the purgative as it was contraindicated, and potentially deadly. In consultation with his colleague Doctor Sellanos, they decided to submit a complaint against the pharmacist, whom they deemed to have "illegally prescribed" the over-the-counter purgative.<sup>47</sup> He claimed that "in the two years since I have been practicing here I have been able to ascertain, based on the testimony of patients, that many of them had previously *followed a treatment ordered by the pharmacist*. Due to professional courtesy, I have not tried to control these irregularities."<sup>48</sup> He was unable to recall the names of

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<sup>45</sup> That earlier case is not in the Archive. The complaint was either never logged by the police—which would be consistent with Sellanos' later complaint of police complicity—or was never actually *formally* lodged.

<sup>46</sup> "Sellanos, Álvaro, denuncia contra Francisco Pagano Vivancio, por ejercicio ilegal de la medicina." Leg. #872-37352, (AHP-RN, JL).

<sup>47</sup> It is unclear from the sources if they continued treatment at this point, or if Julio's condition was too far gone. The complaint, penned by Sellanos, sat in the police office for weeks awaiting the doctor's ratification, but since he had moved out of town, the police did not seem too eager to get the investigation started. It was not until months later, when Sellanos wrote a long letter to the Governor of Río Negro complaining of the police "cover-up" in General Roca, that the police were spurred into tracking the doctor down in his new practice to ratify the complaint.

<sup>48</sup> The original reads: "en los dos años que llevo ejerciendo mi profesión, he podido observar, por manifestaciones hechas por enfermos que concurrieron a mi consultorio, que *muchos de ellos habían seguido previamente un tratamiento indicado por el farmacéutico* [...]no he querido controlar esa irregularidad por delicadeza profesional."—emphasis added.

any of the patients to which he alluded in his complaint, so the police could not follow up the allegation to corroborate it.

The doctor's testimony, although brief, provides some key details of the dynamics in General Roca at the time. First, Sellano's inability to recall any of the names of the patients he had treated suggests that he had not established particularly meaningful relationships with them, and other cases in the archive provide similar indications.<sup>49</sup> This is in stark contrast to the wide base of popular support that Morales, Susso, and Goñi enjoyed, for example, and will mirror the dynamic between "pioneer-doctors" and "new doctors" in the following section. As far as the poorer residents of General Roca were concerned, the local doctors did not care for them and only treated them begrudgingly, if at all. The second detail pertains to how long Sellanos had been turning a blind eye to the pharmacist's activities. When the doctor arrived in General Roca, he stepped into a situation where Vivancio was already embedded in the community as a reliable source of medical information, supplies, and services, making it difficult to establish his practice in the crowded town. Finally, Sellanos' choice of words—"professional courtesy"—when explaining why he allowed Vivancio's illegal activities to continue, hint at the working understanding in the town with synergy between the doctors (at least some of them) and the pharmacist.

Sellanos' complaint was eventually dismissed, since the judge did not believe that the investigation had offered enough proof of Vivancio's *habitual* practice—beyond the subtle intimations of the doctors' complaint. Sellanos did not help his case as he was unable to provide the investigation with the names of the patients who he knew had visited Vivancio. Had he provided a list similar to the one submitted by the initial witnesses in the case against Filomena, or the faith healers, then at the very least the police would have had to question those witnesses and could have begun to establish whether the pharmacist was a "repeat offender." As we will see in other cases, a more zealous police investigation could have found patients willing to corroborate Vivancio's habitual practice, especially if the pharmacist was as active as Sellanos and Navarre suspected. Sellanos said as much in a letter, bemoaning that the "police authorities, either for *lack of competence, negligence, or in order not to compromise those people who are practicing quackery, have not fulfilled their duties.*" The law was as effective a tool in clearing out competitors as the local police allowed it to be—since the police were not terribly enthusiastic about pursuing this case they did not arrest Vivancio or confiscate his possessions during the investigation as some police did. In fact, for the doctors initiating these cases securing local allies proved crucial to their success.

A similar case that same year reinforces the importance of social connections for pharmacists, especially if they ran afoul of the local authorities. On the island of Choele Choele a physician, doctor Vieron, filed a complaint against Ralph George Jolliffe, an English-born 50-year-old pharmacist, who had sold home-made capsules (*sellos*) to a longtime friend whose

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<sup>49</sup> For example, there is an additional case (#35732, in the AHP-RN, JL) against Francisco Pagano Vivancio, in which he provided first aid to a day laborer, Juan Maldonado, who had been injured while working on the pharmacist's property. During the course of the investigation Maldonado told the police that he had previously been denied attention, due to his extreme poverty, by all the local doctors: they only assisted him after being compelled by the authorities. Maldonado speculated that the resentment built up from that previous experience surely contributed to doctors' desire to punish him (and Vivancio) in this case.

condition deteriorated quickly.<sup>50</sup> When the out-of-town doctor arrived to stabilize the patient, he noticed the capsules and proceeded to lodge a complaint against Jolliffe. The case quickly got tangled up in a series of political disagreements: a key witness was the brother of the town's police chief, who in turn was a "sworn enemy" of Jolliffe, and the doctor who initiated the complaint shared an office in town with the justice of the peace. Despite these complications, the investigation was unable to establish Jolliffe's "habit of quackery" and the prosecutor recommended the dismissal of the case. Crucial to that determination was the testimony of two character witnesses for the pharmacist, who insisted on the Englishman's unimpeachable reputation in town since opening the pharmacy two years earlier. Even modest social networks could help a neighbor with good reputation avoid a harsh punishment.

Dentists also operated on the edges of the legal framework set up by Article 208, as the case between Carlos María Sánchez Antelo and José Brogstein reveals.<sup>51</sup> Sánchez Antelo, a thirty-two-year-old Argentine-born dental surgeon based in San Antonio Oeste, sent a telegram to the National Hygiene Department denouncing the illegal practice of dentistry in the towns along the state-owned railroad (Maquinchao, Ingeniero Jacobacci, and Pilcaniyeu) which came under his jurisdiction. Although he had not confirmed the practice he had heard rumblings from his patients and he offered a list of possible witnesses. Since his complaint implicated the local police chief, his concubine, a local medic, and one of the justices of the peace, the investigation required an outside investigator and unfolded slowly given the distances between locations. Indeed, some people in the area had received some type of dental work from a man named Brogstein. The witnesses, from a Greek merchant (Jorge Calamara), to a surgeon (José Esteban Novoa García), to the pharmacy attendant (Severo La Canale), and even the justice of the peace (Enrique Hansen Seler), all testified that José Brogstein (a thirty-four-year-old Russian dentist, in the country for over a decade) had not *actually* performed any dental work on them. What he had done, the witnesses confirmed, was repair molar crowns, fix dental bridges, and other assorted *mechanical* tasks. The difference between medical care and procedures—on the one hand—and craft work that supplemented medical care—on the other—seemed lost in Sánchez Antelo's complaint, but not on the patients who carefully parsed both activities in their depositions in an attempt to exculpate the Russian dentist.

The investigation uncovered another wrinkle in the case: Sánchez Antelo and Brogstein had had an undisclosed business relationship which ended suddenly before the complaint was lodged. One of the patients, Judge Hansen Seler, claimed that he had paid Brogstein for "mechanical [dental] work" without thinking twice about it since Sánchez Antelo had previously asked Brogstein to take care of such work for all of his patients in town. Brogstein himself

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<sup>50</sup> "Jolliffe, Ralph George- ejercicio ilegal de la medicina," Leg. #803-34354 (AHP-RN, JL)—note: the name of the doctor filing the complaint is alternately spelled as Vuono and Vieron through the file. I picked the latter for consistency.

<sup>51</sup> "Sánchez Antelo, Carlos María—denuncia contra José Brogstein/Bronstein su ejercicio ilegal de la medicina," Leg #1283-56179 (AHP-RN, JL).—**note:** the name of the defendant is changed repeatedly in the file from Brogstein to Bronstein, but since he identified himself with the former spelling, that is the one that will be used here.

confirmed this working arrangement between himself and Sánchez Antelo.<sup>52</sup> Echoing the friendly witnesses he explained that he had “performed much mechanical work,” not actual dental work, and that the work he had done “was referred to him by the dentist [...] in the towns.”<sup>53</sup> He went on to explain his background—trained as a dentist in his native Russia but lacking equivalence for this degree, he turned to craft work in the region while waiting for proper accreditation. Tellingly, the only dissenting witness, Rafael Ana, who offered testimony claiming that Brogstein had performed dental work on him that broke every single provision in Art 208, might have had personal reasons to dislike the Russian dentist.<sup>54</sup> The two men had had some disagreements over money shortly before Brogstein left the region, and he approached the police investigation on his own to add incriminating evidence against his rival.

