

CRIME, TRUTH, AND JUSTICE IN MODERN MEXICO: *Notes for a National History*

With this lecture by Pablo Piccato, *The Americas* continues its collaboration with the New School for Social Research to publish its annual Lecture in Latin American History. The series features lectures by senior historians in the field of Latin American history across an array of topics. This is the fifth in the series.¹

Historia universal de la infamia, first published by Jorge Luis Borges in 1935, is a collection of stories about despicable characters across world history. Their actions took many forms but their common denominator was infamy, a “surface of images.” Borges wrote, for example, about Tom Castro, the implausible impostor, who after leaving prison gives conferences in which he either defends himself or confesses his guilt—according to the preferences of the audience. He wrote also about the Buenos Aires *compadritos*, who kill their adversaries and “devote their old age to recounting that clean duel.”² This interplay between facts and fiction is the central mechanism of Borges’s book, itself a work of fiction based on real sources. Borges dwelled on the contrast between the unspeakable cruelty of crimes (Billy the Kid’s casual killings, for example), and the careful, almost loving recording and telling of that violence by their authors (Billy the Kid scored 21 deaths, not counting Mexicans). The truth behind those stories was less important than the gloss of their memory.

As I worked on a monograph that was initially meant to be a continuation of my 2001 social history of criminals in Mexico City, I realized that it was impossible to ignore the interplay between facts and fiction that had served

1. This text was first presented at The New School Annual Lecture in Latin American History on March 18, 2015. I thank Federico Finchelstein and Eric Zolov for the invitation and encouragement. The hospitality of the Instituto de Investigaciones Estéticas, UNAM, made the final writing of this article possible. I thank Renato González Mello and Cuauhtémoc Medina.

2. From the 1954 prologue: “la palabra infamia aturde en el título, pero bajo los tumultos no hay nada. No es otra cosa que apariencia, que una superficie de imágenes.” Jorge Luis Borges, *Obras Completas* (Barcelona: Emecé Editores, 1996), 1:307, 338.

Borges in making sense of *orillero* violence in Argentina.³ Impunity had to be incorporated into any effort to reconstruct the history of crime and justice in twentieth-century Mexico, not ignored or dismissed as a gap in the data. The uncertainty associated with the work of the judiciary and the police, which produced the most important sources for that social history, had to be addressed as a historical problem, rather than attributed to an unchanging cultural trait such as corruption. Hence, the truth itself became an object of my project—specifically, the history of the criteria of truth embraced by institutions and those whose debates in the public sphere are concerned with criminals and punishment. The notion that the truth is a historical product did not force me, though, to accept the premise that there is no reality against which the truth could be verified—there are few things more real, after all, than violence—but did prompt questions about the changing ways in which reality made sense to actors in the past. Thus, I could not conceive this project as an exploration of concepts alone, an intellectual history for example. Ideas and practices shaped each other, involving multiple actors beyond intellectuals and the state. Crime and justice revealed their difficult relationship in multiple terrains. These included jury trials and the crime news, both spaces for freewheeling debates about guilt or innocence; the stories of murderers, whose actions and confessions conveyed intricate motivations; and the labor of detectives, who struggled to implement some method in their officious pursuit of the truth.⁴

Between the 1920s and 1950s the languages and themes that allowed citizens to talk about the disassociation between crime, the truth and justice found a coherent form, leaving an imprint that survives today, when the nexus between crime and justice is as troubling as ever. This was inevitably a *national* history because it focused on the infamy of crime *in* Mexico, and also tried to explain the infamy *of* Mexico, that is, the reputation of the entire country as a place where violence and impunity are endemic. My research questions were national because they could not be answered without probing the relationship between politics, media, and civil society; yet, my research focused on Mexico City, where institutions, newspapers, and social actors played a key role in the discussion of justice and the propagation of knowledge about the practices of policing and crime across the national territory.

3. Pablo Piccato, *City of Suspects: Crime in Mexico City, 1900–1931* (Durham: Duke University Press, 2001). The book is *A History of Infamy: Crime, Truth, and Justice in Mexico*, forthcoming, University of California Press.

4. See, on the communicative value of murder, Pablo Piccato, “Murder as Politics in Modern Mexico,” in *Murder and Violence in Modern Latin America*, Eric A Johnson, Ricardo Donato Salvatore, and Petrus Cornelis Spierenburg, eds., *Bulletin of Latin American Research* book series, 2013, 104–125. On crime news, see Pablo Piccato, “Murders of Nota Roja: Truth and Justice in Mexican Crime News,” *Past and Present* 223:1 (2014): 195–231.

The connection between crime, the truth, and justice in Mexico has been contingent and often equivocal. We all believe that there should be a relationship between the three: once institutions establish what happened and who is responsible for a crime, justice must follow with appropriate punishment. In Mexico, that premise is as old as the nation. Yet, during the middle decades of the twentieth century, everyday life was marked by the absence of that sequence. The truth about crimes was often impossible to know and, as a result, justice could be achieved only on occasion, mostly outside state institutions. This observation is not new, of course: it has been a central theme in the country's twentieth-century letters. Intellectuals were fascinated by common people's seeming inclination to commit violence for trivial reasons. Crime news images and narratives were mined by authors who philosophized about national identity, the essence of "*lo mexicano*." In the modern and cosmopolitan perspective of these authors, impunity, violence, and death were features of Mexican popular culture that defined and burdened the nation, and had to be transcended for Mexico to be more closely comparable to the United States and other advanced nations. Crime fiction authors recognized that official justice for the criminal was not a plausible resolution for mysteries set in Mexico.⁵ Although educated observers noticed the prevalence of impunity, few of them explored the specific ways in which it operated. A recent socio-scientific and legal scholarship has done that, but focusing mostly on recent decades and without explicitly challenging culturalist assumptions about the Mexican infamy.⁶

CRIME AND THE TRUTH UNSETTLED

The best critical take on the Mexican disassociation between crime, the truth, and justice is probably Rodolfo Usigli's novel *Ensayo de un crimen*, from 1944. The narrative centers on Roberto de la Cruz, a man who wants to commit a murder whose execution would be like a work of art. "What he wanted," writes

5. See Carlos Monsiváis, *Los mil y un velorios: crónica de la nota roja* (Mexico City: Consejo Nacional para la Cultura y las Artes; Alianza Editorial, 1994); Octavio Paz, *El laberinto de la soledad* (Mexico City: Fondo de Cultura Económica, 1963); and Max Aub, *Crímenes ejemplares* (Madrid: Editorial Calambur, 1991). An important predecessor is Julio Guerrero, *La génesis del crimen en México: estudio de psiquiatría social* (Paris: Vda. de Ch. Bouret, 1901). On crime fiction, see María Elvira Bermúdez, *Cuento policiaco mexicano, breve antología* (Mexico City: UNAM/Coordinación de Difusión Cultural, Dirección de Literatura, 1987), 15–17; and Pablo Piccato, "A Historical Perspective on Crime Fiction in Mexico During the Middle Decades of the Twentieth Century," in *The Oxford Handbook of the History of Crime and Criminal Justice*, Paul Knepper and Anja Johansen, eds. (New York: Oxford University Press, 2016).

