

# GLOSSAE

European Journal of Legal History



ISSN 2255-2707

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## Citation

Esteban González, Jorge Núñez, “Argentina’s Participation in the International Penal and Penitentiary Congress (1872-1950)”, *GLOSSAE. European Journal of Legal History* 17 (2020), pp. 83-118 (available at <http://www.glossae.eu>)

## **Argentina's Participation in the International Penal and Penitentiary Congress (1872-1950)<sup>1</sup>**

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Received: 10.5.2020  
Accepted: 9.7.2020

### **Abstract**

This article analyzes the participation of Argentine delegates in international prison congresses held between 1872 and 1950. We argue that the forms of participation can be divided into two. On the one hand, the presence of non-penitentiary experienced representatives, generally diplomats assigned to the places where the congresses were held. On the other hand, the participation of outstanding penitentiary specialists, both for their theoretical training (in Criminal Law) and for their daily management of the Argentinian prisons. For a better development, we will divide the article in two sections. In the first one, it will be dealt with from the first congress held in London (1872) to the sixth one held in Budapest (1905). In the second part, we will analyze from the seventh congress held in Washington (1910) to the last one held in The Hague (1950). It should be noted that for the preparation of this article we have used unpublished material located in the Archive of the Argentine Foreign Office and Ministry of Justice and Education; and other published texts.

### **Keywords**

International Penal and Penitentiary Commission – Argentinian diplomats – penitentiary diplomacy – penitenciarism – experts

**Summary:** 1. Introduction. 2. Precursors to the I International Penitentiary Congress (1840-1870). 3. Argentina's Participation in the International Penitentiary Congress. 3.1. First edition, London (1872), Argentina absent. 3.2. The First Congress Attended by Argentina: Great Efforts for Stockholm (1878). 3.3. A Distinguished Delegate, A Discreet Presence. Rome (1885). 3.4. Two Diplomats and A Report from the National Penitentiary: Saint Petersburg (1890). 3.5. No Governmental Representative: Paris (1895). 3.6. Argentina, Once Again Only Nominal Participation: Brussels (1900). 3.7. No One Went to Budapest (1905). 4. Argentina's Participation in the International Penitentiary Congress. 4.1. The Director of the National Penitentiary in Washington (1910). 4.2. A Delegation of Experts in London (1925). 4.3. Prague (1930): Another

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\* This article is part of the collective investigation project PICT-Max Planck (2017-4673) "Los viajes de las ideas sobre la cuestión criminal hacia/desde Argentina. Traducción, lucha e innovación, 1880-1955", conducted by Prof. Máximo Sozzo (Universidad del Litoral, Argentina) and Prof. Thomas Duve (Max-Planck Institute for European Legal History, Germany); it is also elaborated in the context of the International GERN Seminar (Groupe Européen de Recherches sur les Normativités) organized by Yves Cartuyvels (University of Saint-Louis – Bruxelles, Belgium) and Aniceto Masferrer (University of Valencia, Spain), and of the research project entitled "Las influencias extranjeras en la Codificación penal española: su concreto alcance en la Parte Especial de los Códigos decimonónicos" (ref. DER2016-78388-P), funded by the Spanish 'Ministerio de Economía y Competitividad' (2017-2020) and by the Groupe Européen de Recherches sur les Normativités (GERN) Interlabo (2019-2020). Translation: Jane E. Brodie.

<sup>1</sup> We would like to thank architect Alejo García Basalo for his remarks, suggestions, and contributions pursuant to reading an earlier draft of this chapter. We are grateful as well to Estefanía Kaluza, Hernán Olaeta, and Carolina Piazzi for information they provided.

diplomatic participation. 4.4. Berlin (1935): a discreet presence. 4.5. The Last Edition of the Penal and Penitentiary Congress. The Hague (1950). 5. General conclusions. Bibliographical References

## 1. Introduction

The specific aim of this article is to analyze Argentina's participation in the editions of the International Penitentiary Congress held from 1872 to 1950. The framework for this analysis, though, is much more complex: the mechanisms of international relations pertinent to a specific sphere of knowledge, the importance of the International Penitentiary Congress for public policy planning, and the difficulties emerging governments faced in their efforts to engage in sustained diplomatic relations of a scientific nature during the period addressed. From early on, Argentina demonstrated interest not only in participating in the International Penitentiary Congress, but also in importing knowledge on penal systems. But changing local circumstances conditioned Argentina's participation in the successive editions of the event, which in turn meant different levels of commitment to the discussions that took place at them.

The chronology laid out in this article is based on the characteristics of Argentina's participation in the editions of the International Penitentiary Congress. We hold that starting in 1910 a new relationship with the international agenda on the penal question began to take shape, mostly because the delegates sent by Argentina to the congress now had, for the most part, training in prison administration. Argentina's participation in the congress from 1872 up to 1950 can be divided into three categories:

- 1) First, the participation of experts in the penal question. In all but a handful of cases, the region's prison officials were self-taught; there was no technical training on the subject. The backgrounds of prison experts, then, varied greatly; their ranks included educators, lawyers, police officers, and members of the military. When trained delegates were sent to the congress—specifically in the cases of 1910, 1925, and 1950—its debates and technical assessments improved markedly. Similarly, the quality of the statistics used to prepare the documentation submitted to the congress also changed dramatically when those statistics were provided by public offices with the appropriate technical training.<sup>2</sup>
- 2) Second, members of the diplomatic corps. Argentina's participation in the congress was often only formal, just an item on the agenda of diplomats who happened to find themselves in the countries where the congress was taking place. Though the Argentine diplomats were active participants, sometimes even voting on resolutions on the issues presented by the event's organizers, they were rarely versed in the topic. The official reports ranged from transcriptions of the congress's resolutions and conclusions to real scientific assessments.
- 3) Third, outright absence: Argentina's participation in the Penitentiary Congress was by no means continuous. We will discuss the range of often-

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<sup>2</sup> See Olaeta, Hernan, 'Apuntes sobre la historia de las estadísticas penitenciarias en Argentina, 1906-2016', *Revista de Historia de Las Prisiones*, no. 6, 2017, pp. 70-96.

overlapping reasons for that later, but they include socioeconomic crises, lack of funding to send diplomats, and institutional indifference.

An analysis of the Argentine participation in the congress would not be complete without considering another type of exchange, one that did not depend on actual physical presence: the International Penitentiary Commission recommended that national governments write reports on the penal question. Each State would assign that task to the appropriate office (in Argentina, the Ministry of Justice). To that end, the Commission would send questionnaires to each government for the sake of a comparative global overview of penitentiary systems around the world as part of its attempt to give the event a public policy orientation and a comprehensive scope.