After the working arrangement between Sánchez Antelo and Brogstein soured, the dentist unleashed the power of the state on his Russian colleague, feigning ignorance as to who he was and what his qualifications were. The investigation itself resulted in Brogstein leaving the area altogether and it allowed another one his former associates (the hotel owner) to include his own incriminating evidence. Although he was never convicted for his practice, Brogstein was faced with the legitimizing power of the state, which automatically sided with the authorized doctor overpowering the Russian’s carefully crafted network of local allies. Brogstein operated in a gray area on the edges of medicine making a living under the patronage of the accredited local doctor, yet his situation became precarious when the patron turned on him.

The flip side of this vertical, hierarchical social relationship is the horizontal relationship between the accused physician and the patients he attended. In this case, all of his patients made the apparently trivial, yet legally crucial, distinction between medical practice and mechanical work—this is not insignificant, as it reveals a certain amount of legal shrewdness among Patagonian settlers. Ultimately, cases brought by doctors against pharmacists and dentists had straightforward solutions—as long as the accused could prove that their role was ancillary and had some allies, they could avoid conviction. When doctors would consider the work of *other* scientifically trained doctors a threat to their practices the battle lines became less clear, and the investigations messier and more comprehensive as the cases in the final section illustrate.

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<sup>52</sup> It took the investigation several weeks to get Brogstein’s deposition, since he had relocated to the Territory of Chubut shortly after the initial complaint was lodged by Sánchez Antelo—perhaps trying to avoid any legal troubles after their professional relationship soured.

<sup>53</sup> The original quote reads, as he is explaining how he worked with mechanical repairs while awaiting his certification: “que en ese sentido ha efectuado muchos trabajos, que le eran enviados por el odontólogo que trabaja en toda esta línea...” (emphasis added).

<sup>54</sup> Rafael Ana was the Italian-born owner of the hotel in Maquinchao which Brogstein used as an office. Ana recalled once being treated by Brogstein, who told him he was a dentist, then proceeded to examine him and extract a tooth, charging him for the operation. His testimony depicted a highly damning textbook case of “illegal practice of medicine.” Brogstein appeared to have misrepresented himself, executed a medical procedure and charged for it, fulfilling all the key provisions in Article 208. In his deposition, the Russian physician denied the whole situation, instead suggesting that Ana’s testimony was influenced by a recent squabble between them, as they could not agree on the payment for the rental of Brogstein’s office in Ana’s hotel.



### **Territorial wars: doctors against doctors**

On a few occasions, the persons accused of the illegal practice of medicine turned out to be doctors themselves. Like the cases in the previous section, these complaints hinged on the “exceeding their authorization” provision of Article 208—when a town doctor trespassed onto another’s territory. These professional rivalries divided communities, forcing everyone to take sides and leaving behind a long trail of disruption. Issues such as personal animosities, prior working arrangements, control of rural areas, private contracts with *estancias* and government agencies, as well as the often-impossible distinction between domestic and professional space, made these cases deeply personal for those involved. Consider, for example, the case that embroiled the town of General Conesa and the nearby sugar-beet mill Ingenio San Lorenzo when the town’s longtime doctor, Juan Manuel del Olmo, retired without a clear successor.

In 1934 the town of General Conesa, in the lower Río Negro valley and halfway between the island of Choele Choel and the regional capital of Viedma (which is about 100 kilometers to the southeast, along the river), was riled by the dispute between Arnaldo Dobrenky (a thirty-one-year-old Russian medic who had been living in Argentina for twenty-two years) and Abraham Feintuch (a thirty-four-year-old recently immigrated Polish medic).<sup>55</sup> Dobrenky complained that Feintuch had come to the hospital he administered looking for surgical supplies, which he needed to continue operating on patients in town illegally, according to a nurse. In his complaint he alluded to several violations by the Polish immigrant, but asked the police to focus on a single case: Feintuch had operated on Casimiro Ambrosio Gonzales, a thirteen-year-old suffering from inflamed tonsils, with materials procured from the local pharmacist, Eduardo Leiva (a forty-eight-year-old Spaniard, who had lived in the country for twenty-two years). He requested that the police investigate such irregularities and find a way to stop them.

Unfortunately for Dobrenky, the story he constructed was swiftly dismantled by the witnesses he himself offered up to the police. According to Casimiro and his father, Jesús Gonzales (a Spanish-born merchant, who had spent half his life in Argentina), the operation was not performed by Feintuch, but by Doctor del Olmo shortly before leaving. They noted that the Polish doctor had sat in the room during the procedure, shadowing his older counterpart from a safe distance. Similarly, Leiva (the pharmacist) testified that he had provided Feintuch with anesthetics in the past at the behest of del Olmo, and had assumed that the Polish doctor was certified given his closeness with the older doctor. Dismayed at the news that he had potentially abetted Feintuch in a crime, he told the investigator that he would desist from supplying him in the future now that he was aware of the confusion. An attempt to have the thirteen-year-old patient examined by “impartial experts” failed as almost everyone with medical knowledge in the small town was directly implicated in the case, and those who were not recused themselves as well, unwilling to get involved in the fray. After deposing the patient, the father, the nurse, and the pharmacist, the investigation had run out of leads and the case seemingly stalled.

Even without a conviction, Dobrenky’s complaint had already managed to disrupt Feintuch’s parallel practice (as far as it existed) by poisoning his relationship with the pharmacist

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<sup>55</sup> “Abraham Feintuch—ejercicio ilegal de la medicina (Art.208-Inc.1ro Código Penal),” Leg. #775-32778 (AHP-RN, JL).—the index to the judicial archive in Viedma suggests that both men had a fondness for litigation, as their names reappear often in cases brought by them against the state to ensure payment for their professional services.

Leiva. This delegitimization had been in the works for some time, in fact. A neighbor, Alfredo Prietaprana, who moonlighted as a regional correspondent to the Buenos Aires daily *La Nación*, had tried to influence national opinion against Feintuch. He had campaigned in the press against the appointment of Feintuch as the doctor for General Conesa, claiming that since he was a “foreign doctor” he was essentially an *illegal* doctor. A few weeks before the complaint he urged the Hygiene Department to appoint a “national doctor” instead, namely Dobrenky.<sup>56</sup> As a close friend of the Russian doctor, Prietaprana extended his network beyond the local confines of Conesa and onto the national stage through the press in an effort to influence the Hygiene Department’s decision. Prietaprana *also* moonlighted as a collection agent in the area for a Buenos Aires firm that coincidentally had a dispute with another regional pharmacist, Manuel Palmeiro, who was drawn into the conflict between the two doctors.

Just when the police were about to give up and send the inconclusive investigation to the prosecutor (where it would most likely end up being dismissed), Dobrenky provided a second complaint adding more evidence to use against his rival. The Russian doctor had uncovered a series of prescriptions signed by Feintuch in Manuel Palmeiro’s pharmacy in the Ingenio San Lorenzo, about ten miles downriver from General Conesa, while visiting a patient there.<sup>57</sup> This resulted in a long and convoluted side investigation that concluded with the confiscation of the pharmacist’s prescription logbook (a critical component for him to operate his store) for several months, after the police found a series of irregularities. The owner of the Ingenio, Don Raggio, wrote a letter to the judge demanding that the state return the logbooks to allow the pharmacy to function while successfully petitioning the Hygiene Department for a temporary authorization to operate. Surprisingly, Raggio later withdrew his demand, apologized to the judge for his earlier meddling, and encouraged the investigation to keep the books as evidence for as long as necessary. The confiscation of the logbooks neutralized another key Feintuch ally in the region

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<sup>56</sup> Additionally, Prietaprana is revealed later in the investigation as having assisted a Buenos Aires firm in their efforts to collect on Manuel Palmeiro, the pharmacist from the Ingenio San Lorenzo who was embroiled in the case as it proceeded.

<sup>57</sup> The “Ingenio San Lorenzo” was a bold attempt by Benito Lorenzo Raggio—a young entrepreneur from a wealthy Buenos Aires trading family, with a business background in Switzerland and Italy—to bring agro-industrial development to the lower Río Negro valley, centered on sugar beet cultivation and refinement. It was part of the “Compañía Industrial y Agrícola San Lorenzo Limitada.” The project included expansive beet plantations throughout the valley, the installation of Mercedes-Benz powered water pumps for irrigation, the extension of the railroad line to better serve the Ingenio, even importing from Canada prefabricated housing for the workers of the company. The Ingenio was inaugurated, with much fanfare in 1929, and operated until 1941, when it closed down for good. The end had seemed imminent after an unknown plague ravaged the beet plantations throughout the valley and, following health concerns, Raggio was forced to sell the complex and the new owners dismantled the whole operation. The national government, owing to pressure from sugar cane producers in the northern provinces of Tucuman and Salta, placed severe production quotas throughout the 1930s, dooming this unique attempt to create a labor-intensive industrial center in the central Patagonian plateau. Within a few short years, the beet fields were completely replaced with alfalfa and hay, returning the region to an extensive crop with low-labor requirements, instead of the labor intensive, and much more technical industry built around beets. For more on the “Ingenio San Lorenzo” see the articles in the Río Negro newspaper by Pedro Pesatti (“El ingenio de Conesa”) and Héctor Pérez Mornado (“Hace 80 años nacía el Ingenio San Lorenzo en General Conesa”), both published in May 2009.

as he struggled to find a niche for himself while awaiting word from the Hygiene Department regarding a permanent position.<sup>58</sup>

Back in Conesa, the main investigation was winding down as it sought two critical depositions. Trying to justify his actions and recast himself as something other than a knave and a usurper, Feintuch candidly explained how he had befriended Dr. del Olmo shortly after arriving in town, beginning an informal apprenticeship with him. He proclaimed his desire to learn how to behave as a town doctor given his “interest in diseases, and wanted to internalize the social aspects of the town, since I hoped, once Dr. del Olmo left, to become his official replacement.”<sup>59</sup> Due to “personal inconveniences” he was forced to seek employment elsewhere, and had recently relocated to the Ingenio San Lorenzo where he awaited authorization to legally practice medicine. When the investigation managed to depose Juan Manuel del Olmo in his Buenos Aires residence, he was able to clarify the situation. He said that both doctors had moved to General Conesa after learning of his impending retirement, hoping to replace him. He denied, however, ever playing favorites or designating either one as a successor. He confirmed that he alone operated on Casimiro González providing the key testimony to exonerate Feintuch, and the case was dismissed shortly afterwards.