6. See for example Wayne A. Cornelius and David A. Shirk, *Reforming the Administration of Justice in Mexico* (Notre Dame, IN, San Diego: University of Notre Dame Press; Center for U.S.-Mexican Studies, University of California, 2007); and Guillermo Zepeda Lecuona, *Crimen sin castigo: procuración de justicia penal y ministerio público en México* (Mexico City: Fondo de Cultura Económica, CIDAC, 2004).

Usigli, “was the truth, the reality of a crime, a crime just as he had dreamed it: gratuitous, perfect—everything else was advertising.”⁷ Yet the novel was not a Mexican variation of De Quincey’s tongue-in-cheek proposition about murder as a fine art. After De la Cruz puts his plans into practice, he expects the validation of the police news and the justice system but becomes frustrated when their ineptitude denies him that recognition. The foolish ambition of the main character allows Usigli to take apart the complicated fabrication of the truth in Mexico: corruption among politicians is a fact of reality, just like the opacity of judicial and police procedures, the sinful allure of hidden night life, or the violent codes of prison society. For De la Cruz, “the reality of crime” means the imprimatur of a judicial sentence but also true publicity, as opposed to the mere “advertising” found in the crime news. Newspapers, however, play a central role in the narrative: they inspire Roberto’s artistic plan, synthesize the action, and ironically reveal the vagaries of publicity. When he finally appears in the newspapers, after confessing to the first murder, reporters describe him as a coarse criminal. After he is exonerated and released from prison, they transform him into a gentleman, the victim of police ineptitude. When he kills his wife, he is again portrayed as a jealous brute, only to be later rehabilitated as a noble criminal of passion. These erroneous depictions exasperate De la Cruz because his work fails to be “registered within the framework of reality by the police, the autopsy and the newspapers.” When Usigli referred to “the truth, the reality of a crime” in the novel, he proposed, and other authors in the genre have agreed, that crime stories, both literary and journalistic, were a key terrain of the interplay between truth and justice in Mexico.⁸ Thanks to their unique ability to shed simultaneous light on the realms of transgression, justice, detection, and journalism, those stories were an everyday version of the interplay between facts and fiction in Mexico that Borges explored with a universal perspective.

As my research evolved through the readings of sources, court cases, police reports, and newspapers, it moved away from the study of discourse and perceptions to that of the evasive reality of impunity and violence. The process forced me to make explicit the connections and contradictions between diverse kinds of documents. I was already aware of the rich possibilities of dialogic sources, as defined by Carlo Ginzburg. Documents containing contradictions are no less useful than those conveying a single voice. Against “contemporary skeptics” who would not go beyond a textual study of those contradictions, Ginzburg argues that historians could embrace that richness of meanings while

7. Rodolfo Usigli, *Ensayo de un crimen* (Mexico City: Secretaría de Educación Pública, 1986), 116.

8. Usigli, *Ensayo de un crimen*, 20, 91, 205. For an analysis that highlights the search for the truth and the role of newspapers, see José Luis de la Fuente, “Rodolfo Usigli busca la verdad: Ensayo de un crimen, antecedente policiaco mexicano,” *Alter Texto* 1:1, p. 27; and Vicente Francisco Torres Medina, *Muertos de papel: un paseo por la narrativa policial mexicana* (Mexico City: CONACULTA, 2014).

preserving the discipline's goal of understanding reality, and its requirement of persuasive evidence as validation for its assertions.

Facing the vagaries of Mexican justice, however, I had to recognize that the parallels between historian and judge that Ginzburg proposed could be valid only within a set of rules that would be hard to fit in Mexican life.⁹ Even Michel Foucault's model for writing a history of truth from a European perspective seemed only partially productive. In proposing a history of truth, of its invention and the methods to investigate it, Foucault opened a useful agenda for research—but only for so long as the truth could be defined within the parameters of his notion of power. The production of truth, according to Foucault, is also the production of “the subject of knowledge.” In contemporary society, he adds, the juridical verification of the truth has become an exercise of power determined by the needs of capitalism. The truth is ultimately an effect of disciplinary control established through penal institutions—the result of an examination of the subjects' behavior rather than an investigation of their actions. Crime itself is part of Foucault's analysis only as a justification for the creation of the law; in other words, crime can exist historically only in contraposition to political power. Violence has no role other than to challenge or serve power. There is no need to look beyond the law to understand the production of the truth because the mere idea that the truth does not belong to political power, according to Foucault, is nothing more than “a great Western myth.”¹⁰

Within the coordinates of that agenda, Luc Boltanski offers a more precise history of the truth for the twentieth century, which he bases on a reading of crime and espionage fiction. In *Enigmes et complots*, he agrees that truth is ultimately verified by judicial institutions, although he places that creation in a framework that is not determined solely by power. Crime, in life, creates a mystery that threatens the fabric of state power; detection, in fiction, restores the integrity of that power by finding the truth. Reality thus maintains its logic and unity. For this to be possible, Boltanski assumes a correspondence between the rules expressed by fiction and the logic of police and judicial institutions. Even in the most politically engaged murder fiction of the 1930s and 1940s, the detective contributes to the stability of the system by solving mysteries and preserving the distinction between public and private in the context of a public sphere dominated by the exchanges between the press and a state

9. Carlo Ginzburg, “Checking the Evidence: The Judge and the Historian,” *Critical Inquiry* 18:1 (Fall 1991): 79–92.

10. Michel Foucault, *La verdad y las formas jurídicas* (Barcelona: Gedisa, 1992). But see Michel Foucault, *Fearless Speech* (Los Angeles: MIT Press, 2001) for the validation of truth in Greek tradition by courage that challenges power.

whose legitimacy still requires critical public support.¹¹ Both Foucault and Boltanski assume that penal and judicial institutions are effective and to a large extent legitimate. Both situate their theses, however critical of institutions, in societies with decreasing crime rates, where the prison is an effective disciplinary institution, and where literary fiction expresses fundamentally conservative views about social order.

Those assumptions could hardly be shared by anyone who knew how prisons, courts, and violence worked in mid twentieth-century Mexico, or who read Mexican crime fiction. In Usigli's novel, truth and reality were, in fact, the product of the intervention of multiple actors, notably the press but also regular citizens, including suspects and victims. This also applied beyond literature, in institutional settings like trials and police interrogations, where different actors argued and negotiated the truth. The state played a part in these dialogues but did not control them, and had only a limited ability to manipulate journalistic depictions of crime. Crime fiction, police investigations, and judicial sentences had a difficult time restoring the fabric of reality. This, however, did not mean that actors had no hope of ever reaching the truth, even if that required the telling of lies.