Finally, the Argentine government would often collect books, documents, pamphlets, articles, and like materials (including architectural blueprints and photographs) to be presented at the congress. For two reasons, it is often difficult to identify which materials were sent in and which were actually received:

- a) Though in the papers of the Ministry of Justice we found a number of requests that books and other materials be collected and sent to the congress, we were not always able to corroborate in the Foreign Service archives that those requests had in fact been carried out.<sup>3</sup>
- b) While the *Actes* for each congress contain a section that lists, by country, the materials received, that is hardly a reliable source. Entire books were published—mostly reports issued by the Buenos Aires National Penitentiary—for presentation at the congress that never made it onto those lists.<sup>4</sup>

For this article, we made use of mainly two primary sources. First, the documents available at the Historical Archive of the Argentine Foreign Office. Second, we carefully reviewed all the mentions of Argentina in the aforementioned *Actes*, which for a number of years have been available almost in their entirety in the École Nationale d'administration Pénitentiaire's digital archive.<sup>5</sup> We also reviewed secondary sources, like the reports of the Ministry of Justice and Education and publications released in Argentina on the country's participation in various editions of the International Penitentiary Congress.<sup>6</sup>

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<sup>3</sup> The documents of the Ministry of Justice and Education [Memorias del Ministerio de Justicia e Instrucción Pública] are indicated with the acronym MMJIP, and the primary sources from the Historic Archive of the Argentine Foreign Office [Archivo Histórico de la Cancillería Argentina] with AHCA.

<sup>4</sup> Rosa del Olmo attributed this to the repeated failure of the congress's organizers to take into account the efforts and advances on the penitentiary question made by non-central countries Del Olmo, Rosa, *América Latina y Su Criminología*, México, Siglo XXI, 1981, pp. 83–84. Furthermore, because the distance between Argentina and the places where the congresses were held is significant, we are inclined to believe—without dismissing del Olmo's hypothesis—the documents sent from Argentina might have been late to arrive, which may well have complicated their inclusion in the *Actes*. Another possible factor is human error on the part of those responsible for writing the bibliographical lists.

<sup>5</sup> Though Volumes I and II of the CPI for 1900 are not available in digital format, the bulk of its records are. See <http://www.enap.justice.fr/histoire/les-congres-penitentiaires-internationaux-1872-1950> The *Index* published by the International Penal and Penitentiary Commission proved of little use because Argentina is mentioned only rarely in it. Degoumois, Valy and Sellin, Thorsten, *Actes Des Douze Congrès Penitentiaires Internationaux 1872-1950 : Index Analytique et Des Noms*, Berne, Staempfli & Cie, 1952.

<sup>6</sup> We also reviewed the major Argentine newspapers, but no substantial reporting on Argentina's participation in the congress was found.

In this article, we will provide a brief overview of how, in the first half of the nineteenth century, a specific field of penitentiary knowledge emerged in Europe. That field of knowledge lay the foundation for a global congress starting in 1872. Gradually, though not linearly, governmental delegations from a number of other regions (Asia, Africa, and Latin America) began to participate. We will then go on to analyze the editions of the International Penitentiary Congress in the order in which they occurred with a focus on Argentina's participation. As previously mentioned, the proposed chronology separate a first moment of Argentinian participation (1872-1905) from a second (1910-1950). Finally, we will present our conclusions.

We must clarify from the outset that one of the major limitations of this work is that it deals solely with the Argentine State's engagement with the International Penitentiary Congress and the International Penal Commission. As the reader will undoubtedly notice, we mention the penal and penitentiary question in other regions in sweeping terms only. While the consideration of all regions is, of course, central to an understanding of how the penal field developed, we address only the Argentine case due to limitations of space.

## 2. Precursors to the I International Penitentiary Congress (1840-1870)

Thanks to a number of national and regional congresses, there was, by the eighteen-seventies, a common language on the issues specific to modern penal systems. Other elements key to facilitating growing global interconnection were improved transportation systems, the consolidation of diplomatic ties between modern states, and the construction of prisons around the world. By the second half of the nineteenth century, Europe was not the only region where enormous prisons were being built: throughout the Americas, modern prisons were opening as debates on the humanization of punishment raged, a replica—to a large extent—of the debates that had taken place in the late eighteenth century.<sup>7</sup>

Starting in 1840, the first regional events on the penitentiary question were held, first in Italy in 1841, 1842, and 1843 (in the cities of Florence, Padua, and Lucca, respectively) but also in France (Paris, 1844).<sup>8</sup> Those events were the immediate precursors to the International Penitentiary Congress, and they largely set its agenda. As

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<sup>7</sup> The compilation by Aguirre and Salvatore is one of the works that defined prison history in Latin America as a distinct object of study. See Salvatore, Ricardo and Aguirre, Carlos, *The Birth of the Penitentiary in Latin America: Essays on Criminology, Prison Reform, and Social Control, 1830-1940*, Salvatore, Ricardo, Aguirre, Carlos (eds), Austin, University of Texas Press, 1996; Salvatore, Ricardo and Aguirre, Carlos, 'Revisitando El nacimiento de la penitenciaría en América Latina veinte años después', *Revista de Historia de Las Prisiones N°4*, no. 4, 2017, pp. 7–42. About Spain, see Ramos Vazquez, Isabel, *Arrestos, Cárceles y Prisiones En Los Derechos Históricos Españoles*, Madrid, Dirección General de Instituciones Penitenciarias/Ministerio del Interior, 2008; Ramos Vazquez, Isabel, *La Reforma Penitenciaria En La Historia Contemporánea Española*, Dykinson (ed), Madrid, 2013; Ramos Vazquez, Isabel, 'El sistema de reformatorio (reformatory system)', *Anuario de Derecho Penal y Ciencias Penales*, vol. 68, 2015, pp. 145–184.

<sup>8</sup> The event in Paris (1844) was actually a paper read before the French Academy by Dr Lelut entitled "Folie penitentiaire – De l'influence de l'imprisonnement cellulaire sur la raison des détenus," March 23, 1844.

Teeters has shown, it was not until 1846 that the first meetings that prioritized the participation of international experts were held.<sup>9</sup>

Three factors were common to all the aforementioned events: 1) the organization and funding was private, that is, in the hands of non-State actors (mostly from the spheres of philanthropy and religion); 2) they took place in Europe, which meant that the participation of other continents was small; and 3) the debate revolved around the relative merits of two models, separate confinement and congregate confinement.

The following years witnessed a series of meetings in Frankfurt and Brussels aimed at expanding governmental participation in the debates on the penal question. The motivations were two. First, interest in making the state of prisons a matter of public concern—and an area for institutional action. Second, tensions between philanthropists, experts (academic and lay), penitentiary personnel, and religious actors led to a need for institutional consensus capable of informing actual public policies.<sup>10</sup>

The Frankfurt Congress (1846) was attended by seventy-six individuals, mostly philanthropists, prison directors, and professors and physicians from different European cities. The organizers themselves were from Switzerland, Denmark, Germany, France, and the Netherlands, but delegates came from Russia, Sweden, Norway, the United States, Poland, Austria, and Italy. On the basis of a questionnaire with twenty-two items, delegates spent three consecutive days discussing the state of the penal systems in their countries and how to reform them. Though the Geneva, Auburn, and Philadelphia models were the ones that rallied the most support, the congress, in its conclusions, came out in favor of cellular punishment, absolute silence, and open work spaces.

Those conclusions, which circulated in France and Germany, were a point of departure for the discussions the following year (1847) at the congress in Brussels. Over one hundred individuals attended this time, most of them from Belgium, Germany, England, and the Netherlands, though delegates from Spain, Portugal, and Luxemburg attended for the first time. This meeting encouraged juvenile detention centers to adopt the cellular system, thus establishing a distinction between adults and young people that would be upheld in later penitentiary congresses.