The legal struggle between the two eastern European doctors exemplified the importance of social networks to the success and failure of these cases, while highlighting their fragility. Besides the local allies (like the pharmacists and the patients for Feintuch, and the nurse for Dobrenky), allies outside of the region showed their power to intervene in the judicial process. The owner of the Ingenio, Raggio, was able to mobilize his influence in Buenos Aires to obtain a temporary authorization for Palmeiro to operate, although the reprieve was short-lived. Dobrenky’s friend Prietapana advocated for him on the national stage helping to buttress his

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<sup>58</sup>The side case centered on Palmeiro’s prescription book (where he would note the movement of his inventory and cross-reference it with the prescriptions he collected) which belonged to another person altogether (Sr. Tomasini). The police investigator dispatched an officer to depose the pharmacist (a thirty-two-year-old Spaniard, who had lived in Argentina since the age eleven), who vehemently denied having filled prescriptions for Feintuch. The investigator requested to see the prescription logbook, finding that it appeared “altered,” as several names had been written over or smudged—one of the names that had been altered was that of “Del Olmo” (the retired town doctor). The investigator reported, somewhat incredulously, that Palmeiro justified the damage to the logbook as a “lemonade-related accident.”

The investigator also found irregular prescriptions logged for an out-of-town doctor (Dr. Carlos Nozzi—who also appeared to have owned the logbook before Palmeiro) and proceeded to sequester the logs as evidence in the investigation, which essentially shut down Palmeiro’s pharmacy since he could not operate without a valid prescription book. Although the situation *appeared* highly irregular, the investigators were able to make sense of it, tracking down the previous owner of the prescription book (Carlos Nozzi, who lived in the province of Buenos Aires at the time, and was an Italian pharmacist who had spent half of his fifty-six years of life in Argentina) who explained that he had run the pharmacy in General Conesa until 1924, when he sold the prescription book (basically “the pharmacy”), which was subsequently re-sold to Palmeiro. The investigation kept the book for over nine months nonetheless, returning it to the pharmacist when the case was finally dismissed, allowing him (supposedly) to resume his operations in the “Ingenio.” Interestingly enough, Palmeiro and Nozzi had a legal dispute a year earlier over overdue rents and other financial matters (Leg#581-23735, AHP-RN, JL)

<sup>59</sup> The original quote reads: “interesarse de las enfermedades y todo aquello que socialmente pudiera tomar del ambiente de este pueblo ya que esperaba, ausentado el Dr. del Olmo, ser su reemplazante oficial.”

claim as the town's official doctor, and had a contentious relationship with Palmeiro as well, complicating the intersecting patronage and loyalty networks.

The case reinforces the ways in which complaints that did not lead to convictions still disrupted the lives of the accused and their allies while enabling the resolution of underlying, simmering social conflicts. Palmeiro ended up being the only person suffering any sort of punishment during the investigation, as he was forced to cease operations when the police sequestered his books and appeared to lose the support of his employer, Raggio, who backtracked from the earlier intervention. Dobrenky's simple act of lodging a complaint against a rival unleashed a series of events that harassed and neutralized Feintuch's allies and forced him out of town to the nearby Ingenio. The investigation into the complaint and Dobrenky's dogged pursuit of it, essentially made his rival's professional life impossible in town. The success of the state's coercive apparatus preceded the resolution of the case itself; simply by investigating a complaint, the state agents made the presence of the state felt in these small towns. In this case both men appear to have arrived to the region at the same time, and their local support networks were equally well established. How would this kind of conflict play out when one of the two rivals had deep roots in the community and a massive support network to summon in an effort to stop the judicial process and delegitimize his accuser?

One of the most systematic attempts by a newcomer to eradicate a rival occurred in the town of San Martín de los Andes, in a remote valley deep in Andean lake country. The case began when newly-arrived Ernesto Luis Núñez, a thirty-one year-old surgeon, initiated a complaint against Rodolfo Koessler, a "foreign national" practicing medicine in the town without proper accreditation.<sup>60</sup> Núñez set up the core of the complaint in a letter to the police: "as the *Comisario* is well aware, [Koessler] has been appropriately notified that he is forbidden from practicing medicine since the town has received a Nationally Certified Doctor on 15 February 1932, [...] and that the authorization that he had expired, or lapsed, in January of 1932."<sup>61</sup> Núñez listed a series of patients whom Koessler, who had been sole doctor in the region during the previous decade, had treated in what was now "his district." The complaint painted a picture of a young physician struggling to establish himself in a town because an older doctor continued treating patients, refusing to abide by the directives of the Hygiene Department. Núñez provided a staggering amount of evidence for the police to start their case against Koessler, offering names of patients, potential witnesses, the treatments and procedures done by the illegitimate doctor, as well as the dates on which the transgressions occurred. The police began their investigation immediately, and Núñez quickly learned that he had taken aim at a local legend-in-the-making who would not allow the accusations to stand unchallenged.

Koessler's story echoed that of many settlers to the Patagonia who came to the region serendipitously, only to transform the region and be transformed by it. Rodolfo Koessler and his

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<sup>60</sup> "Núñez, Ernesto- denuncia contra Doctor Rodolfo Koessler por ejercicio ilegal de la medicina." Leg# 1932-1309, f.630. (AJL-TN)

<sup>61</sup> The original reads: "que es de conocimiento del Señor Comisario, que la referida persona ha sido notificada oportunamente por la autoridad correspondiente, de que le quedaba prohibido el ejercicio de la Medicina por haberse instalado en San Martín de los Andes un médico Nacional el 15 de Febrero de 1932...que la autorización que gozaba Rodolfo Koessler quedó caduca o vencida en el mes de Enero de 1932...que dicha autorización no le fue renovada."

wife, Bertha Igl, met in their native Bavaria and were married soon after in Geneva.<sup>62</sup> Rodolfo had studied medicine in Germany, while his wife worked as a nurse for the Red Cross. After the Great War, they migrated to Argentina to fill a job opening in the German Hospital in Buenos Aires. In 1920 the Koessler family moved to San Martín de los Andes (at the time a logging town of merely 200 people) at the insistence of Enrique Schroeder, a German-born administrator for one of the large *estancias* in the area. Schroeder was concerned with the lack of medical options in the southern half of Neuquén and recruited the young couple to settle there during a trip to Buenos Aires. Koessler was professionally trained as a surgeon and quickly became an all-around town doctor, serving as the ophthalmologist, dentist, obstetrician, pediatrician, and pharmacist, often traveling on horseback for days to reach the more isolated *estancias*. In her biography of her husband, Bertha artfully illustrated the couple's adoption of their new environment with her nickname for Rodolfo: the "witchdoctor" of the Lanin ("*Medizinmann am Lanin*" in German, and "El *Machi* del Lanin" in Spanish).<sup>63</sup> He built a reputation as a public servant, treating patients even if they could not afford his services.

Besides developing his medical practice the couple became deeply intertwined with the broader frontier community. They slowly transformed an abandoned country store building on the edge of town into an eighteen-bedroom practice, with several specialized clinics and boarding rooms for patients from out of town.<sup>64</sup> Bertha used her training as a nurse to help with the patients, and in her spare time she collected stories from their indigenous patients, eventually publishing a well-known ethnography of the Mapuche people ("*Cuentan los Araucanos*"). Rodolfo actively participated in the town's public life; he served on the *Comisión de Fomento* at least three different times, even serving as the vice-president for a two-year period. In many ways, the couple embodied the emblematic, archetypical immigrant "pioneer" of the early period of Patagonian settlement. They were the kind of "pioneers" that dominated their towns with their can-do attitude, resourcefulness, and ability to generate social capital through their wealth and charity (much like Primo Capraro, discussed in Chapter Five). Unbeknownst to these "pioneers" the world they had built was coming to an end as the Great Depression coincided with a period of heightened state presence in the early 1930s, and the arrival of new settlers (people like Núñez) began to transform the Patagonian frontier, bringing with them a different set of ways to garner and deploy social capital.