A similarly complicated balance is explored in *El impostor*, by Javier Cercas, a nonfiction work on the infamous Enric Marco, a man from Barcelona who concocted stories about his participation in the resistance against *franquismo* and his captivity in a Nazi concentration camp until he was exposed in 2005. His lies gave him fame, if not money, in the years after the return of Spain to democracy, a period of heightened public interest in testimonies about the fascist past. Marco's lies were difficult to uncover because they mixed forgeries with truth. He justified those lies as a fiction that served the preservation of a larger truth about the horrors of the camps. But they were still lies, and they undermined the standing of real victims. To those lies in the real world, Cercas opposes those of literary fiction, which can tell the truth in a way that challenges those who would prefer to forget that past.¹² In the terrain of crime and justice in post-revolutionary Mexico historical memory was not at stake, but a similar ambiguity was at play: the official truth of judicial sentences was less truthful than the avowed fiction of detective stories. Police findings did not have enough authority to overrule, in the eyes of Mexican readers, suspects' confessions, however contaminated by self-serving lies, and witnesses' accounts and newspaper articles and pictures were as important for the fabric of reality

11. Luc Boltanski, *Enigmes et complots: une enquête à propos d'enquêtes* (Paris: Gallimard, 2012).

12. Javier Cercas, *El impostor* (Barcelona: Literatura Random House, 2014). Cercas uses fiction to look at a forgotten past in his book *Soldados de Salamina* (Barcelona: Tusquets Editores, 2001).

as science. The history of the truth in such context requires a perspective that is not centered on state institutions, and considers how violence, unmediated by institutions, can also produce the truth.

A history of the truth written in today's Mexico has an inevitable political sign. Walter Benjamin asserts that to account for the past it is necessary "to take control of a memory, as it flashes in a moment of danger." This means holding on to fleeting pieces of evidence that do not necessarily belong to the powerful, and that for that reason can be dangerous because they challenge their lies. Benjamin sees the task of historical materialism, defined in his text as a vision of history situated in the present, to "brush history against the grain." A methodological consequence of this is to consider the role of violence in the production of history. "There has never been a document of culture, which is not simultaneously one of barbarism," he writes.¹³ While the state's claim to a monopoly of violence, according to Benjamin, was intended to preserve the law, the violence exercised by the "great' criminal ... has aroused the secret admiration of the public" precisely because he challenges the law. Accounts of that violence, therefore, can be the "flashes in a moment of danger" that allow for a more truthful, and useful, understanding of the past.¹⁴ The documents about the truth of crime in Mexico were produced, as I will try to show, in the immediacy or with the help of violence. This violence reflected not only state power but also other actors' use of it. In concrete terms, the police relied on violence to produce the truth, murderers claimed to speak the truth in their confessions, and the public in general accepted extrajudicial punishment as a validation of culpability.

DETECTION AND THE MURDERER'S APPEAL

Detection is the basic operation that reveals what happened in a crime. It involves methods and skills mastered by professionals, the detectives. In Mexico, detectives had little social capital, and their findings were devalued by the shortcomings of their training and institutional support. They could be private or work for the police. Neither kind enjoyed the reputation that

13. Walter Benjamin, "Theses on the Philosophy of History," in *Benjamin, Illuminations: Essays and Reflections* (New York: Schocken Books, 2007), 253–264. His agenda could not be more relevant today: "The tradition of the oppressed teaches us that the 'emergency situation' in which we live is the rule. We must arrive at a concept of history which corresponds to this. Then it will become clear that the task before us is the introduction of a real state of emergency; and our position in the struggle against Fascism will thereby improve. Not the least reason that the latter has a chance is that its opponents, in the name of progress, greet it as a historical norm. . . . The astonishment that the things we are experiencing in the 20th century are 'still' possible is by no means philosophical."

14. Walter Benjamin, "Critique of Violence," in Benjamin, *Reflections: Essays, Aphorisms, Autobiographical Writings* (New York: Schocken Books, 1978), 281.

inspired movies and novels in the United States and other countries. Private detectives were often in charge of keeping sensitive affairs outside the reach of public eyes, or finding transgressors the police could not or would not track down. Police detectives were usually referred to as *agentes* of the different (and overlapping) police bodies in charge of criminal investigations and included public prosecutors, judicial police, a municipal secret service, federal intelligence agencies, and others.¹⁵ Agents received more attention than private detectives because of their success in the few cases to which they decided to apply their energies, usually in response to political or public pressure, but they too failed to match the image of the honest, methodical, and inexorable policemen of France or England.

Even those who acquired great reputation paid little attention to crime scene evidence and standard forensic methods. Valente Quintana, the most famous Mexican snoop of the first half of the twentieth century, started his career in Brownsville, Texas, before moving to Mexico City, where he first worked as a street cop. The key to most of his triumphs was his inside knowledge of the underworld. He would sometimes disguise himself as an unkempt inhabitant of *el hampa* (the criminal underworld) in order to elicit information about a case from delinquents. He bragged about these unholy relations in his memoirs, echoing the exploits of early European detectives like Eugène-François Vidocq.¹⁶ In reality, Quintana's dangerous liaisons were an example of more common interactions between Mexico City police agents and professional criminals, mostly pimps, professional thieves and drug traffickers. Already during Quintana's times these close relationships took the form of extortion and protection: policemen merely administered delinquency, using their discretion to arrest criminals when their bosses required it, but otherwise just taxing illegal activities. In the 1920s and 1930s there was still the illusion that police detectives could get intimately close to the world of crime and remain honest. Later in the century, policemen would begin to subcontract the help of tough but dubious men, called *madrinas*, and the distinction between police and criminal began to blur in the eyes of the public.¹⁷

15. Diane Davis, "Policing and Regime Transition: From Postauthoritarianism to Populism to Neoliberalism," in *Violence, Coercion, and State-Making in Twentieth-Century Mexico: The Other Half of the Centaur*, Wil Pansters, ed. (Stanford: Stanford University Press, 2012).

16. Valente Quintana, *Memorias de Valente Quintana* (Mexico City: Ediciones Populares, 1961); Dominique Kalifa, *Histoire des détectives privés en France, 1832–1942* (Paris: Nouveau Monde, 2007).

17. Gustavo Fondevilla, "Controlling the Madrinás: The Police Informer Management and Control System in Mexico," *Police Journal* 86 (2014): 116–142. Quintana was repeatedly accused of extortion and the illegal use of violence, both as police chief and through his private agency. Carlos Isla, *El mejor caso de Valente Quintana: los "Corta Mechas"* (Mexico City: Fontamara, 2004), 11–13; Quintana, *Memorias de Valente Quintana*, 6, 126–127, 134, 168.

Once they had laid eyes on a suspect, the most effective way for Mexican detectives to close a case was to obtain a confession. Until recently, a confession was all that a judge needed to indict suspects and find them guilty; to obtain one, agents often relied on torture. Even those who claimed to forgo such methods, like Quintana, benefited from their colleagues' mistreatment of detainees by deploying the bad cop-good cop routine to gain suspects' trust. That is, for example, how Quintana got José de León Toral to incriminate Concepción Acevedo de la Llata in the 1928 murder of president-elect Álvaro Obregón. In addition to applying physical abuse, agents forced suspects to sign self-incriminating statements with the threat of prolonged incarceration, violence against their relatives, or death.