A third meeting was planned for 1848. It was to be held in Switzerland or the Netherlands, but the revolutions in Europe meant that another meeting would not take place until 1857 (once again, it was in Frankfurt). The event's name was changed to the Congress of Charities, Correction and Philanthropy to underscore the philanthropic and humanist bent of this meeting, like the earlier ones. Lectures were divided into three categories: Benevolence, Education, and Instruction and Penal Reform. Of the one hundred and seventy attendants, one hundred were from the Germanic states, and the

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<sup>9</sup> At the events in Italy and Switzerland, emphasis was placed on the poor hygiene conditions, lack of adequate healthcare, and extreme scarcity of resources at most European prisons. See Teeters, Negley K., 'The First International Penitentiary Congresses: 1846 - 47 - 57', *The Prison Journal*, vol. 26, no. 3, August 1946.

<sup>10</sup> Chris Leonards's research pursues this question. For example, Leonards, Chris, 'Visitors to the International Penitentiary Congress', *Österreichische Zeitschrift Für Geschichtswissenschaften*, vol. 26, no. 3, 2015, pp. 80–101.

rest were from the United States, Belgium, the Netherlands, and Portugal. Almost twenty different countries were represented.

This brief series of events showed that the penitentiary debate as public question could only be brought onto the policy agenda by means of a new technology of international exchange.<sup>11</sup> That required an enormous diplomatic effort that began in 1870 with the National Congress on Penitentiary and Reformatory Discipline held in Cincinnati. At the heart of the discussion at that event was the need to examine the penal administrations of different states in the United States and the importance of exchanging not only information but also penal strategies. The joint effort at that congress was pivotal to consolidating the field in which a range of those strategies would be debated over the course of the following decades. In that framework, the figure of Enoch Wines emerged not only as one of the leading organizers of the International Penitentiary Congress, but also as an indisputable point of reference in the world crusade for prison reform.

A Congressman minister, Wines was the secretary of the Prison Association of New York and, starting in 1871, of the National Prison Association. It was during his tenure at the national organization that he met with representatives of different European governments and urged them to form local penitentiary commissions for the sake of international discussion. Thus, Wines, as the delegate of the United States, was able to ensure that some one hundred delegates representing every European nation (with the exception of Portugal) attend the International Penitentiary Congress to be held the following year.<sup>12</sup> This edition of the congress, unlike earlier ones, "...would not be a meeting for individual reformers, but rather for governmental representatives of different states."<sup>13</sup>

At the following edition, participation would soar from one hundred to four hundred delegates, among them diplomatic commissioners, prison administrators, and experts, many of them from countries not located in Europe or North America. The events evidenced growing consensus on the need for the penitentiary issue to be addressed by nation states, that is, for it to be recognized as a topic of public concern.<sup>14</sup> Indeed, this new understanding was not limited to the strictly penitentiary field. In 1885 the first International Congress of Criminal Anthropology was held, and there would be further editions at a regular intervals until 1914.<sup>15</sup> In 1889, the first congress of the

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<sup>11</sup> Nir Shaffir addresses this question in Shafir, Nir, 'The international congress as scientific and diplomatic technology: Global intellectual exchange in the international prison Congress, 1860-90', *Journal of Global History*, 2014, pp. 72–93.

<sup>12</sup> Participating countries included Austria, Bavaria, Brazil, Belgium, Chile, Denmark, France, Germany, Greece, the Netherlands, the British Raj, Italy, Norway, Russia, England, Spain, Sweden, Switzerland, Turkey, the United States, and Mexico. Even the document issued by the International Penal and Penitentiary Commission, which organized the event, cannot confirm which countries participated in this first congress See [Comisión Internacional Penal y Penitenciaria], 'La obra de la Comisión Internacional Penal y Penitenciaria. 1872-1942.', *Revista Penal y Penitenciaria*, vol. VII, 1942: 248.

<sup>13</sup> See Del Olmo, R., *América Latina y su criminología* cited, pp. 37–43.

<sup>14</sup> Despite his Protestant background, Wines was intransigent: philanthropists and clergy should not play a central role in penal debates. Penal administration, he held, should be delegated to a centralized public body, not left in private hands. González Millán, A, 'Los Congresos Penitenciarios Internacionales', *Lecciones y Ensayos*, no. 15, 1960: 73.; [Comisión Internacional Penal y Penitenciaria], *cited*, pp. 247 ff.

<sup>15</sup> The eight editions of the International Congress of Criminal Anthropology were held in Rome (1885), Paris (1889), Brussels (1892), Genoa (1896), Amsterdam (1901), Turin (1906), Cologne (1911),

International Union of Criminal Law took place.<sup>16</sup> If measured in terms of the number of events and participants, the call for international integration was growing. There was also growing international debate on the establishment of parole boards, which had existed in North America since the late eighteenth century.

### **3. Limited Budgets, Diplomacy, and the Absence of Technicians: Argentina's Participation in the International Penitentiary Congress (1872-1905)**

#### **3.1. First edition, London (1872), Argentina absent**

In London from July 3 to 13, 1872, the First International Congress on the Prevention and Repression of Crime was held. Its emphasis was largely comparative<sup>17</sup>. It explicitly attempted to further the proposals Wines had raised in Cincinnati, which were basically geared to institutionalizing prison reform.

That congress, and subsequent editions, called for the construction of a network of all participating countries for the exchange of statistics on crime and prisons.<sup>18</sup> Indeed, that was one of the reasons for the creation of the International Penitentiary Commission soon after the closing of the sessions in London. Wines would be the president of that commission until the time of his death; its members were the most industrialized nations in the world at the time—often-cited evidence of an allegedly asymmetrical distribution of decision-making power.

Beyond the ideas debated, the opportunity to visit prisons that they had only studied was, undoubtedly, something that appealed to those who attended the nineteenth-century sessions. At a time when transatlantic journeys were long and tedious, experiencing other public policies firsthand was an ethnographic adventure as well as a vital contribution to the consolidation of states in formation for which England and France were models. Remember that the president of Argentina in the early 1870s was writer, polemicist, and educator Domingo Faustino Sarmiento. His admiration for the United States was no secret, and during one of his trips there he visited jails and brought back with him schoolteachers “to educate the citizenry.”

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and Budapest (1911). Martine Kaluszynski has studied the congress, remarking on the tensions between the advocates of the different emerging schools. As she puts it, “The congresses were places of exchange and dissemination, but also places of conflict and power, where adversaries who had either clashed or allied themselves in their writings confronted each other face to face.” Kaluszynski, Martine, ‘The international congresses of criminal anthropology: Shaping the French and international criminological movement, 1886-1914’, *Criminals and Their Scientists: The History of Criminology in International Perspective*, 2010, p. 307.

<sup>16</sup> The International Union of Criminal Law organized a series of twelve congresses held in the following European cities: Brussels (1889), Berne (1890), Christiania [Copenhagen] (1819), Paris (1893), Antwerp (1894), Linz (1895), Lisbon (1897), Budapest (1899), Saint Petersburg (1902), Hamburg (1905), Brussels (1910), and Copenhagen (1913). This event, like the International Congress of Criminal Anthropology, would later change its name and reform its bylaws.