The police took the complaint seriously and within a week the investigator had identified and deposed most of the people mentioned in Núñez' complaint, but quickly realized that their job was only beginning. In his deposition Koessler surprisingly volunteered additional names of patients who he treated in the months since the arrival of Núñez, at once admitting the facts of the case, and expanding its scope, as he offered his own interpretation of the events. Koessler's rebuttal replaced the narrative initially presented by Núñez with an unflattering portrait of an

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<sup>62</sup> The wedding was held in secrecy, since she was of noble birth, Lutheran and older, while he was a young Catholic, of common birth.

<sup>63</sup> Lanin is the name of a massive volcano that dominates the area's landscape. Bertha Koessler-Ilg, *El machi del Lanin: un médico alemán en la cordillera patagónica* (Buenos Aires: El Elefante Blanco, 2003).

<sup>64</sup> San Martín de los Andes would not have a public hospital until the 1970s, even as it did open an emergency room later that decade.

uncaring, unprepared, and petty urbanite, ill-suited for the life of a frontier-town doctor. The sprawling testimonies, as well as the constant back and forth between the physicians, shifted the investigation from *whether* Koessler saw any of the patients to *why* he did.

Koessler's defense blended into a counterattack, as the German doctor attempted to disqualify his rival. He advanced three interrelated justifications for his continued role in San Martín's healthcare management: sick people were going untreated due to Núñez's lack of flexibility, the new doctor had asked him to help out with some patients he, himself, was unqualified to assist, and some patients' care in the frontier transcended the jurisdictions and limits imposed by the Hygiene Department. His deposition and the testimonies from both sets of witnesses filled in the details of what had been an awkward, contentious transition for everyone involved.

Koessler charged that Núñez was known to regularly “deny assistance to sick people without resources, even in serious cases that required immediate action.” He contrasted Núñez' reputation in town with how “*the people in this county, regardless of social status, know me as an utterly selfless doctor* who attends to the wellbeing of the entire population, to which I have provided my professional services for over ten years.” One of the witnesses deposed was Tomasa Catalán de Pelletieri, a forty-year-old widow from Chile living in Argentina since the age of two, and who had been cited in Núñez' original complaint. Tomasa had sought first aid attention in Koessler's home, after being unable to get Núñez to assist her. She recalled having jammed a needle in her finger while sewing and unable to pull it out herself, had sent one of her four children to get Doctor Núñez for assistance. Ten hours later he showed up, proclaiming as soon as he walked through the door, “I'm here unwillingly,” appearing to be “annoyed.”<sup>65</sup> He proceeded to surgically remove the needle while cursing rudely—Tomasa even complained that he showed “a cruelty that knows no boundaries.” After bandaging her finger, Núñez told Tomasa to stop by his office during the next couple of days to get the wound redressed—but when she did, he refused to help her unless she had money to pay for her treatment up-front. She tried bargaining with the doctor, promising to pay once she healed and could afford it. The doctor, however, remained steadfast, sending her home without treatment. Unable to sleep from the pain and fearing the wound was infected, she went to Koessler's house to relay the story to him. He proceeded to sanitize the wound, redressing it, without charging her at all. Koessler agreed to help Tomasa since it appeared to him that this was an emergency, and as Núñez refused to help her until she had money to afford it, she would have remained untreated.

Although Tomasa's case was the most dramatic, she was not the only unhappy patient who literally could not *afford* to make Núñez her medical provider.<sup>66</sup> Apolinario Vera, a Chilean farmer who moved to the region at the age of ten and had lived there for over three decades, testified that his pregnant wife, too sick to leave her bed, had needed medical treatment but Núñez had refused to provide a house call for free. Apolinario then appealed to Doctor Koessler, who attended his wife at home without charging the couple due to their “extreme poverty.”

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<sup>65</sup> The actual quote reads: “...concurrió a su casa el nombrado facultativo quien al ver a la diciente le expresó estas textuales palabras ‘*vengo de mala voluntad*’ sin antes haber saludado ni propuesto palabra...”

<sup>66</sup>In Koessler's list of additional patients he had treated since the arrival of Doctor Núñez he included several with similar stories of the new physician's apathy, which reinforced his argument for intervening, since not doing so threatened the wellbeing of the population.

Similarly, Victor Marangelo (a Chilean cattle-breeder from the edge of town, and a resident of Argentina for thirty-two years) fell off a wagon badly spraining his shoulder, and was unable to pay for an emergency consultation with Núñez (who even inquired without much tact about what goods, or livestock, he would be willing to part with in exchange for medical treatment). Marangelo got permission from Núñez (who allegedly conducted the entire negotiation from his own bedside, unwilling to get out of bed to deal with the injured patient) to seek help from Koessler, who treated him free of charge.

Beyond establishing his “charitable” work, Koessler provided the investigation with cases in which he assisted people either in collaboration with Núñez or after a referral from him. The most significant of these cases was that of the infant Gabriela González, who was treated by Núñez for about four days, according to her father Juan González Vera (a fifty-eight-year-old farmer from Chile, living on the impoverished outskirts of San Martín). Núñez diagnosed her with an infected kidney and possible appendicitis. He decided Gabriela needed an operation but he did not have the required equipment, providing the parents with an *esquela*—a brief written permission to seek medical treatment from another physician.<sup>67</sup> The family asked Dr. Koessler to come to their house from his office in Junín de los Andes, and after checking the girl he decided that she did not have an infected kidney after all. After treating the child for severe indigestion she was completely recovered six months later. Similarly, when Daniel Sandoval (a forty-seven-year-old Chilean farmer, from the agricultural hamlet of Vega de Maipú on the edge of town) fell off a wagon and dislocated his left hip, he asked Dr. Núñez to call in Dr. Koessler, saying that he “felt more comfortable with him,” and both physicians proceeded to replace Sandoval’s hip.<sup>68</sup> Koessler personally took over Sandoval’s care for about five weeks, as he recovered from his procedure.

Another case cited by Koessler involved the unnamed child of Belicario Troncoso, a thirty-seven-year-old Chilean contractor working as a wire fence installer for the *Sociedad Ganadera Gente Grande*,<sup>69</sup> who had lived in the region for over two decades. While Belicario was away on a job his wife (unaware of the arrival of a new physician in town) called Koessler, who intervened immediately since the child had an “urgent pulmonary issue” and Dr. Núñez was out of town—he was in Buenos Aires “for the season.” Actually, during the month that Núñez was absent, Koessler assisted anyone who needed emergency care. Another case during that month centered on Juan Bautista Pacheco, who was treated for a stab wound to his abdomen that had punctured his intestines. The police requested that Koessler assist him so he would not bleed to death while in custody. The German doctor surgically treated the patient in his home, and also lodged him there for 15 days so that Bertha could monitor his recovery—without charging the

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<sup>67</sup>In some uses an *esquela* can also mean a death certificate—I do not think that Núñez issued the *esquela* as an acknowledgement that he could no longer treat the patient, but the wording in the case itself keeps the meaning ambiguous.

<sup>68</sup> The original quotes reads: “tenía más confianza con el Dr. Koessler.”

<sup>69</sup> One of the largest cattle companies in Patagonia, operating in both Chile and Argentina, with a presence as far south as Tierra del Fuego and as far north as northern Neuquén territory. It was formerly known as the Sociedad Ganadera Chile-Argentina. For further information see: Graciela Blanco, “Las sociedades anónimas cruzan los Andes: los inversores chilenos en Neuquén al comenzar el siglo XX,” *América Latina en la Historia Económica. Revista de Investigación* 19, no. 2 (May 2012): 123–124.

state or the patient for the treatment or the care. Núñez confirmed that “during March [1932] I was indeed in Buenos Aires, and as for any patients that Dr. Koessler treated, I do not know, *nor do I care*, about them.”<sup>70</sup> Koessler also claimed that Núñez would refer patients to him (with an authorization slip) when the new physician seemed unsure of the treatment, or when the logistics of a case exceeded the new doctor’s practice. For example, since Núñez did not have the instruments to perform dental extractions, he routinely sent those cases to Koessler’s house to be treated.

Besides issues related to remuneration, referrals, and vacations, another key issue between the two physicians was Koessler’s new practice in a neighboring town, specifically how to handle his long-term relationships, existing contracts, and other personal arrangements in the broader region. He presented himself to the police investigator as “the certified doctor for the town of Junín de los Andes” (27 miles north, in a different county), explaining that he still resided in San Martín, where his wife, home, and other interests remained, forcing him to commute a couple of times a week between the two towns.<sup>71</sup> Koessler argued that “having been the doctor of the people of San Martín de los Andes since 1920 and having earned the trust of the community, it is understandable that though I was only authorized to practice in Junín I would not refuse a friend, a patient, or especially a poor person who—as is publicly known— would not be attended to by the town’s new doctor if they cannot immediately remunerate him for his professional services.”<sup>72</sup> By repeatedly alluding to Núñez’ reputation in town as someone unwilling to help poor patients, Koessler attempted to establish how his interventions were the result of patient’s needs, and how he was continuing to provide a public good.