A suspect's failure to confess could have dire consequences. Several cases in the Servicio Secreto archives document the death of suspects during investigations. According to the journalist Martín Luis Guzmán, writing in 1931, "criminals acquired the habit of killing themselves in the cellar of the police headquarters, and all of them, strangely enough, committed suicide with a 45-caliber automatic handgun."¹⁸ From that decade up to the 1950s, *nota roja* newspapers reported these deaths as routine. Public revelations about the use of torture during an investigation were not sufficient to set aside the evidence in a confession or overturn a case. That was the case, for example, after Toral described in his trial how he was hung from his thumbs and armpits and beaten for several days. Official documents did not speak of torture, but habeas corpus petitions did. The wife of one suspect denounced the authorities for "savage physical and moral torture" against him. The police always denied the charges but internal documents recognized that suspects provided information after "severe interrogations."¹⁹

Most murderers used their short-lived celebrity to speak about themselves in a more personal way. They told reporters and attorneys about their family life and tastes, and their thoughts at the moment of the crime. Newspaper interviews with suspects included portraits in different poses and information about their personality and customs, often projecting a sense of intimacy. Pedro Gallegos, accused of a scandalous murder in 1932, was talkative with reporters and careful about his presentation in front of photographers. He wrote a confession and

18. Carlos Monsiváis, *Los mil y un velorios*, 29; *El jurado de Toral y La Madre Conchita: lo que se dijo y lo que no se dijo en el sensacional juicio. Versión taquigráfica textual* (Mexico City: n.p., 1928), 1:53–62.

19. Asesinato Alfonso Mascarúa, 1954, Archivo Histórico del Distrito Federal, Sección Jefatura de Policía, Serie Investigación y Seguridad, Servicio Secreto (hereafter AHDF/JP/ISSS), caja 11, exp. 75; Víctor Velásquez, El caso Alarcón, 1930, Archivo General de la Nación (hereafter AGN), Archivo Judicial Distrito Federal, expediente 23196, 1930, 17v-18. Despite reforms of penal procedures, confessions obtained under torture continue to be accepted in penal courts. "En México, confesiones bajo tortura: Amnistía Internacional," *Proceso*, December 16, 2011, <http://www.proceso.com.mx/?p=291699>, accessed October 6, 2016.

gave it to newspapers, but later recanted in front of the judge, using a lighter to bring out a message he had written on the same paper with invisible ink. This mischievous attitude in front of authorities might have contributed to Gallegos's death on the train to the Islas Marías, at the hand of guards.²⁰

Other voluntary statements by murder suspects justified acts of violence with the defense of honor, physical integrity, or the struggle for survival. Wrestler and musician Pancho Valentino quoted a Salvador Díaz Mirón poem to sum up his explanation for a robbery in which he killed a priest: "Nobody has the right to the superfluous while somebody lacks the strictly necessary."²¹ Since victims were not there to offer an alternative version of the events, the murderer's interpretation often went undisputed. The law allowed the relatives of victims to participate as the civil part in the prosecution in criminal cases. Relatives who could do so hired a lawyer with the goal of defending the reputation of victims or seeking compensation. However, their predictable, second-hand narrative was not as fascinating in the eyes of the public as that of the murderer.

Murderers' words carved a prominent space in the public sphere. Jury trials, used in the Federal District to try serious crimes until 1929, would often become spectacles where, as in Toral's case, crowds avidly sought to hear the suspect's words, radio stations broadcast the proceedings, and crime news chronicled every detail. After the abolition of juries criminal procedures lost transparency and became protracted affairs controlled by judges, resulting in thick written files lacking any drama. Crime news became the place where the public would obtain information and form its opinion about specific crimes. In the conversations created about these stories, opinions by writers and readers often expanded into criticisms of the shortcomings of the police and justice system, or demands for the full restoration of the death penalty.²² In this new setting suspects' own accounts, even if communicated in writing, became the critical piece of information in press coverage. Theirs was the dominant voice because they presented the drama in a first-person narrative. Reporters could use the first person to describe their own entrance into the crime scene, but

20. *La Prensa*, March 20, 1932, 1, 3; March 1, 1932, 3; and March 4, 1932, 3, 5; *La Prensa* (San Antonio, Texas), March 19, 1932, 1; Declaración presented by Alberto Gallegos before the chief commander of the Policía del D.F. in the case of the murder of Jacinta Aznar, March 1, 1932, AHDF/JP/ISSS, caja 2, exp. 9, 194, 67.

21. "Nobody has the right to the superfluous as long as anybody lacks the essential." *La Prensa*, January 27, 1957, 38; Eduardo Téllez Vargas and José Ramón Garmabella, *¡Reportero de policía!: El Güero Téllez* (Mexico City: Ediciones Océano, 1982), 175.

22. Miguel Roa, "Encuesta relámpago. ¿Es posible la regeneración del delincuente? ¿Cómo puede lograrse?" *La Prensa*, April 24, 1934, 8; Gabriela Torres-Mazuera, "La delincuencia como conflicto político en la prensa de la Ciudad de México, 1994–1996," *Estudios Políticos, Medellín* 30 (June 2007): 16, 18. Opinions in favor of death penalty are found in Juan B. Sepúlveda Lozano, "Escuela de padres de familia," *Revista de Policía* 23:281 (July 1964), 30–31; and Everard Kidder Meade, "Anatomies of Justice and Chaos: Capital Punishment and the Public in Mexico, 1917–1945" (PhD diss.: University of Chicago, 2005).

they knew that an interview with the murderer was the true scoop. Aware of the value of their words for the press, some murderers smoothly connected the description of crime with its explanation.²³

FROM THE COURTROOM TO THE NOTA ROJA

The consequence of the detection methods described above, and the widespread awareness of corrupt practices among officials, was a devaluation of the state's role as guarantor of justice and ultimate arbiter of juridical truth. Instead of expecting the truth about a crime from official detectives or scientists working for the state, Mexican publics looked for open venues to discuss crime and justice. Through the drama of jury trials and the narrative and visual realism of the crime news, citizens learned about famous cases and found ways to express their opinions. As they included a critical view of the state and alternatives to the law in the pursuit of justice, these opinions shaped a public sphere in which civil society and state interacted on matters of common interest. These discussions, however, did not crystalize in new institutions or policies, but in the expansion of extrajudicial practices intended to obtain the truth and punish criminals.

A turning point in this process was the elimination of jury trials in 1929. Lawyers and legislators had come to the conclusion that the prominent participation of regular citizens in the criminal process, an exceptional arrangement in the country outside the Federal District, perverted the goals of justice rather than enhancing civil rights. The passage of a new penal code, more in tune with scientific notions about social dangerousness, was the opportunity for this reform. There was some truth to these concerns: jury hearings, the final phase of the criminal process, had given a prominent role to suspects but also created a setting in which other voices proposed alternative interpretations of the truth. Prosecutors and defenders made long speeches, attacking or praising the character of victims, witnesses, and suspects. Women were exposed to the gaze of the public in ways that were unflattering but also allowed them to challenge the silence imposed by gender norms as they responded to accusations against them. Jurors themselves were actively involved. They belonged to different social classes but some could become fleeting public figures during trials, with their portraits, names, and even addresses published in newspapers. Jurors could interrupt depositions to ask questions and, notably in Toral's trial, they could protest against the threats or insults coming from the audience.