<sup>17</sup> See, Masferrer, A. / Modéer, K.Å. / Moréteau, O., “The Emergence of Comparative Legal History”, *Comparative Legal History* (‘Research Handbooks in Comparative Law’ collection), Edward Elgar Publishing, 2019), pp. 1-28.

<sup>18</sup> International congresses on statistics (Brussels, 1853; Paris, 1855; Vienna, 1857; London 1860; Florence, 1866, and the Hague, 1870) demonstrated that those exchanges were actually possible. We would like to thank Hernán Olaeta for information on those events.

At the other end of the Americas, Argentina was coming out of a fierce war with Paraguay that, in five year's time, took the lives of thousands of men and strained already-scarce public resources.<sup>19</sup> Notwithstanding, a centralized apparatus gradually took shape that was capable of overcoming resistance from Argentina's outlying provinces to the public project spearheaded in Buenos Aires.<sup>20</sup> In Argentina, like many of the nation states emerging in the region, the commercial ties between Buenos Aires, a port city, and the world market was based on the export of raw materials—chiefly grains and meat that traveled to Great Britain—and the import of capital goods and labor.

In Argentina, there was not yet a penal code (it would take twenty years for one developed by jurist Carlos Tejedor from 1865 to 1867 to be adopted).<sup>21</sup> Jails were housed in city or town halls, and the norms of the Ancien Régime whereby people were held as they awaited trial and sentencing were still in place. Since incarceration had not been established as the sole form of punishment, some were sentenced to exile, public works, armed service, flogging, etc.

But the fact that, into the second half of the nineteenth century, the bases had not been laid for penal reform in the country did not mean that those reforms were unknown: Howard's writings had circulated around the tumultuous Argentine territory since 1825.<sup>22</sup> It was not for a number of decades that buildings suitable for modern punishment would finally be constructed, and the process was by no means homogenous throughout the country. Prison design was in the hands of local governments, and limited budgets complicated not only their construction but also their maintenance.

A Department of Justice document from early December 1871 indicates that Argentina had been invited to send a commission to the Penitentiary Congress to be held in London. The event would address "questions aimed at a better regime and

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<sup>19</sup> In what is known as the War of the Triple Alliance (1864-1870), Argentina, Brazil, and Uruguay fought against Paraguay.

<sup>20</sup> The nascent Argentine State had to put down resistance not only from the provinces but also from native peoples—a conflict that dated back to the colonial era—exterminating them and stealing their lands for agriculture, a critical component of the country's production scheme.

<sup>21</sup> Article 18 of the Carta Magna, enacted in 1853, held that prisons must be "healthy and clean since their purpose is to protect [the general public] rather than to punish inmates. Any judge who authorizes a measure that, under the pretext of precaution, tends to punish the detainees beyond what the Carta Magna calls for will be held responsible." Two years later, in 1855, a set of regulations for the jails in the Argentine Federation was enacted (it was in effect in Entre Ríos province until 1890). Its rules for questions such as prisoners' daily regimen, visits, and so forth, did not appear to have been applied widely.

<sup>22</sup> *One of the first recorded efforts between widely separated nations to exchange information about prison matters took place in 1825 when the London Society for the Improvement of Prison Discipline sent a tract published in Spanish to the Argentine, entitled "Ideas for the Governing of Prisons." This contained detailed suggestions for the construction and management of prisons and for the discipline of prisoners. A reference under the heading of "General Considerations" casts light on the standards prevailing at the time: "As regards punishment, the imposition of chains or fetters is definitely forbidden, except in cases of absolute necessity, even then, for a period not to exceed two days. Underground cells are also proscribed.* Alper, Benedict S. and Boren, Jerry F., *Crime, International Agenda: Concern and Action in the Prevention of Crime and Treatment of Offenders, 1846-1972*, Toronto, Lexington Books, 1972, p. 12.

improved discipline at establishments for the reform and punishment of criminals.”<sup>23</sup> The authorities believed that sending a delegate “might prove extremely useful for Argentina since he will later convey the deliberations and decisions made” at the event. Unfortunately, though, the Argentine government claimed not to have enough funds to send anyone. The alternative was to find someone who could attend without requiring the use of public funds.

President Sarmiento decreed that Rufino Varela, an Argentine “citizen who resides in London,” be sent to attend the congress (the one behind the initiative was actually Minister Nicolás Avellaneda).<sup>24</sup> Sarmiento also requested that the local judicial authorities analyze and answer the questionnaire on prison reform sent by Wine, the commissioner for the United States.<sup>25</sup>

On this, like many future occasions, the Argentine State recognized the importance of a scientific event and the topics it dealt with but, due to acute crisis, chronic budgetary shortages, the absence of technicians to make the decision on whether or not to send a delegation—or a combination of those factors—it failed to attend.

### **3.2. The First Congress Attended by Argentina: Great Efforts for Stockholm (1878)**

It was agreed at the congress in London in 1872 that a second edition of the International Penitentiary Congress would be held in Stockholm six years later. After that first meeting and in order to avoid the theoretical meanderings it witnessed, three areas of discussion were defined beforehand: penal legislation, penitentiary questions, and preventative measures. The indefatigable Wines saw to distributing the questionnaire on the situation of prisons in each nation participating in the congress and then compiling all the information received.

Alper and Boren argue that the success of the London congress is evident in the fact that a good number of countries went on to make progress toward to the resolutions adopted:

No less than eight participating countries reported such improvements as [the] introduction of a new penal code, the establishment of a cellular system, the formation of prisoner aid societies, [the] opening of a school for the training of prison officers, and the founding of agricultural colonies for prison inmates.<sup>26</sup>

The conclusions at the second edition were akin to those at the first, particularly regarding efforts to build a unified system of penitentiary statistics for use around the world. There was also persistent interest in the training of prison personnel.

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<sup>23</sup> See [Revista Penal y Penitenciaria], ‘Decreto 8722 - 6 de Diciembre de 1871’, *Revista Penal y Penitenciaria*, no. 9, 1938: 523–524.

<sup>24</sup> If Varela was unable to attend, Juan Fair, the Argentine consul in London, would be sent.

<sup>25</sup> We were not able to find any mention of Argentina’s participation in the congress’s *Actes* or in the archives consulted. There is no mention of attending the event in Rufino Varela’s correspondence or in the biographies of him consulted.

<sup>26</sup> Alper, B.S., Boren, J.F., *cited*, p. 30.

Argentina was still a nation state in formation, defeating the final holdouts against the capitalist/liberal project and building a nationwide class of rulers. In that context, the Buenos Aires Penitentiary was opened in June 1877, fruit of a hefty investment on the part of the most powerful province in Argentina in an attempt to reflect its advanced level of civilization.<sup>27</sup> The penitentiary, placed in the hands of the national government three years after its opening, was internationally recognized as an emblem of penal modernity for over half a century. That same year, the province of Buenos Aires built three local prisons in the cities of San Nicolás, Mercedes, and Dolores at the impetus of Emilio Castro, governor of the province at the time. Many other provinces began adopting Tejedor's penal code.