One of the original names put forth by Núñez as an example of Koessler’s illegal practice was the wife of his good friend Enrique Schroeder. She had come to visit the Koessler family in San Martín de los Andes from their home in the countryside, and while there asked the doctor to follow up on a cure he had performed earlier in his office in Junín. Similarly, the case of Luis Castillo, a peon from the *Establecimiento Ganadero Gente Grande*, who was brought to Koessler’s home to be treated for an emergency since the German doctor had a contract to treat all of the workers from that company. In his deposition, Koessler explained that he had notified the company to send all further cases to his office in Junín instead. This, however, uncovered a deeper issue: how to divide the rural areas. In such a rural and sparsely populated area, how the

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<sup>70</sup> The original quote reads: “en el mes de marzo el declarante estuvo en Buenos Aires y en dicha época el declarante ignora ni le interesa que personas asistió el Dr. Koessler.” This deposition was taken as part of an expanded list of cases provided by Koessler himself that needed corroboration from Núñez. His absence for a whole month in early fall (the beginning of the rainy season) received a slight reproach from the police investigator, who used the word “temporada” to refer to the absence—although the word literally means “season” it can also be understood as a “vacation.”

<sup>71</sup> Interestingly enough, today the access road between these two cities—Highway 234— is named “Avenida Koessler” as it enters San Martín de los Andes.

<sup>72</sup> The original quote reads: “Siendo el que suscribe médico de la población de San Martín de los Andes desde el año 1920 y actuando como profesional de la confianza de los vecinos es comprensible que aun autorizado para el ejercicio de la medicina legal en Junin de los Andes un pueda negarse de veces de ver a un amigo, un enfermo y principalmente a un pobre que—como es sabido y público—no se ve atendido de veces por el médico de la localidad por no poder recompensarle en el acto sus servicios.”



two doctors, each authorized to operate in one of the two towns, would manage to divide up the surrounding areas was not clear. Although Koessler's prior relationship with the *estancias* gave him an upper hand in treating those patients, Núñez quickly began to tour the remote hamlets in his district as part of his regular rotation, suggesting that this particular conflict would be resolved in time.<sup>73</sup> Likewise, after his establishment as the "official doctor" of Junín de los Andes Koessler became the default physician for the police force in that town, assisting them and their family members free of charge. In some cases, those family members lived in San Martín de los Andes, creating an additional jurisdictional problem.

Having established why he felt compelled to treat the patients he had, Koessler even attempted to mount an intellectual challenge to the law itself, pointing out the deeply unfair classist underpinnings of the law. He argued that he practiced medicine according to the dictates of his conscience, performing "what would be legally considered acts of humanity, since there would have been personal tragedies to lament without my attention in certain cases, especially among the needy, who are the most worthy of attention."<sup>74</sup> Much like the faith healers and the pharmacists, Koessler tried to present the legitimacy that stemmed from performing a social good as a more valid certification than the one recognized by the law. Núñez unsurprisingly, did not agree.

Núñez offered the police a final, voluntary deposition at the end of the investigation, almost as a capstone, or final word on the matter. In it, he mocked his older rival, and attempted to restate the particulars of the law for the police. He reminded the investigator (who he perhaps feared was siding against him) that Koessler "openly admitted to treating patients, and that doing so in the name of some holistic link to the population which makes it impossible to refuse, does not exempt him from the crime of illegal practice of medicine... the law is clear in this matter."<sup>75</sup> Núñez took Koessler's strongest defense and attempted to neuter it outright. The police were in the unenviable position of deciding if they ought to detain the only doctor the town had ever known, and a member of the town government, because he helped some patients in their moment of need. Of course, having Koessler arrested was not Núñez' endgame. Rather, it was a warning shot, fired across the prow of an older warship in lieu of an open battle. The representatives of the state understood this well.

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<sup>73</sup> One of the cases in the file provides an interesting twist to this point: Koessler treated a patient by the name of Juan Mestritua, but claimed to have done so out of necessity. The patient was gravely ill and needed emergency treatment, and Dr. Núñez would be absent for the better part of the week, since he was "doing professional work in the hamlet of Lolog." As Núñez took on a bigger role in the rural areas and surrounding hamlets he would absent himself from San Martín, leaving the town in need of a competent "back-up" for emergencies and unexpected patients (a role that had been filled by Bertha when Koessler had had to make similar journeys on horseback in the 1920-32 period).

<sup>74</sup> The original quote reads: "legalmente ha hecho actos de humanidad, por cuanto al faltar su concurso en ciertos casos, hubiese tenido que lamentarse desgracias personales, más en la gente menesterosa, digna de toda atención."

<sup>75</sup> The original reads: "que quiere dejar constancia que la circunstancias que el Dr. Kossler ha hecho pública, de que atiende enfermos por el hecho de estando vinculado enteramente a la población y no poder rehusarse, entiende el declarante que ello no lo exime del delito de Ejercicio Ilegal de la Medicina, pues la ley al respecto es terminante."

After three years of depositions, investigations, and objections, the prosecutor determined that there was not enough evidence of a crime, finally recommending the dismissal of the case in September of 1935. The judicial system in Neuquén opted to steer clear of the squabble between the doctors, hoping that the situation would eventually settle itself—which it apparently did. Núñez became the *Director de la Asistencia Pública* in 1934, and later in the decade helped to usher in the *Sala de Primeros Auxilios*, offering an institutional place for patients to receive urgent care, in replacement of the Koessler family's house.<sup>76</sup> The Sala was designed as the “Delegación Sanitaria del Departamento” in 1934, cementing the institutionalization of healthcare in the region. Núñez continued to run the Asistencia Pública until his retirement in 1954. Koessler retired in 1955, having outlasted his challenger. To commemorate his “relentless work towards the Public Good,” the “people of San Martín de los Andes and the surrounding area” gave Koessler a certificate with over five hundred signatures—San Martín had only 200 residents when he first arrived, and he attended over 3,000 births in his thirty-three years there—which the German doctor proudly displayed in his house until his death.<sup>77</sup>

## Conclusion

Cases against illegal practitioners of medicine progressed through the judicial process in a haphazard manner without much of a pattern as to how they were adjudicated. The conflicts between doctors, patients, *curanderos*, pharmacists, “quacks,” and the state representatives can obscure where exactly power and legitimacy resided in these frontier towns. Seemingly powerful people in respectable rungs of society were unable to compel the police to pay attention to their complaints, like Doctor Sellano's complaints against the pharmacist Vivancio, for example. However, poor folk were not immune from police attention, as the case of María Guzmán exemplified. What can appear as state independence—state agents that were not beholden to any particular social class—was instead a complicated alchemy of judicial flexibility (as the outward expression of incompetence and scarcity) and *dependence* by state agents on different members of society.

The representatives of the state in small northern Patagonian towns had to interpret Article 208's more vague passages to try to establish if a particular intervention fell within the criminal parameters, while also collecting evidence to back that interpretation. That process allowed for two *human* moments to alter the way the rule of law was maintained in the frontier. First, the state agents' own relationship with the accused—either positive or negative— influenced how likely they were to have latitude in their interpretations of the law and the events. Second, the accused's extended social network could attempt to deflect the state's attention by reframing the events in a benign light, or by refusing to add anything of value to the

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<sup>76</sup> Comisión del Centenario y Fundación de San Martín de los Andes, “El Libro de los 100 años, 1898-1998”, (Editorial S. A.; Buenos Aires, 1999), 261.

<sup>77</sup> The certificate reads: “Al Doctor Rodolfo Koessler, en Prueba de reconocimiento y Gratitud por su abnegada labor de Bien Social en 33 años de Ejercicio de la Medicina entre Nosotros, el Pueblo de San Martín de los Andes y sus Alrededores// 27 de diciembre de 1953,” and was signed by over five hundred people. I was unable to find out anything else about Koessler's later life, but in a separate deposition, taken during July 1933, he spoke of the period of time when he was the official medic of Junín in the past tense, suggesting that the situation had changed.

investigation. The tension between these two interlocking networks—networks of patronage and friendship between settlers and state agents, and networks of loyalty and reputation between settlers—dictated how effective the state was at responding to complaints by doctors, and by extension how successful it was at making the practice of medicine legible.

People in vulnerable positions—foreigners, newcomers, indigenous people—had little chance of shielding themselves from the state as the swift judgment against Leopoldo de la Place suggests, or of spurring the state into action, as Álvaro Sellano's failed crusade against the pharmacist suggests. As the main representatives of the state in most communities, the police played a central role in how the state's coercive power was ultimately deployed, especially since judges and prosecutors rarely went against the recommendation from the investigators. This made the establishment and maintenance of good relationships with local police an imperative for accused *and* accusers. When the accuser (sometimes anonymously) got to establish the narrative at the onset of the investigation with help from a sympathetic police force, in the cases against María Guzmán, Filomena Salvo, and Abraham Feintuch, the accused had an uphill battle in their struggle to acquit themselves. With the police (and by extension the state) working against them the only chance these healers had to avoid a conviction came from their social network's efforts to recast the investigation or to stall it.