23. Téllez Vargas and Garmabella, *¡Reportero de policía!*

Judges tended to let everyone speak their minds, particularly in the famous cases that attracted journalists and large crowds. Audiences crowded courtrooms and labored to obtain tickets for the most attractive cases. They loudly voiced their opinions, often disrupting the proceedings. It would be too simple, however, to say that they came to jury trials expecting melodrama. The moral ambiguities and diversity of characters in most cases prevented simple characterizations in terms of good and evil. Audiences were attracted by the possibility of learning more about the life of those involved, including murderers. There were also lawyers, journalists, novelists, and aficionados who wanted to enhance their knowledge about the world of crime. The government abolished the jury system shortly after the fiasco of Toral's trial (he was found guilty and later executed, but not before he was able to extol the Cristero rebellion to the public and exhibit the bias of the government against him). Critics of jury trials also had in mind several cases during the 1920s in which Querido Moheno, a lawyer who was also a conservative critic of the post revolutionary government, obtained the acquittal of several women who had killed men.²⁴

After 1929, a basic fact shared by the public was that judicial processes were slow and difficult to understand in their evolution. Incarceration did not equal a satisfactory resolution. Prisoners lacked information about their status, and the law did not presume the innocence of a person charged with a crime. For victims or their kin, delays watered down any vindication, when trials did not actually inflict more humiliation and pain. Impunity was high. Across the country only 38 percent of those indicted for murder between 1926 and 1952 were found guilty, and a large percentage of investigations did not even yield an accusation. Presidential archives during these years contain thousands of letters from relatives of murder victims denouncing the impunity of killers and demanding the intervention of the president. In minor crimes, like theft or extortion, the *nota roja* published abundant examples of impunity as well as articles about corrupt judges or policemen.²⁵

24. Demetrio Sodi, *El jurado en México: estudios sobre el jurado popular* (Mexico City: Imp. de la Secretaría de Fomento, 1909); Federico Sodi, ed., *El jurado resuelve: Memorias, vol. I* (Mexico City: F. Trillas, 1961); Querido Moheno, *Mis últimos discursos: la caravana pasa ... (Preliminar), discursos ante el Congreso Jurídico, Defensa de La Sra. Jurado, Defensa de La Sra. Alicia Olvera* (Mexico City: Botas, 1923); María Elena Sodi de Pallares, *Los Cristeros y José de León Toral* (Mexico City: Editorial Cvltva, 1936). On the legal reforms, see Elisa Speckman Guerra, *Del Tigre de Santa Julia, la princesa italiana y otras historias: sistema judicial, criminalidad y justicia en la Ciudad de México (siglos XIX y XX)* (Mexico City: UNAM-INACIPE, 2014).

25. Gregorio Silva and Modesto Caballero, Santa Anna Tlacotenco, Milpa Alta, to Adolfo Ruiz Cortines, 5 Oct. 1956, AGN, Fondo Adolfo Ruiz Cortines, 541/676. Another example in Francisco M. Garza Gutierrez, Federal District, to Miguel Ávila Camacho, 4 Jan. 1941. AGN, Fondo Miguel Ávila Camacho, 541/57. These letters, almost 2,000 per presidential period between Cárdenas and López Mateos, are catalogued under "Homicidio" in presidential archives at the AGN. Pablo Piccato, "Estadísticas del crimen en México: Series Históricas, 1901–2001," 2003, <http://www.columbia.edu/~pp143/estadisticascrimen/EstadisticasSigloXX.htm>, accessed October 5, 2016. Detailed references for these and the following paragraphs are found in Piccato, "Murders of Nota Roja."

This left the *nota roja* as the only terrain for civil society to address the difficult relationship between truth and justice. Crime allowed for critical ideas about the government to be published with little or no censorship. It created powerful narratives that brought readers together, enhanced the stature of famous criminals, and sold many copies. *La Prensa*, founded in 1928, was the newspaper with the greatest circulation throughout the century. As Martín Luis Guzmán admitted, “crimes are the key to circulation.”²⁶ These newspapers created a public—not a mass of passive consumers but a coherent group of active and rational participants in those stories. For many Mexicans, police news was the definitive record of reality, the daily textbook containing the assorted information that people needed to know in order to navigate the dangers of the city. The thoroughness of the *nota roja* coverage was never questioned: what happened was registered there, and vice versa. Reporters played a very important role in this regard. They entered the crime scene on the heels of the police or even before them; they were the eyes of the readers, until photographers took over that role in later decades of this period. Coverage of famous cases included every slightly relevant piece of information, from crime-scene diagrams to interviews with witnesses and suspects. Police detectives dutifully clipped newspaper columns for their investigations. Criminals themselves looked for their names on the papers, and reached out to reporters through letters, confessions and interviews.

The *nota roja* had an emotional force that no other form of journalism could hope to achieve. Headlines, editorials, articles, and polls sought to stir readers’ feelings and summon their involvement in the most prominent case of the day. The appeal to emotions was clear in the vilification of suspects and loud calls for justice. At the same time, as we will see, the extensive coverage of the most prominent cases, those that drove circulation on a daily basis, gave a central place to murderers, both in the reporting and in the visual coverage. Newspapers also reproduced the outrage of crowds around the crime scene, the pathos of victims’ burials, and the opinions of regular citizens. *La Prensa* published short interviews with people in the street to seek their opinions on the case of the day and published letters from readers.²⁷ The emotional treatment of stories like this was part of the active exchange between journalists, readers and the police that made the *nota roja* one of the most important, albeit least studied, realms of the public sphere during these years.

26. Cited in Ángel Miquel, *Disolvencias: literatura, cine y radio en México (1900–1950)* (Mexico City: Fondo de Cultura Económica, 2005), 156–157. See Piccato, “Murders of Nota Roja.”

27. See for example Roa, “Encuesta relámpago,” 8, *La Prensa*, April 28, 1938, 8.

The most famous among these articulate murderers was Gregorio Cárdenas, a middle-class chemistry student and union employee who offered several justifications for the strangling of four women in 1942. He gave interviews to journalists, psychiatrists, and criminologists; agreed to be injected with truth serum; and even wrote three books from prison (they did not elucidate his crimes). Cárdenas was willing to describe his gruesome crimes and provide ample information about his life, his relationship with the victims, and just about any theme brought before him. He had a good reason to be talkative: given the unprecedented nature of his crimes, many believed he was mentally ill and thus not legally responsible. He tried to fake psychosis at first in order to avoid prison. The experts who wrote about him from a scientific perspective tended to agree that he was legally responsible, yet they also surrendered to the attraction of his personality. They produced reports and articles about Cárdenas that were eclectic compilations of variegated anatomical, psychological, and social information.