In early 1877, Onésio Leguizamón, minister of justice, religious affairs, and education, wrote to the governor of Córdoba to inform him that Argentina had been invited to attend the International Penitentiary Congress: "The aims of this congress are elevated: to study the state of crime in all countries, to investigate the causes for it, and to find the best means to put it down—unquestionably the noblest tasks that today's statesmen and philanthropists could possibly undertake."<sup>28</sup>

To study and solve these "dramatic" problems, Leguizamón asserted, it was necessary "...to take into account the crime statistics and penal and prison systems in effect in different nations." It was, he went on, essential to grasp the "spirit" of penal law in each country: Was the criminal considered a *recalcitrant* enemy or, rather, one who had *lost his way* and could be reformed?

The minister was clearly aware of the deficits of the local system: "...our prison systems cannot, truth be told, hold much interest." Be that as it may, he was guardedly optimistic before evidence of "healthy reforms and major creations," like the proposed penal code, the laws on criminal procedure enacted in a number of provinces, and the brand-new Buenos Aires Penitentiary.

The minister requested that the governor of Córdoba send him "...complete information on the number of criminals currently on trial in the province and on the most common crimes, the main causes for them, average trial length, the most common sentences, the health and safety conditions in jails, the tasks inmates are required to perform, and the penal system's influence on criminals and the society in which they live." Leguizamón also sent the governor the International Penitentiary Commission's extensive questionnaire, requesting that it be filled out in a timely fashion and returned to him along with—if possible—prison reports, documents, and blueprints.<sup>29</sup> At the end

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<sup>27</sup> It took four years to build the Buenos Aires Penitentiary and cost over two and a half million pesos, or one hundred times the cost of constructing the penitentiary in Mendoza (with a capacity of some six hundred inmates, the Buenos Aires prison was ten times larger than the one in Mendoza, though).

<sup>28</sup> See [Revista Penal y Penitenciaria], 'Decreto 10839 - 31 de julio de 1877', *Revista Penal y Penitenciaria*, no. 9, 1938, p. 528.

<sup>29</sup> According to prison historian J. Carlos García Basalo, the survey included questions on prison regime and administration, penological issues (capital punishment and short sentences, the efficacy of each), and criminological topics (most frequent crimes, causes of crimes). The aim of the questionnaire was to get a practical sense of the topic studied. It contained questions on the prison system's model (cellular, Crofton, or Maconochie); types of jails and conditions in them (food, uniforms, ventilation, drainage); average inmate stay at each prison; prison administration; staff (training, appointment process, duration of employment, etc.); approach to discipline (prevention or reform); moral and religious

of his long missive, Leguizamón explained that once all those documents had been gathered, a delegate would be appointed “so that the Republic can attend the aforementioned [congress] as a civilized people.”

That same request was sent to the fourteen provinces that constituted Argentina at the time, of which only two—Santa Fe and Mendoza—sent in all the information (others sent in fragmentary pieces).<sup>30</sup> Notwithstanding, Argentina’s participation in the 1878 congress in Stockholm was, in our view, one of the most significant of this period.

The Argentine delegate was Swedish physician Ernst Georg Åberg, who presented a report on the overall situation in Argentine jails.<sup>31</sup> The *Actes* of the International Penitentiary Commission included reports on the provinces of Mendoza and Santa Fe written by José Zapata and Ernesto Basavilbaso respectively,<sup>32</sup> as well as an extensive bibliography.<sup>33</sup>

But what did those reports say?

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associations active in the jails; education (availability of libraries, lectures, newspapers); work performed by prisoners; transition into society after jail term; crime prevention and policing of young people; etc. See García Basalo, Juan Carlos, ‘Estado Penal y Penitenciario del país durante la presidencia de Avellaneda’, *Separata Del Tercer Congreso de Historia Argentina y Regional*, 1977: 240–254.

<sup>30</sup> García Basalo states that Buenos Aires and San Juan also sent in reports, but they did not arrive in time. We have not been able to locate them. See García Basalo, Juan Carlos, *La Situación Carcelaria de La Provincia de Santa Fe En 1877*, Universidad Nacional del Litoral, 1965, pp. 77–95.

<sup>31</sup> Åberg was born in Stockholm on August 18, 1823. He studied medicine at Uppsala University, earning his degree at the age of twenty-seven. He went on to study at the Karolinska Institute, where he was awarded the degree of Magister Chirurgiae. Afflicted with tuberculosis, he immigrated to Argentina in search of a climate that might cure him. In 1867, he married Dolores Cobo Lavalle, with whom he had nine children. Åberg held a number of different posts in Argentina (he sat on the Water, Sewage, and Pavement Commission, for instance). He played an active role in combating the yellow fever epidemic that decimated the population of Buenos Aires in 1871. In 1877, he was named a member of the Academy of Medicine. He later returned to Sweden, where—as the delegate for Argentina—he took part in the congress discussed here. Years later, he founded the Therapeutic Institute of Mechanical Gymnastics in Buenos Aires, a groundbreaking institution in South America where gymnastic machines were used to therapeutic ends. A paper on physical therapy asserts that, in 1884, Åberg “published *Mechanotherapy of Zander*, considered the first publication in the Americas concerning the therapeutic virtues of physical exercises. His work turned Argentina into one of the pioneering countries in the training of physiotherapists in the region. In addition to the use of equipment, it applied Swedish author Ling’s concept of gymnastics based on the principle that the same forces that cause deformation can correct it.” After a long stay in Sweden, Åberg returned to Buenos Aires, where he died in 1906. On Åberg and physical therapy, see Bortz, Jaime Elías: “Åberg: La Fisioterapia como una ciencia descentralizada. Ernst Georg Åberg: el viaje argentino de un médico sueco”. Available at [http://www.ichst2017.sbh.org.br/download/download?ID\\_DOWNLOAD=176](http://www.ichst2017.sbh.org.br/download/download?ID_DOWNLOAD=176)

<sup>32</sup> In addition to Argentina, two other Latin American countries were represented at the congress: Brazil (its delegate was Padua Fleury) and Mexico (its delegate was a man surnamed Barrera, a diplomat). The year of the congress, the Argentine diplomatic corps in Sweden and Norway consisted of Consul General D. Guillermo Smith (Stockholm) and Consul Don Pedro Duborgh (Christiania).

<sup>33</sup> The *Acte* of the Stockholm Congress speaks of the presentation by Argentina of the following materials: 1) Documents presented to the Argentine Congress in 1875 by Dr. D. Onésimo Leguizamos [SIC], minister of justice, religious affairs, and education, Buenos Ayres, 1875, 1876, 1877; 2) Documents of the minister of the legislative chambers. Buenos-Ayres, 1877; 3) Penal Code proposed for Argentina, Buenos-Ayres, 1867; 4) Penitentiary, quarterly report to the executive branch. Buenos Ayres, 1877; 5) Bill to establish trial by jury and a criminal procedure code. Buenos Ayres, 1873; 6) Temporary regulations for the National Penitentiary, Buenos Ayres 1877; 7) Blueprints and photographs of the Buenos Aires Penitentiary; 8) Blueprints for the public jail for the cities of Rosario and Santa Fe. *Actes* I/1878, p. 643.