Often avoiding a conviction was not enough, as the investigation could mete out informal punishments (not dissimilar to how the confiscation of hides was used by police to “punish” merchants during investigations). The deliberate pace of the investigations often penalized suspects before the judge even reviewed the case, detaining them, sequestering their belongings as evidence, and scaring off their allies. These byproducts of a police investigation not only forced the offending party to cease, they also frightened potential patients and reinforced the state-sanctioned legitimacy of the accuser. Some witnesses in the Koessler case mention how, *now that they were aware* that Núñez was the official town doctor, they would call on him when in need. The pharmacist in Conesa, Leiva, similarly expressed that the investigation had clarified Feintuch's illegitimacy for him. The investigations laid bare the social relationship and allegiances in a particular town, as witnesses testified in favor of one party or the other. The majority of these cases mimicked those explored in previous chapters, as agreements between prominent neighbors and police prevailed, while judges and prosecutors prioritized the rule of law over social harmony, and investigations served as *defacto* tools of social control.

In the few occasions when the authorities in Viedma reversed the investigator's recommendation in a case, the common denominator was a concerted popular outpouring of support for the accused. The mobilization in support of people perceived as “public servants,” like Felix Susso, Onofrio Morales, and Rodolfo Koessler, appear to have made an impression on the prosecutors and judges. These cases bucked the trend, as the judicial authorities acted in a manner that made allowances for (apparent) violations of the law in order to maintain the peace, and to preserve the “public welfare” by not incarcerating people who improved their neighbors' lives. The level of success enjoyed by these popular fronts against the state depended on the legal understanding of the people mounting the resistance. The wide range of actions—from merely refusing to contribute to the investigation to openly contesting the finer points of the law—required courage in the face of a police inquisition, as well as some degree of coordination, and even a ringleader. The accused in these cases were in a disadvantaged position in relation to their accusers (either impoverished rural dwellers or doctors without the appropriate backing from the state regulatory body) as their support networks were drawn primarily from the poorer segments of society. This active, ongoing social dimension to the development of an

## Chapter Six: At the Edges of Medicine

increasingly robust state presence in Patagonia underscores the contingent nature of state-formation. The creation and maintenance of frontier order required the careful interplay of social networks, patronage networks, and state action over thousands of individual, highly personal encounters.

## **Conclusion:**

### **Nationalism, Development, and the End of the Experiment**

Between 1885 and 1940, the National Territories of northern Patagonia operated under what I have called a “skeletal state.” By my use of this term I mean to conjure up the image of a thin state, in most ways lacking resources to govern effectively, but one that could be built upon by settlers and made to serve their interests. This kind of state proved surprisingly flexible—partially the result of incompetence, but also because representatives of the state had an interest in both following the law and maintaining harmony. These were sometimes-conflicting goals that incentivized them to pursue flexible strategies to prevent disorder. Settlers learned to use the limitations of the “skeletal state” to their advantage, alternately cooperating, coopting, or clashing with local police, mobilizing wide social networks to appeal to regional authorities, and using connections at the national level to pressure political appointees into action. Through these various interactions with the local, regional, and national state, northern Patagonian settlers became active stakeholders in the success of the frontier state, exercising citizenship and establishing alternate sources of legitimacy based on perceived service to the community. This dissertation has argued that, despite of its shortcomings, and sometimes because of them, a weak state can create strong citizens.

The governance of northern Patagonia required a surprisingly low level of large-scale coercion—nothing like the brutal repression of a labor strike in the Far South in the early 1920s took place in Río Negro or Neuquén. To maintain peace and order in the frontier the administrators of the “skeletal state” relied on practices and mechanisms commonly associated elsewhere in Latin America with the period of Spanish colonial rule, but in a twentieth-century context. Since Patagonia was never truly under Spanish rule these are not *continuities*, but rather *recreations* of colonial practices, borrowed liberally to supplement the shortcomings of the Liberal institutions imposed on the region after the military conquest. State agents at the regional and local level combined as creatively as they could an array of strategies to keep settlers from rebelling, and settlers in turn devised mechanisms to control their unelected government officials. This complex was the result of a layered process in which institutions, practices, people, and traditions took hold in northern Patagonia, creating the “skeletal state” arrangement that was both flexible and predictable.

In Part One we saw how the Argentine government established temporary institutions to administer the National Territories it had conquered from indigenous groups, with the goal of “teaching” settlers how to be republican citizens. Even though the plans to use municipal elections as a schoolyard of democracy fell into disuse fairly quickly, the arrangement allowed enough spaces for Patagonian settlers to practice citizenship in a variety of ways. Using a basic crew of governors, judges, and police officers, the Argentine state was able to keep the peace, avoid major conflicts, and earn the trust of the settlers on the frontier. Regional administrators, hamstrung by lack of funds and infrastructure, attempted to craft policy with scarce resources, using religious institutions and the largesse of settlers to attempt to resolve one of the earliest social crises: indigenous orphans. These resourceful practices continued, in different forms, throughout the period, as neighbors housed most government officials in their private residences, and prominent families were used as repositories for runaways. Positivist legal arguments used to exculpate indigenous suspects, and racist suspicions used to incriminate them, evolved into a

## Conclusion

judicial culture in which settlers, local authorities, and their regional counterparts seemingly negotiated interpretations of the law in an ad hoc manner.

In Part Two we saw how immigrants adapted to, and transformed, those institutions. Chapter Three examined how immigrants from Chile, Europe, and the Middle East brought their own legal sensibilities, and extended social networks, to the frontier. Expanding into the remote hinterlands in search of markets, immigrant merchants established footholds in otherwise sparsely populated areas. They eventually parlayed their economic success into social and political power, rising to prominence in their communities. Despite facing an ambivalent national state, whose policies reflect both a desire to accommodate immigrants and a fear that their autonomy would undermine the national project, immigrants were instrumental in shoring up Argentina's claim to contested Andean valleys. Ultimately, immigrants learned how to use regional, national, and even international social networks to alternately force the "skeletal state" into action and to curb its abuses, as the case of the Chilean Legation illustrated.

Social networks built on business and ethnic relations had an overtly public nature, but they were also nurtured through everyday, private decisions, like those affecting family life, as discussed in Chapter Four. Fathers were confronted with uneasy choices, as their daughters abandoned the home and forced them to either recruit the state's assistance in returning them, or acquiesce to their independence. State agents, on the other hand, had to find ways to follow the law even as they tried to assist battered women and children in escaping abusive patriarchs. The success of settler complaints and attempts to adhere to the law depended less on the slowly changing legal standards of patriarchy, and more on the mobilization of reputation and honor within each community.

Part Three looked at how settlers worked within the framework of the "skeletal state" to effect political change in their communities. In Chapter Five we saw how reputation, and social standing, played a critical role in determining how useful social networks were, especially when they were mobilized to challenge police excesses, or to contest the legitimacy of outsiders. Whether as a tool to spur state actors into pursuing formal and informal investigations, or as a tool to deflect and derail those investigations, residents of small northern Patagonian towns found that their standing with their neighbors affected the *quality* of justice they could expect. From merchants housing police headquarters in their homes, to emergency "General Assemblies" in the desert, to organized collective action against abusive police, to jack-of-all-trades merchants in the Andean valleys building small fiefdoms and demanding respect from state officials, settlers had a complex relationship with the police. Settlers needed the police to keep order and to allow extra-legal arrangements designed to dampen social conflict to endure, while police needed the resources and goodwill of settlers to operate. Federal judges in the territorial capitals, isolated from local arrangements, offered a safety mechanism against the tyranny of expedient arrangements, but only to those who could reach them with petitions and complaints. It was the tension and interplay between these two types of relationships, between prominent *vecinos* and the state, and among *vecinos*, that kept the "skeletal state" arrangement viable.

As these arrangements of patronage and loyalty began to come undone with the arrival of new settlers and more professional civil servants in the early 1930s, the courts still offered a battleground to contest the legitimacy of state-imposed outsiders in frontier settlements—in particular that of newly appointed "National Doctors," as described in Chapter Six. Certified doctors, who had the backing of the law, often found it difficult to mobilize the state's coercive apparatus to enforce the law against beloved folk-healers. And even when they were able to

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secure eager police participation for their crusades against “irrational” healers, the community might band together to stall an investigation, and in some cases even attempt to derail it altogether. Social relations with state authorities and within a community proved to be a powerful legitimizing force for those involved in disputes over medical practices. As Koessler’s case showed, even when someone accused of illegally practicing medicine could fight the charges to a draw, they could not stop the inevitable—by the end of the 1930s more and better prepared federal institutions and infrastructure would become ubiquitous on the frontier, finally bringing the “skeletal state” arrangement to an end.