The most famous expert on crime of the period, Alfonso Quiroz Cuarón, made his reputation with studies of famous criminals like Goyo Cárdenas and Ramón Mercader, Leon Trotsky's assassin, but he also found a profitable line of work in the detection and persecution of counterfeiting and bank fraud. Despite his fame, Quiroz Cuarón could not offset the new superiority of murderers over scientists: his book-length study of Goyo Cárdenas, *Un estrangulador de mujeres*, provided copious evidence about various aspects of the criminal's life and body, and summarized other studies conducted on him, but its only source of coherence was the personality of the murderer himself. Quiroz Cuarón did not try to reconcile or challenge the contradictory theories about crime brought to bear by each examination, perhaps aware that readers were more interested in Cárdenas than in the advance of scientific knowledge.²⁸

THE MODERN CRIMINAL AND CRIME FICTION

Debates and studies about criminals like Cárdenas led to the emergence of a new conception of the criminal, in which no single source of authority controlled the truth. Starting in the 1920s, Mexican criminals became complex characters with a subjective dimension that the public was entitled to explore. Here I am not referring only to science or legal thinking but more generally to a broadly shared

28. Alfonso Quiroz Cuarón, *Un estrangulador de mujeres* (Mexico City: n.p., 1952); Quiroz Cuarón, *Estudios criminológicos* (Mexico City: n.p., 1954); Meade, "Anatomies of Justice"; Ana Luisa Luna, *La crónica policíaca en México: Nota Roja 40s* (Mexico City: Diana, 1993), 92; Gregorio Cárdenas Hernández, *Celda 16* (Mexico City: Editorial Diana, 1970), 192.

knowledge about criminals, detectives, and the customs of the underworld, as condensed in the narratives of famous cases.

Nota roja and crime fiction writers did not share the positivist notion, strong among scientists and lawyers in the late nineteenth century, that criminals were an inferior subspecies of the human race. For criminologist Cesare Lombroso, for example, criminals were almost a different race, and looked different from non-criminals. For the readers of Mexican police news this theory was no longer useful: everyone knew that anyone in the crowd or the neighborhood could be a criminal. In its early characterization of Santiago Rodríguez Silva, who killed three women in a Tacubaya barbershop in 1934, *La Prensa* compared him with other famous criminals who were, wrote the editor, “typical examples of the Lombrosian.” But in the following days editors recognized that Rodríguez Silva was “no longer the morbid, marijuana-smoking, hypersexual being we first thought, but presents himself with new attributes: astute, of many resources, with a magnetic power that seals the lips of the men and women he lives with.”²⁹

Scientists, journalists, and the public changed the approach to “the criminal,” moving away from the racialized views of positivist criminology to conceptions that stressed the intelligence and uniqueness of criminals. Even though they continued to be cited, the ideas of positivist criminal anthropologists who saw born criminals as primitive humans now coexisted with those of psychiatrists, physicians, and psychoanalysts who explored criminals on the assumption that they had complex personalities, and that their words could hide but also reveal the truth. Psychoanalysis was often cited or alluded to in writings like those of Quiroz Cuarón, crime fiction, and movies. *El hombre sin rostro*, directed by Juan Bustillo Oro, from 1950, featured a psychoanalyst, Dr. Britel (played by Miguel Ángel Ferriz), as a prominent character. The movie was written with the advisement of psychiatrist Gregorio Oneto Barenque, director of the sanatorium where Goyo Cárdenas was interned and one of the first people to examine him. Radio and newspaper descriptions paid close attention to skillful, evasive, and cosmopolitan criminals.³⁰ A gang of Argentine swindlers, captured after they took large amounts of money from local wealthy men, became

29. *La Prensa*, April 24, 1934, 3; *ibid.*, April 28, 1934, 6; Francisco Martínez Baca and Manuel Vergara, *Estudios de antropología criminal: memoria que por disposición del Superior Gobierno del Estado de Puebla presentan* (Puebla: Benjamín Lara, 1892); Robert Buffington, *Criminal and Citizen in Modern Mexico* (Lincoln: University of Nebraska Press, 2000); Elisa Speckman, *Crimen y castigo: legislación penal, interpretaciones de la criminalidad y administración de justicia (Ciudad de México, 1872–1910)* (Mexico City: El Colegio de México, 2002).

30. Juan Bustillo Oro, *El hombre sin rostro* (Mexico: Mexcinema Video de Mexico, 1950). See a suggestive treatment in Fernando Fabio Sánchez, *Artful Assassins: Murder as Art in Modern Mexico* (Nashville, TN: Vanderbilt University Press, 2010), 64; Bustillo Oro, *Vida cinematográfica* (Mexico City: Cineteca Nacional, 1984), 268.

an example of the sleek ways of the “hampa internacional.”³¹ Crime news continued to include a large number of articles about petty crime, often loaded with language and images that suggested links between race, class, and crime, but it was the famous cases that brought together a diverse and opinionated public.

This knowledge about criminals, their practices, and the procedures of the state, which I call criminal literacy, was both fascinating and useful in everyday life. Conveyed mainly by the *nota roja* but also by word of mouth, jury audiences, novels, movies, and other media, criminal literacy included valuable information about the ways of the police and the judiciary, the habits of criminals, the spaces of danger in the city, and the strategies needed to avoid the threats from both criminals and the representatives of the law. Any modern, resourceful, and literate inhabitant of the city had to possess some criminal literacy. Real-life murderers were key to this knowledge in two ways: on one hand, their confessions presented a psychological truth that reflected modern individualism, and on the other, they were the central focus of debates that summoned diverse kinds of expertise and experience, producing the closest understanding of the truth one could find.

Narrative fiction reflected the weight of murderers in Mexican views of crime and the truth. Starting in the 1940s, detective and hard-boiled stories written by Mexican authors connected with a growing number of readers by invoking their criminal literacy. This made it possible for authors to deploy the basic rules of the genre (crime as a puzzle, detection as an intellectual enterprise based on objective observation, a resolution that would restore the order that had been disrupted by the crime) in a Mexican setting. Thus, stories elaborated on the central role of crime news, the privileged perspective of the murderer, and the aesthetic possibilities of homicide as a communicative act—the central element in a story that made sense beyond the violent act.

Crime fiction was a popular genre that included translations of foreign authors and works by Mexicans. Stories were published in magazines, newspapers, and paperback collections.³² In the first and most important novel in the Mexican production, *Ensayo de un crimen*, De la Cruz, decides to commit a beautiful murder after recognizing the vulgarity of most crimes registered by the news. He tries a couple of times, and comes to tears and rage when he reads that

31. Téllez Vargas and Garmabella, *¡Reportero de policía!* 109, 112, 113, 114; “Cuidado con el hampa,” episode 29 of *El timo del millonario*, n.d. magnetic audio tape, Colección Televisa Radio, Fonoteca Nacional.