The general report by Åberg<sup>34</sup> was highly critical of the state of the country's penal system. After all, there was not yet a unified penal code for the entire nation. In practice, the criminal justice system was a motley regime where national and provincial laws heavily influenced by Spanish colonial law were layered with no clear overriding structure. There was only one preventative prison (those awaiting trial were held in separate facilities), located in Buenos Aires, though there were plans, albeit vague ones, to build a common prison on the banks of the Paraná River to service the provinces of Entre Ríos, Corrientes, and Santa Fe. The report also argued that “the main cause of crime is ignorance and lack of education.” Indeed, it went on, there was not a single “murderer who knows how to read or write.”<sup>35</sup> Finally, the report mentioned in passing that, though the death penalty had not been abolished, it was applied only “rarely, exceptionally.”

The report on Santa Fe province was quite different, undoubtedly because it was written by Severo Basabilvaso. An experienced jurist specialized in criminal law, he wrote the first Civil, Commercial, and Criminal Procedural Code. A member of the Supreme Court of Santa Fe,<sup>36</sup> Basabilvaso argued that the Argentine penal system was not a “continuation of the Ancien Régime”: something new was in the making, though it had not yet come into being. In Santa Fe, prisons were monitored by trial and appellate justices through visits, though prison administration was in the hands of the executive branch. Notwithstanding, there was no specific school or other form of instruction for prison personnel. Illiterate inmates were given basic instruction by the Monte Carmelo Charity Society (they were taught how to write and given religious lessons). Regarding the health of prisoners, the report stated that they were “more or less healthy,” and that nobody fell ill in prison—that despite the lack of heat or blankets in winter. The State, the report informed, provided the inmates with food and charity with clothing. Finally, the report informed that the majority of prisoners were men (women constituted just 5% of the province's prison population) and that homicide was the leading cause for confinement, followed by vagrancy, alcoholism, and theft.

The report on Mendoza province sent in by José V. Zapata<sup>37</sup> attested to knowledge of penitentiary ideas not found in the other reports. Zapata spoke of the progressive Crofton model, the resolutions of the congress held in Cincinnati in 1870, and how useful those ideas might be if applied to Argentina. He agreed with the authors of the other reports on the problems caused by the lack of a unified penal code for the entire nation.

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<sup>34</sup> Decree 10,839 designating Åberg Argentina's delegate was issued by President Nicolás Avellaneda y Bernardo de Yrigoyen on July 31, 1877. See *Revista Penal y Penitenciaria*, n°9, Year 1938, p.528. Interestingly, Åberg's son, Enrique, along with his colleague Carlos Kinhlberg, worked on and, in 1869, presented the blueprints for the National Penitentiary.

<sup>35</sup> We are grateful to Carolina Piazzi for this information.

<sup>36</sup> II/1878 p. 439. See Larker, Jose, ‘La universidad de Santa Fe, la formación de abogados y sus concepciones acerca del Derecho’, *I Jornadas de Historia de La Universidad En La Argentina*, UNL, 2008.

<sup>37</sup> José Vicente Zapata was born in Mendoza province in 1851. At a young age, he moved to Buenos Aires to study law, earning his degree in 1876. He went on to hold a number of important political posts (he was the minister of the interior and of justice). See Libro de grados 1866. Universidad de Buenos Aires Historical Archive, p. 141.

Åberg, then, both spoke and voted at the congress, though none of his interventions appeared in the *Actes*. The reports from Santa Fe and Mendoza showed knowledge of the basics of penitentiary theory and, undoubtedly for that reason, bemoaned an uneven situation in a country where the “barbaric” death penalty still existed, though it was rarely applied. In like tone, the texts reported that prisons did not make use of a separated confinement system; prisoners performed no “regenerating” work; the staff was not duly trained; and the inmates received no instruction.

### 3.3. A Distinguished Delegate, A Discreet Presence. Rome (1885)

Rome was the site of two important events on the question of crime: the third edition of the International Penitentiary Congress and the first of the International Congress of Criminal Anthropology. During this period, the first associations with an international orientation were formed, specifically the International Society of Criminal Anthropology and, later, the International Law Association.

By the mid-eighteen-eighties, Argentina was fully incorporated in the world market as an exporter of raw materials and importer of capital goods and labor. These were the years of “Peace and Administration, [*Paz y Administración*]” as President Julio Argentino Roca put it, though the “social question” and economic crisis would soon undermine both. Diplomacy would be an instrument central to the image of a consolidated nation that the Argentine government hoped to project.

In 1886, the Sierra Chica Prison was built to service Buenos Aires province after the Buenos Aires Penitentiary was transferred to the national government. Three years later, Salta province opened its prison. Major prison projects in Córdoba and Tucumán were held back by those provinces’ always-meager treasuries. In 1886, two decades after it was first written, the national Penal Code was passed by congress. Not long after it was enacted—and that was not until one year after its sanction—the need to fully revamp the code was voiced.

The Argentine delegate to the III Penitentiary Congress, held in Rome, was Ángel D. Rojas, the country’s ambassador there. The *Actes* suggest that he did not take part in the debates, submit reports, or provide a bibliography—which is odd considering that Rojas had an impressive background in criminal questions<sup>38</sup> and an outstanding political career (he was the governor of San Juan province, and later one of its senators, before running for president).<sup>39</sup>

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<sup>38</sup> Rojas was a delegate at the First National Penitentiary Congress held in Buenos Aires in 1914. He wrote a report on the penal code project submitted to the House of Representatives in 1917. As González Alvo points out, Senator Rojas supported the bill, albeit with a few modification such as the “unification of penal law, the simplification of the range of punishments, the individualization of sentences, the creation of a prison system for women and minors, and the inclusion of probation.” See González Alvo, Luis, ‘El ascenso jurídico de la penitenciaría. La privación de la libertad en los comienzos de la codificación penal argentina (1865-1921)’, *Anuario de Derecho Penal y Ciencias Penales*, vol. LXXI, 2018, pp. 509–543.

<sup>39</sup> Ángel D. Rojas was born in 1851 and educated at the prestigious Colegio Nacional de San Juan. In 1886, he and Juan Crisostomo Albarracín and Mardoqueo J. Olmos submitted a bill on an organic law for the judicial branch for San Juan province. He ran for president in 1916. Soon after losing that election, he died. See Cutolo, Vicente, *Diccionario biográfico argentino*, Buenos Aires, Elche, 1971. We are grateful to Estefanía Kaluza for information on Rojas.

Argentina's main contribution to the congress was a scale model of a cell at the National Penitentiary. A dozen other participating countries also had scale representations of their facilities, evidence of a concern with prison architecture. This was the first congress to make mention of the Bertillon system to identify and classify adult criminals. Its use was recommended for the entire world.

### **3.4. Two Diplomats and A Report from the National Penitentiary: Saint Petersburg (1890)**

A letter sent by the Argentine mission and consulate in Russia to the Argentine Ministry of Justice in August 1889 indicates that the Russian government had invited the Argentine government to attend the IV International Penitentiary Congress and International Penitentiary Exposition to be held in Saint Petersburg in June 1890. The congress would coincide with the one hundredth anniversary of the death of philanthropist John Howard, and in his honor a contest was to be held on his role in the history of prison reform.<sup>40</sup> Russia had played a major role in the organization of the International Penitentiary Congress even before the London edition, since it was one of the first countries to agree to participate in the congress. Wines was organizing in the eighteen-seventies. Meanwhile, the number of countries participating in the event grew along with the number of attendants. Over seven hundred people were present at the sessions in Saint Petersburg.