## Inferences

The example of northern Patagonia offers some striking takeaways. First, the absence of democratic institutions and practices at the regional level—the heavy restrictions placed on the political life of the National Territories were much more onerous than in the Western Territories of the United States, for example, where settlers still elected legislatures and had local political rights—did not result in the establishment of authoritarian rule. The two federal appointees to each National Territory (governor and judge) learned how to limit their own power and actions in order to remain legitimate, often accommodating and compromising to ensure compliance from their subalterns and from the population. Unchecked by regional legislatures, northern Patagonian governors could have become authoritarian figures, but they did not. The appointment of disinterested “political hacks,” former military men, and people without a vested interest in the region’s welfare did not make the office of the governor a “fictional government,” as feared by one early governor. Paradoxically, ineffective and underfunded regional governments failed to develop infrastructure and nurture civic institutions, but their futility did not lead to lawlessness or insurrection, on the contrary, it led to the strengthening of civil society because their very weakness gave civil society more importance.

Judges similarly avoided the “judicial dictatorship” that critics feared when the system was established. Rather than rule in draconian fashion from their isolated perches in the regional capitals, the federal judges managed, and sifted through the opinions and suggestions of, a disparate set of advisors—from local police injecting local sensibilities into investigations, to ambitious prosecutors offering creative interpretations of the evidence. The maintenance of the rule of law on the frontier turned out to be a collaborative effort, and a contested negotiation between the letter of the law and particular specificity of each municipal community. Scholars have noted the centrality of the judiciary in Argentine political life, especially its stabilizing influence in times when democratic principles were abridged and subverted. The prominent role given to the judiciary by the framers of Law 1532 set northern Patagonia apart from similar Territorial Administrations in the hemisphere, particularly the US southwest which had a notoriously weak and incompetent judiciary, embodied by the beleaguered office of United States Marshal. That Argentine lawmakers allowed the judges in the “skeletal state” such a central role signified a quiet preference by national elites, not for the development of a political life on the frontier, but for the establishment of the rule of law (and a private property regime).

Third, the importance of municipally-based political life for the stability of the undemocratic political arrangement in northern Patagonia offers a glimpse into the ways power and legitimacy operated away from the regional capitals. The active role of the settlers in maintaining order in the communities—alternately working with and resisting the actions of the local state representatives—offers a lesson on the ways in which state legitimacy was maintained

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without the resources of a large-scale military occupation. Although historical studies of urban life—its vibrancy, its political fervor, and its byzantine social orders—for Buenos Aires and other large cities in the Argentine interior exist, small towns remain poorly understood. Between 1895 and 1947, the proportion of urban population (those living in towns with at least 500 people) in Argentina skyrocketed from 37% to 62%, according to the 1947 census. As a majority of Argentines lived in the kind of municipalities typical of northern Patagonia during the “skeletal state” studies like this one can shed light into the kind of informal political networks that came to dictate their lives.

## Areas for future research

The development of strong municipal political identities, centered on reputation and social connections outside of the community seem to have been the result of the peculiar administrative arrangement of the “skeletal state,” but the role of the frontier itself in their formation remains unclear. Without reifying “the frontier,” the remoteness, vastness, and isolation of northern Patagonia certainly made the presence of the state less immediate—but a comparative analysis could further our understanding of the role of space in these sociopolitical arrangements. A comparison with Chile’s northern Patagonian counterparts—the regions of La Araucanía, Los Ríos, and Los Lagos—would not only offer a contrast in administrative structures, but also broaden the story of indigenous and Chilean subjects living on both sides of the Andes range.<sup>1</sup> Two big differences between the countries’ approaches to the region seem relevant. First, Chile was more active and systematic in attracting immigrant settlers to their National Territories—and turned their Territories into autonomous provinces much sooner than Argentina did. Second, Chile’s use of reservations to reduce and concentrate the indigenous population after the military annexation resulted in a markedly different social tapestry. Reservations allowed indigenous groups to articulate land claims through a clear legal framework—unlike the inconsistent approach by Argentine lawmakers to indigenous communal ownership—but left them isolated and vulnerable to settler encroachment. Perhaps the forced “Argentinization” on indigenous people in northern Patagonia changed the way municipal life unfolded, as the persistence of positivist legal arguments and the “Ley de Indios” attest. Continuing the work of scholars working on the northern and southern ends of the Spanish Empire between 1492 and 1822, a comparison between northern Patagonia and the US Southwest in the late-nineteenth and early-twentieth centuries could highlight the continuities from the colonial period in peripheral areas, and the role of national governments in shaping these frontiers into “modern” political and social units.<sup>2</sup> The delay by Argentina and the US in turning some of their National Territories into autonomous provinces and states, respectively,

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<sup>1</sup> The idea of a Chilean “northern Patagonia” is absurd—in Chile the label “Patagonia” is used exclusively for the Far South province at the edge of the continent. Regardless, the Chilean regions to the west of Argentina’s northern Patagonia (broadly between Temuco and Chiloé) had similar colonization patterns, and can provide the clearest comparative framework.

<sup>2</sup> For example Donna J. Guy and Thomas E. Sheridan, eds., *Contested Ground: Comparative Frontiers on the Northern and Southern Edges of the Spanish Empire*, First Edition edition (Tucson: University of Arizona Press, 1998), and similarly Cynthia Radding, *Landscapes of Power and Identity: Comparative Histories in the Sonoran Desert and the Forests of Amazonia from Colony to Republic* (Durham N.C.: Duke University Press Books, 2006).



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seemed to reflect a deep distrust by the national elites of ethnically and culturally different frontier regions.

Beyond comparative frameworks, a systematic analysis of the broader range of state agencies acting in northern Patagonia in the 1930s and 1940s (from the individual archives of the National Parks Administration, YPF, the Public Works Ministry, the Hygiene Department, the Labor Ministry, the Armed Forces, to name a few) could deepen the conclusions reached in Chapters Five and Six. How did *vecinos* attempted to safeguard their autonomy as new administrators encroached on their towns? Did the arrival of new regional and national authorities allow for different groups of *vecinos* to gain prominence? The examples of Bariloche and San Martín de los Andes, discussed earlier, suggest so, but how did these processes play out in less isolated communities, like General Roca, or Zapala? Studying the role of these new actors in shaping the arrangement that followed the “skeletal state” could shed light on the eventual transition of the northern Patagonian Territories into provinces, and on the question of who became part of the provincial political elite.

### The end of the “skeletal state” arrangement

Two interrelated developments changed the nature of the frontier in the late 1930s, fundamentally altering political life in northern Patagonian communities: a demographic transformation, and an institutional revolution. The demographic transformation included the arrival of a new generation of settlers, like Doctor Núñez, or the Liga Patriótica-affiliated newcomers in Bariloche, as well as a “second generation” of settlers born in the frontier. The result of this was an increase, in both absolute and relative terms, of Argentine-born population on the frontier. After a high-water mark in the 1910s, the decline of the foreign-born as a share of the region’s total population was steady, reaching less than one in six Patagonians by the 1947 census. In the territory of Neuquén about 12,000 of the 86,000 residents identified as “foreign-born” (less than 15%). The territory of Río Negro had a similar proportion, with about 22,500 foreigners out of a population totaling 134,000. This demographic shift, and the rise of nationalism during the “Infamous Decade,” encouraged immigrant groups either to embrace Argentine identities or become marginalized, as discussed in Chapter Five. Additionally, the new generation re-conceptualized the early *mélange* of Chilean, indigenous, and immigrant settlers as a homogenous *primeros pobladores* (“first residents”), flattening their own past, and in the processes disarticulating the kind of immigrant networks described in Chapter Three. Even more people would move to Patagonia in the 1940s and 1950s, in part because of the improvement in infrastructure that made the region more accessible, and less daunting.

Related to the demographic change, a growing state intervention in the economy at the national level during the 1930s resulted in a deep transformation of the *nature* of the state presence in the region. The worldwide economic crisis shined an unflattering light on the agro-export model that had fueled liberal Argentina, and the Conservative regimes of the 1930-43 period responded to the crisis by strengthening the role of the state in several key areas, including exchange rates, labor relations, production, and trade of key raw materials, as well as a massive expansion of infrastructure (for example, the total length of roadways in Argentina jumped from 2,000 km to 30,000 km between 1932 and 1944),<sup>3</sup> strengthening internal markets.

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<sup>3</sup> Anahí Ballent, “Kilómetro cero: la construcción del universo simbólico del camino en la Argentina de los años treinta,” *Boletín del Instituto de Historia Argentina y Americana Dr. Emilio Ravignani*, no. 27 (June 2005): 107.

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All of these developments affected northern Patagonia, but none more than the expansion of infrastructure. In the fifteen years between 1930 and 1945, Patagonia was “blanketed with National Parks,” new roadways carved the landscape, bridges replaced barges in the main cities, military bases sprung throughout, oil and gas fields multiplied, and mining for coal and iron also expanded.<sup>4</sup> Post offices flourished and the state built border posts in several of the Andean valleys to further institutionalize its presence there. The period also saw an explosion in the construction of monuments—the 60<sup>th</sup> anniversary of the Conquest of the Desert in 1939 saw the commissioning of several statues of General Roca to adorn town plazas in Choele Choel, Bariloche, and Río Gallegos.