32. A study of the genre in Mexico during these years is Miguel Rodríguez Lozano and Enrique Flores, eds., *Bang! Bang! Pesquisas sobre la narrativa policiaca mexicana* (Mexico City: UNAM, 2005). See also Pablo Piccato, “A Historical Perspective on Crime Fiction.”

newspapers misinterpret his artistic work or attribute it to someone else. Murder is for him a means to achieve an aesthetic truth that newspapers, the police, and judiciary need to validate with publicity. The novel is an ironic commentary, full of contemporary references, about the inability of the police and judiciary to present the truth. De la Cruz explores the dark underworld of Mexico City in the company of a private detective, former inspector Valentín Herrera (a reference to Valente Quintana). After confessing a crime he planned but did not commit, De la Cruz is imprisoned for a while but recants in a moment of fear, and causes another man (José Asturias, a reference to Roberto Gallegos) to be killed on the train to the Islas Marías. Psychiatrists fail to understand De la Cruz's artistic motivations and declare him insane.³³

Fictional detectives in stories by other Mexican authors were journalists, archeologists, students, or even criminals, but rarely police agents. They moved in a very ambiguous ethical space, often breaking the law or lying to the police. In many stories, these detectives chose not to let the authorities know about the real criminal because they thought the crime had been justified, or else fixed things to have criminals punished outside the law. Unlike the classics from England, France or the United States, an arrest by the police was not enough for Mexican readers to assume that justice would be served. Some of the most suggestive examples of crime fiction in this period were written from the point of view of the criminal and explained his or her deeds in ways that made them legitimate, often a form of justice. In the short stories of movie director Juan Bustillo Oro, murder is the deserved outcome of the victims' cruelty. In *El complot mongol*, by Rafael Bernal, another classic of the genre, published in 1969, the main character is a *pistolero* (gunman, usually a bodyguard) who commits acts of violence following orders, and in the end takes revenge on the men who caused the death of a woman he loves.³⁴ Either as a form of art or as an informal vehicle for justice, murder in Mexican crime fiction provided readers with a satisfying vehicle to critically explore the weaknesses of justice institutions. The ambiguous morality of its detectives and murderers made perfect sense when framed by criminal literacy.

Against this backdrop it is not surprising to see that Mexican citizens saw justice as only tangentially associated with the law. Despite their concern with truth and impunity, criminally literate Mexicans knew that informal violence was

33. Usigli, *Ensayo de un crimen*. Compare with Rafael Bernal, "El extraño caso de Aloysius Hands," in Bernal, *Tres novelas policíacas* (Mexico City: Jus, 1946). The criminal in the story cites De Quincey, and sees murder as a form of expression. He confesses only after the judiciary accuses an innocent man, thus depriving him, the true artistic murderer, of the recognition he believes he deserves.

34. Rafael Bernal, *El complot mongol* (Mexico City: Joaquín Mortiz, 1969). See also José Martínez de la Vega, *Péter Pérez, detective de Peralvillo y anexas* (Mexico City: Joaquín Mortiz, 1994); and Antonio Helú, *La obligación de asesinar* (Mexico City: Editorial Albatros, 1946).

more likely than penal institutions to be the path to real justice. These views resulted in social support for the use of violence against certain criminals: thus, for example, the crowds outside courtrooms and detention centers demanding that suspects be hanged, and the letters to the president requesting that Goyo Cárdenas or other infamous criminals be executed without further ado. That was, for example, the case of Antonio Rodríguez Silva, the killer of three women in a Tacubaya barbershop in 1934. Days after his arrest and following collective expressions of hostility against him (at the train station where he was brought from León, Guanajuato, and outside the crime scene), he was killed under custody of the police. Although the circumstances of his death left little doubt that he had been murdered, newspapers covering the story expressed satisfaction with the outcome and saw the episode as an opportunity to editorialize in favor of the reestablishment of the death penalty. Legal punishment, these voices argued, was never satisfactory because the truth was difficult to come by, and because penal institutions were not reliable. Yet the liberal premise that there should be a link between the truth and punishment was to be kept alive even if that involved resorting to informal and violent means.

THE SENTENCE OF PUBLIC OPINION

The most visible expression of this belief was the practice of *ley fuga*, the killing of suspects in the hands of the police or the army with the pretext that they were trying to escape. A common practice during the civil wars of the nineteenth century and the Porfirian campaigns against bandits, and throughout the revolution, *ley fuga* by the 1920s had come to be associated with the penal system and the police in cities and countryside; it was a form of extrajudicial execution that the public accepted as an efficient and duly rigorous alternative to legal punishment. *Ley fuga* was applied against several famous suspects in the early 1930s, including Rodríguez Silva and Gallegos. It continued to be used, and documented by the press, into the 1940s.³⁵ The paradox of *ley fuga* was that state agents were in charge of carrying out an illegal action that was necessary because of their own ineptitude. The awkward explanations that followed each instance of *ley fuga* illustrated this with unintended irony. Officers in charge of the prisoners presented a perfunctory explanation of the

35. Pablo Piccato, "Ley Fuga as Justice: The Consensus around Extrajudicial Violence in Twentieth-Century Mexico," in *Publics and Politics of Violence and Crime in Latin America*, Gema Santamaría and David Carey, eds. (Norman: University of Oklahoma Press, forthcoming). See also Everard Kidder Meade, "La ley fuga y la tribuna improvisada: Extrajudicial Execution and Public Opinion in Mexico City, 1929–1940," presentation at Kayden Colloquium on Crime and Punishment in Latin America: Practices and Representations, University of Colorado, Boulder, October 7–8, 2011.

events, arguing for example that killing the prisoners had been necessary in order to avoid the impression that their escape may have been facilitated by bribes. In many cases, the shooting took place while the suspects were being transported by car and, according to officers, had requested to stop in order to relieve themselves. Journalists and political authorities recognized the reality behind these events, and publicly suggested that such outcomes were a form of justice because society had gotten rid of dangerous criminals. That was, for example, the opinion of the Veracruz governor, future president Adolfo Ruiz Cortines, after the death in police hands of three alleged assassins of senator Mauro Angulo, in 1948.³⁶

The main sources for this explicit support for *ley fuga* were a few famous cases in which the demise of suspects was the culmination of a public debate about their guilt. Through the *nota roja*, “the sentence of public opinion” was validated by the participation of multiple voices rather than detection or the procedures of a trial. Newspapers’ support for an extrajudicial execution came after they had published ample information about the suspects and reached a conclusion about their guilt and their motives. In other words, the death of the criminal was a fitting end for a trial that had already taken place in the public sphere, rather than any court of law. Even though *ley fuga* silenced those who knew more about the crime, it also served as an extension of the search for the truth: in all the famous cases of *ley fuga* I have examined, the victim had refused to confess.³⁷

There are significant parallels between *ley fuga* and lynching, another procedure used in twentieth-century Mexico used against perceived transgressors, mostly in rural settings. The similarities are not obvious. According to Gema Santamaría, lynchings in the state of Puebla during the twentieth century can be understood only in the context of religious, agrarian, and political conflicts in smaller communities that were internally divided. These acts of collective violence did not have a positive resonance in the press because they were attributed to the primitive customs of rural inhabitants; yet threats of lynchings by urban crowds did express, according to *La Prensa* and other newspapers, the people’s justified outrage against ignominious criminals. Unlike lynching in the United States, Mexican *linchamientos* were not justified by racism. Yet they seem to have shared key traits with *ley fuga* and US lynchings: they were legitimate in inverse proportion to the authority of the state to deal with crime,

36. Report dated February 29, 1948, AHDF/JP/ISSS, caja 10, exp. 65; assassination of Senator Mauro Angulo Hernández, *La Prensa*, February 28, 1948, 1, 8, 10; clipping from *Últimas Noticias de Excélsior*, February 27, 1948, AHDF/JP/ISSS, caja 10, exp. 65.