In 1890, a prosperous Argentina open to the world suffered a serious blow. What is called the Crisis of 1890 ensued as a result of the misguided free-market economic policies of President Miguel Juárez Celman and a drop in exports. The consequences of the economic collapse included the folding of many public and privately-held banks; default on loans to foreign creditors; and the impoverishment of the population in general. This situation was compounded by a profound political crisis that led the president to resign in 1890 after an attempted armed uprising.

What was happening in the Argentine prison system during those years?

First, the positivism that had reached its shores began to inform specific policies. University courses that explored the thinking of Cesare Lombroso, Enrico Ferri, and Raffaele Garófalo were launched;<sup>41</sup> the first Spanish-language criminology journal was published,<sup>42</sup> as were books and pamphlets on the criminal question. All of this placed

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<sup>40</sup> Two questionnaires on prisons to be filled out and returned to the congress's organizers were also sent, though they are not found in the AHCA files.

<sup>41</sup> The Universidad de Buenos Aires School of Law and Social Sciences was a pioneer in teaching the positivist doctrine in criminology. It was there that Norberto Piñero developed a criminal law curriculum highly influenced by Italian ideas like the indeterminate sentence and the orientation of trials towards the traits of the criminal as opposed to the crime committed.

<sup>42</sup> Edited by Pietro Gori, *Criminalogía Moderna* was published in Buenos Aires from 1888 to 1890. It was fundamental to studies on the criminal question in Argentina. International contributors included Cesare Lombroso, Enrico Ferri, Scipio Sighele, Agustín Hamon, Napoleon Colajanni, Raffaele Garófalo, and Guglielmo Ferrero, and local contributors Francisco de Veyga, Antonio Dellepiane, Luis M. Drago, Manuel Carlés, and Juan Vucetich.

Buenos Aires at the forefront of criminology internationally.<sup>43</sup> In 1890, a penitentiary was opened in Gualeguaychú, Entre Ríos province, and soon thereafter—later than planned, due to the economic crisis—new pavilions were opened in prisons in Tucumán (1891), Rosario (1893), and Córdoba (1895).

Unable to send a delegate with suitable training to the Saint Petersburg congress, President Juárez Celman dispatched Eduardo Ibarbalz (first secretary of the Argentine diplomatic mission in Austria-Hungary) and Eduardo García Mansilla, as Ibarbalz's secretary, providing them with a small stipend "for the duration of the congress." After that appointment, Ibarbalz began a correspondence with the director general of Saint Petersburg prisons on the congress and exposition. Argentina's minister of justice sent a thoughtful report on the National Penitentiary and information on the publications and objects from Argentina to be featured at the exposition.

On July 25, 1890, Ibarbalz sent a letter to Roque Saénz Peña, the minister of foreign affairs, with a detailed account of the congress and its attendants. He explained that there were "...extremely interesting discussions of criminal law and penitentiary science." In his missive, Ibarbalz included the "congress's bulletins whose minutes contain a clear and concise summary of the debates that took place and all the event's daily workings." He also reported that he had become friendly with the French delegate Herbette, with "one of the delegates from Russia, one from Belgium, and the illustrious director of Italian prisons, Beltrani Scalia."<sup>44</sup>

Ibarbalz affirmed the importance of the resolutions passed at the congress, which each country was to adopt. No resolution was adopted this time on probation, since it was "...a difficult problem that had not yet been duly studied, nor had the outcome of its use in Belgium been assessed. It will be addressed at the next congress."

In addition to the debates at the congress's venue itself, attendants, Ibarbalz recounts, visited penitentiaries for men, women, and young people in Saint Petersburg, Helsinki, and Moscow, "...all of them admirably clean and administrated. Like our penitentiary, some of them make use of the panoptic system." With understandable pride, the Argentine delegate stated that "none [of the prisons visited] seemed superior to the one in Buenos Aires... in terms of system of nocturnal confinement or first aid, capacity, convenience, or even architectural beauty."

Ibarbalz described "with pride" Argentina's participation in the penitentiary exposition, calling it a "relative triumph." He explained that he had given as gifts all the items in the show.<sup>45</sup> While the country's selection of objects "was rather small," it was

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<sup>43</sup> The development of the fingerprint system brought Argentina into the global debate on systems to identify criminals. García Ferrari, Mercedes, *Marcas de Identidad: Juan Vucetich y El Surgimiento Transnacional de La Dactiloscopia (1888-1913)*, 2015.

<sup>44</sup> Ministry of Foreign Relations and Religious Affairs. Mission and consulate in Russia. AHCA/0030. Dossier 3.

<sup>45</sup> A letter housed in the archive of the Ministry of Foreign Relations dated March 17, 1890 speaks of the objects manufactured in the Buenos Aires Penitentiary and sent to the congress: 1) Crate n° 1: model of a cell in the penitentiary; 2) eleven volumes of Ministry of Justice, Religious Affairs, and Education documents from 1884 to 1889; 3) Five copies of the jail's blueprints and five images of the final construction; 4) Four volumes of Bertillón's *Identification of Criminals*; 5) Three copies of the prison's rules; 6) Ten copies of its internal ordinances; 7) Pairs of shoes, from "the very ordinary to very fine"; 8) Six models of cases; 9) A volume of prints from the prison's workshop; 10) Two hammocks; 11)

successful. “The photographs of the building, the printed and bound books, and the model of a cell” were particularly captivating to the Russian Emperor.

The report on the National Penitentiary written by its director, Reinaldo Parravicini, was also well received. It informed that the prison occupied a total of 122,000 square meters (20,600 with constructions). The installations (staff offices, cells, visiting rooms, fields for crops, dining halls, etc.) were characterized as “solid and elegant.” The report also described how “...a chapel is located on the rotunda onto which the five dining halls converge. This means that, just one step out the doors to their cells, prisoners can witness religious services.” The building was well lit and ventilated, thus avoiding outbreaks of disease. Each cell, the report went on, was furnished with “...a bed-hammock that was rolled up during the day with a mattress, pillow, sheets, pillowcases, and blankets, a mess kit for food, a *necesseaire*, a broom, and a copy of the prison’s rules.” The inmates were divided according to age, educational level, crime, and marital status. A “mixed” system was implemented “by which each individual was held in his own cell by night and common work was performed in workshops by day in rigorous silence.”<sup>46</sup> Lastly, regarding discipline, the report informed that, in addition to the work performed in workshops—a key part of “regeneration”—“the prisoner’s name is replaced by a number when he is incarcerated.” Next his hair was cut and beard trimmed. He was examined by a physician before being given his uniform. During summer, the workday began at five in the morning. Prisoners had an hour for personal grooming and cell cleaning; half an hour for breakfast (a piece of bread and cup of coffee), which was eaten in the cell. Work in the workshops was performed from six-thirty until ten in the morning, at which point inmates returned to their individual cells for lunch (two pieces of bread, a bowl of broth with vegetables, and a plate of boiled meat). At eleven they returned to the workshop where they worked until four in the afternoon, at which point they had dinner in their cells (two pieces of bread, a bowl of soup, and a dish of spicy stew), where they remained until the next day (at eight in the evening, a bell sounded indicating prisoners had to remain silent and the gas tanks were turned off). The routine in winter was the same, except prisoners would get up an hour later and return to their cells an hour earlier.<sup>47</sup>

Finally, Ibarbalz indicated how important it was that Argentina join the International Penitentiary Commission, and that “useful tasks” begin to be performed in the National Penitentiary and provincial jails, among them “making uniforms and shoes for the army and navy...reins for the cavalry...and uniforms for prison guards and inmates.” That would save the State a great deal of money, contribute to the “moralization” of prisoners, and “benefit” society. Despite the great effort made by Argentina—its delegate and the State itself—to gather and send information to the International Penitentiary Congress, it is not mentioned once in the congress’s *Actes*.