Following the roadmap of the United States, the Argentine government in the 1930s promoted integration through tourism.<sup>5</sup> The Agriculture Ministry declared 1937 as “The Year of Patagonia,” prompting journalists, tourists, senators, and other statesmen to visit the region in droves. A certain synergy emerged between the expansion of roadways—as well as the ancillary expansion of the car-enthusiast club, the ACA (Automovil Club Argentino), which published maps and eventually opened service stations and hotels along the highways—the development of the state-owned oil company (YPF), and the growth of National Parks. This new tourist-infrastructure complex stimulated the economy, in particular in regards to the extraction and processing of hydrocarbons, as well as by the construction of roads, bridges, and hotels. Perhaps the clearest example of this was the construction of two parallel north-south National Highways on either side of Patagonia (Route 3 along the coast, and Route 40 along the Andes), which joined the region with the rest of the country. Besides the important roadways, the state finally completed the long-delayed trans-continental railroad joining Nahuel Huapi Lake with the Atlantic Coast, and integrating the region in an east-west access as well.

The tourist-infrastructure complex created by the Conservative regimes effectively made “the road, the hotel, and the tourist the tip of the nationalizing effort” in the frontier.<sup>6</sup> What had been an exclusively elite clientele in the first couple of decades of state-sponsored tourism, became socialized and popularized in the Peronist era, when it served a dual purpose: union-supported hotels (which multiplied in the Andean region slightly later than they had in the Atlantic Coast *Ribera* of Buenos Aires and the hills of Córdoba) offered a democratized social well-being for the working class, while underscoring the “need for a broader knowledge of the country’s geography.”<sup>7</sup> In the populist state, tourism became more than a well-earned right, it became a national duty.

By the end of the 1930s, then, state agencies were managing entire communities in Patagonia. The National Park Administration (NPA) designed and built most of Bariloche’s

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<sup>4</sup> Ernesto Lázaro Bohoslavsky, *El Complot Patagónico: nación, conspiracionismo y violencia en el sur de Argentina y Chile (siglos XIX Y XX)* (Buenos Aires: Prometeo, 2009), 213–17; Pedro Navarro Floria, *Historia de la Patagonia* (Buenos Aires: Ciudad Argentina, 1999), 208–13.

<sup>5</sup> Elisa Pastoriza, *Las puertas al mar: consumo, ocio y política en Mar del Plata, Montevideo y Viña del Mar* (Editorial Biblos, 2002), 21–27.

<sup>6</sup> Bohoslavsky, *El Complot Patagónico*, 217.

<sup>7</sup> Pastoriza, *Las puertas al mar*, 89–106; For an interesting treatment of how tourism was perceived by workers as a “type” of land reform see: Daniel James, *Doña María’s Story: Life History, Memory, and Political Identity* (Duke University Press, 2000), 71–74.

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iconic downtown, including the Civic Center, the promenade and the Cathedral, re-purposing the former agricultural hamlet as the centerpiece of the Nahuel Huapi National Park. The same architect designed a monumental hotel, Hotel Llao Llao, just outside of town, and the state build roadways to connect the town and the Park's attractions, physically reorienting the town. The NPA also administered the land, roads, and urban development of San Martín de los Andes, which bordered the newly created Lanin National Park. The state-owned oil company, YPF (Yacimientos Petrolíferos Fiscales), built and maintained worker housing in Plaza Huincul, Cutral-Có, and Comodoro Rivadavia, cementing and deepening its role in the region. Military garrisons in towns like General Roca, Chos Malal, and Zapala similarly distorted the town's politics, and their economies, as new businesses proliferated to supply the soldiers with food, goods, and entertainment. These state agencies stepped into the institutional vacuum of these towns which had, in the previous decades, been too small to elect their own city council to manage them.<sup>8</sup>

### **Northern Patagonian exceptionalism in the second half of the twentieth century**

Despite the relative failure of the central goal of Ley 1532's National Territories Administration for northern Patagonia—the gradual introduction of democratic institutions as the population matured—the tutelary project yielded some remarkable political developments in the long run. Unlike most Argentine provinces which have historically had one city at the primary economic and political center (the original provinces were created around colonial-era cities, after all), Río Negro developed three urban power centers. Viedma was originally chosen to be the capital because of its proximity to Buenos Aires and the Atlantic Ocean. However, by the early twentieth century it had become less accessible, as the devastating flood of 1899 and the construction of a British-owned railway directly from Bahía Blanca to the upper Río Negro valley isolated it from the rest of the country. General Roca, as part of that early railroad line, was in the most developed economic sector of the province, the fertile upper Río Negro valley fruit-producing areas, and dominated the densely populated area at the heart region. After substantial government investment in infrastructure, the city of Bariloche emerged as the third important urban center in the province in the second half of the twentieth century. Bariloche became the center of a dynamic economy which included a cutting-edge nuclear research institution, a spaceflight research center, an agricultural technology center, and even a short-lived

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<sup>8</sup> Bohoslavsky, *El Complot Patagónico*, 216; Susana Bandieri, *Historia de la Patagonia* (Buenos Aires: Editorial Sudamericana, 2005), 315; For an in-depth study of the role of these state agencies in transforming Bariloche into a tourist center, see: Laura Méndez, *Estado, frontera y turismo: historia de San Carlos de Bariloche* (Buenos Aires: Prometeo Libros, 2010), 190–98, 239–50-- Méndez solemnly summarizes: "the crisis of the '30s concluded a long political transformation...the nation became the owner of the city [Bariloche], while the members of renown porteño families, reaped the benefits" (page 250)"; For a study on the role of YPF as a key broker in the development of oil towns (and for a comparison with how a "private" town fared), see: Susana Beatriz Torres, "Two Oil Company Towns in Patagonia: European Immigrants, Class and Ethnicity (1907-1933)" (Rutgers University, 1995); See also chapter 2 of: Elana Shever, "Powerful Motors: Kinship, Citizenship and the Transformation of the Argentine Oil Industry" (University of California, Berkeley, 2008), for a look at how these developments in the 1930s greatly shaped the towns, and the people living in them, for the remaining decade.

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attempt to create a nuclear weapon, as well as a massive domestic and international tourism industry.<sup>9</sup>

The creation of three competing economic and political centers within one province was done contingently, not by design—but the isolation, precariousness, and exclusion of the “skeletal state” provided the scaffolding for these developments, preventing the Viedma elite from consolidating political power, forcing the upper-Río Negro valley to develop economically but without a political outlet, and creating the need for radical investment to shore up the national presence in the broader Lake Nahuel Huapi region.

The province of Neuquén, on the other hand, did not develop a counterbalance to the primacy of its capital city, but it developed a unique political culture and praxis. The city of Neuquén remained politically unchallenged in the province, even if the discovery of oil and minerals to the west diversified the province’s economy. Mining in the northwestern districts, tourism in the southwestern Andean valleys, wine production along the Neuquén River valley, and paleontological discoveries along the Limay River have made the province a lively economic hub. But these developments have not established competing urban centers away from the confluence area, which remains the most important population center not only in the province of Neuquén, but in the entirety of northern Patagonia. What did emerge outside of the city of Neuquén was a political machine that would rule regional politics for half a century. After becoming a full-fledged province in 1956 the political elite (centered on a powerful Sirio-Lebanese family) developed an ideologically malleable independent political party of its own, the Movimiento Popular Neuquino (MPN), challenging the duopoly of the *Radicales* and the Peronists. As a third party (originally an offshoot of the proscribed Peronist party, but eventually more “regionalist” in outlook) in the national congress, MPN played off of the major parties to create shifting coalitions that ensured steady federal funds for their province. The roots of these divergent democracies can be found in Río Negro and Neuquén’s tutelage during the “skeletal state” period.

The limits of the state’s reach into Patagonia before 1940 created a space for a dynamic civil society to develop, mostly independent from national elites. Their independence meant that when national authorities invested in the region’s economy, they did so without being able fully to count on the regional elite, and without needing to politically coopt it first. This independence forced the national authorities to invest in developing the region’s economy without being able to fully integrate the region’s political elite. Patagonia’s independence and self-reliance for over half a century of neglect made the region *appear* fragile to the authorities in Buenos Aires, who continued to operate under the dual narratives of incomplete incorporation and unfulfilled potential. Much like Minister Bullrich’s impromptu speech when launching a veterinary school, national authorities continued to view Patagonia as precariously Argentinized, and requiring more investment to fully unlock the economic potential of the region. In the eyes of the national elite, the Conquest begun in 1878—the closing of the last internal frontier—has not ended, for they continue to see Patagonia as an incomplete promise, rather than a unique experiment.

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<sup>9</sup> At the same time, the national highway that connects Bariloche and Viedma through the plateau (National Route 23, stretching for just under 400 miles) was, as of 2017, still mostly gravel. Paving of this important national highway began in 1986, with renewed efforts in 1996, 1999, 2004, 2009 and 2011. The irony of exalting government investment in one part of the province while other parts continue to sorely lag behind is not lost.

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