37. A vivid description of the torture and threats against a detainee who refused to confess is in *Sucesos* 1739, September 17, 1966, 3.

and they involved the complicity of authorities in actions that contradicted their legal duties. Lynching, like *ley fuga*, also silenced those who knew the truth about the crime, that is, the murderers, and in so doing undermined the search for the truth.³⁸

When denouncing the criminal complicity of the police in *ley fuga*, or the barbarism of peasants, newspapers articulated a broadly shared ambivalence toward the relative value of legal and social norms. These publications praised extrajudicial violence, and at the same time—sometimes on the same page—demanded the *mano dura*, extreme authoritarian measures, as the proper response to infamous crimes. I will argue, however, that if we look closely at those violent practices in the context of the criminal literacy that emerged in Mexico during those years, there is no contradiction: the dehumanization of suspects, torture, lynchings, and *ley fuga* had a coherence that transcended the formalism of the penal law. In the face of the judiciary's inability to punish the criminal, and the police's limited capacity to find the culprit, torture and extrajudicial punishment were intended to investigate and to punish at the same time, condensing two phases of the process that the law separated. This would seem to be the opposite of the rational validation of the truth through legal procedure that we have come to expect in a modern society. It is, against the views of Walter Benjamin and others, a kind of violence that, even though deployed by agents of the state, was not meant to create and maintain the law. If we look closely at everyday life and the public sphere, we find that it was a procedural, if informal, logic behind the acceptance of extrajudicial violence that buttressed the pragmatic criminal literacy of citizens, rather than the desire to affirm the rule of law.

How to explain this simultaneity of authoritarian impulses and civic engagement? The *nota roja* and crime fiction produced narratives that were all the more convincing because they were the product of debates about motives and actions that involved multiple voices and challenged the state. The opinions they expressed could appeal to violence without undermining their rational authority. In contrast to the opacity of the state, the resolution of cases in the court of public opinion and its violent consequences were compatible with an engaged citizenship. In spite of its cacophonous combination of feelings, deduction, intuition, and random evidence (or precisely because of it) this version of justice could be brutal, but was more convincing than the justice

38. Gema Santamaría, "Lynching in Twentieth-Century Mexico: Violence, State Formation, and Local Communities in Puebla" (PhD diss., New School, 2015); Piccato, "Ley Fuga as Justice"; David Garland, "Penal Excess and Surplus Meaning: Public Torture Lynchings in Twentieth-Century America," *Law & Society Review* 39:4 (December 2005): 793–834.

that emerged from the state: at least it claimed to have a stronger link with the truth.

The connections between the national infamy crystallized during the middle decades of the twentieth century and the dilemmas the country faces today are difficult to deny. Today in Mexico the sense of impunity continues to be dominant when it comes to dealing with crime. Some murderers, particularly the big *narcos*, continue to fascinate the public through books, Internet videos, and *corridos* that make them prominent characters. Their narratives offer a powerful way to account for the truth, while official investigations continue to lack credibility, as illustrated by the case of the 43 students kidnapped in Iguala, Guerrero, in September 2014. Punishment remains both uncertain and brutal, with prisons at the same time overcrowded and porous, often controlled by criminal organizations. Although the *nota roja* no longer has the journalistic quality and influence it had in its early decades, there are plenty of courageous and professional police news reporters and photographers who perform an invaluable job in supporting a critical perspective in civil society. The meaning of murder now lacks the psychological interest associated with some mid-century cases, as it now communicates the ruthless logic of illegal businesses. Killings are used to send messages to rivals through the newspapers and local radio stations.³⁹

Murder is still easy to get away with, both for individual murderers and for the detectives and prosecutors who neglect to investigate, particularly those cases that seem to be the product of organized crime.⁴⁰ A similar ambivalence toward extrajudicial violence is at play: despite the large numbers of victims of violent crime in the last decade there has been no institutional disruption. The demand for justice and the truth from civil society remains limited, except for massive but isolated and fruitless demonstrations after egregious cases like that of Iguala. Protestors, academics, and journalists have proposed truth commissions to disentangle the facts and the responsibilities in specific cases. These attempts, and the case of Iguala is again an example, are undermined by the inertia of judicial and police institutions.⁴¹ Such meager results do not bode well for the prospect of a truth commission with a broad mandate, or even one limited to accounting for the recent spike in national violence. Part

39. Pablo Piccato, “‘Ya Saben Quién’: Journalism, Crime, and Impunity in Mexico Today,” in *Mexico’s Struggle for Public Security: Organized Crime and State Responses*, Susana Berruecos and George Philip, eds. (London: Palgrave Macmillan, 2012), 47–70.

40. The best overview is Zepeda Lecuona, *Crimen sin castigo*. See also Cornelius and Shirk, *Reforming the Administration of Justice*. Current data provided by the Justice in Mexico project, at the University of San Diego, justiceinmexico.org.

41. Eugenia Alier and Emilio Crenzel, eds., *The Struggles for Memory in Latin America: Recent History and Political Violence* (New York: Palgrave Macmillan, 2015).

of the reason for this bleak outlook is to be found in the normalization of infamy that took place during the middle decades of the twentieth century. Yet it would be wrong to define this legacy only in terms of its apparent support for impunity or authoritarianism. Besides citizens' desire for swift punishment, the cases mentioned above show an unruly disposition to challenge authority, and a critical stance toward institutions and the law that is very much alive today.

The complex legacy of Mexico's infamy as a country of violence and impunity is a central problem for a new phase of research on the history of crime and justice in Mexico. While the weaknesses of the Mexican judiciary are not exceptional in comparison with other Latin American cases, the relative stability of its state-building process during the twentieth century, and the widespread publicity surrounding civil society's responses to state and social violence, starting in the revolutionary decade, suggest the need for a specific approach that would connect institutions, practices, and cultural productions. Historians need to look beyond the study of institutions and power, or agendas that only focus on short and recent periods. This might entail a serious reading of crime narratives, scientific explanations, journalistic depictions, and the diverse voices that drew authority from criminal literacy.

One specific thread of that research is that of the history of the truth. What I have presented here is a glimpse of the process through which the right to the truth was separated from the right to due process, yet managed to survive as a central topic of public life. When it concerned crime, the truth seemed to come from the criminals as often as it did from detectives or judges. In recent years, the truth is beginning to emerge as a distinct right and a prominent political issue. The right to the truth and the drive to claim that right still lack the political weight it has acquired in countries that underwent military dictatorships and established truth commissions afterwards. Before it became a recognized, politically mobilizing claim, however, the right to the truth was already latent in the discussion of criminal stories in post-revolutionary Mexico. It was one of the prerogatives of modern citizenship, one that political subjects exercised in front of the state and in the realm of publicity. So, this is not only a history of infamy, but also one about the persistent questions that Mexican citizens have been asking for more than a century.

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