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A guard’s uniform; 12) Two inmate uniforms, one for winter and one for summer; 13) Three hair clasps; 14) Two knit sashes; 15) Three watch boxes; 16) Four pincushions; 17) Two pairs of ladies’ stockings; 18) Two pairs of girls’ stockings; 19) One case with paper cutter and pen; and 20) A pair of reins with their headstalls. Ministry of Foreign Relations and Religious Affairs. Russian mission and consulate. AHCA/0030. Dossier 3.

<sup>46</sup> Ministry of Foreign Relations and Religious Affairs. Mission and consulate in Russia. AHCA/0030. Dossier 3.

<sup>47</sup> Ministry of Foreign Relations and Religious Affairs. Mission and consulate in Russia. Dossier 3. Year 1890. AHCA/0030.

It would seem that the new president, Carlos Pellegrini (he took office after Juárez Celman resigned), heeded Ibarbalz's recommendations, naming him Argentina's permanent delegate to the International Penitentiary Commission on October 2, 1890. Minister of Justice Amancio Alcorta, in affirming that Argentina had been invited to form part of that commission, stated that "it is a duty of civilized nations to contribute, to the extent possible, to progress in all orders of administration and government."

### 3.5. No Governmental Representative: Paris (1895)

The International Penitentiary Commission's request that Argentina send representatives to the fifth International Penitentiary Congress arrived in February 1894. The event was to be held in Paris in June 1895.<sup>48</sup> The letter underscored the need for international statistics, and to that end it included four model statistical charts in addition to three copies of the event's bylaws and its agenda.<sup>49</sup> All of that documentation had to be prepared and returned by July 1894 to the French Minister of the Interior, Mr. Duflos. The missive emphasized the importance of Argentina's participation with a delegate.

The letter was forwarded to the Ministry of Justice, from whence it went to the Prison Commission, constituted by "appropriate" citizens, which would respond to the request.<sup>50</sup> It was not until February 1895, though, that the Prison Commission responded to Minister of Justice Eduardo Costa, explaining that "...it regrets not being able to take advantage of the opportunity offered... due to the delay in attending to the matter." Though in February of the previous year they had received the letter and instructions, the letter went on, "...the charts are not attached. No matter how much effort we put into it, the commission will not be able to study such important matters" because the deadline for submissions had passed.<sup>51</sup>

This incompetence was why the Argentine State sent no representative to the meeting in Paris. Be that as it may, the *Actes* name two Argentines: José Capezón,

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<sup>48</sup> Ministry of Foreign Relations and Religious Affairs. Section 8. Treatises and Conferences. AHCA/0036.

<sup>49</sup> Translated from French, the bylaws signaled, among other things: 1) those who would be admitted as participants: delegates sent by their respective governments; members of parliament in participating countries; members of the Council of State; members of the International Penitentiary Commission; high-ranking officials in prison administration; members of the courts and tribunals; professors at public universities; members of penitentiary societies and of their boards; individuals known for their scientific contributions to penitentiary sciences; prison officials and officers at correctional schools, etc.; 2) Procedures for member admission and participation; 3) The congress's sections: criminal law; penal institutions; prevention institutions; questions on children and minors; and 4) Items on the agenda. The penitentiary questions to be addressed will include topics tied to anthropometry; rules for women's prisons; disciplinary and dietary regimes; the importance of work at prison as *source of order, wellness, moralization, and hygiene*, the importance of physical exercise, and other topics. See Ministry of Foreign Relations and Religious Affairs. Section 8. Treatises and Conferences. AHCA/0036.

<sup>50</sup> On prison commissions, see González Alvo, Luis, 'Una aproximación a los orígenes de la administración penitenciaria federal. Las "comisiones de cárceles" y el Proyecto de Reformas de Claros y Muratgia (1890-1912)', *Anuario Del Instituto de Historia Argentina*, vol. 17, no. 1, 2017, pp. 1-25..

<sup>51</sup> We found in the internal documents of the National Penitentiary instructions that four hundred copies of the institution's records be printed "as soon as possible" so that they could make it to the congress. Thus far, we have not been able to confirm whether they were actually printed and sent to Paris. MMJIP 1900/294.

director of medical supplies for the Military Hospital, and Francisco de Veyga, professor at the Universidad de Buenos Aires Medical School (it is likely both had been sent to Paris to obtain medical materials for the army). Neither of them submitted a report of any kind on the event upon their return, and the *Actes* make no mention of either having spoken at the congress.<sup>52</sup>

The lack of a representative of the Argentine State at the 1895 congress is truly unfortunate. Argentina had managed to overcome the most traumatic effects of the economic and political crisis that had set in five years earlier. Agricultural exports—the engine of the local economy—had picked up again and new European investments appeared to be on the way. Those years of relative prosperity slowly brought unified public policies on prisons. New, albeit precarious, prison facilities were established as lower courts were created in territories to the south and the north (places like Posadas, Formosa, General Acha, Chos Malal, Viedma, Resistencia, and Rawson) that had been inhabited by native peoples who were physically removed or exterminated.

The Paris International Penitentiary Congress turned out to be one of the most important editions of the event. A consensus was reached on the implementation of the cellular system and the need to adopt measures on the treatment of inmates. Prisoners' diet and peculium were among participants' chief concerns. The rise of positivist criminology with its biologicist premises lay the groundwork for the figure of the deranged criminal and ushered in debate on classification of criminals. The status of minors was also widely considered in the resolutions, which recommended that governments enact a minimum age for criminal prosecution.

### **3.6. Argentina, Once Again Only Nominal Participation: Brussels (1900)**

The first edition of the congress in the twentieth century resumed what was already an intense debate in the penal and penitentiary field: the indeterminate sentence. Unquestionably a pillar of the positivist school, arguments in favor of the indeterminate sentence were far from objective.

As mentioned previously, the young Argentine State's place in the world capitalist market was as a major supplier of raw materials. Inequality at all levels, one of the undesired effects of modernity, was just one of the issues the Argentine State had to deal with. The term "the social question" was used in diagnoses of the effects of mass immigration, structurally inadequate housing, and new and growing forms of sociopolitical organization. Argentina in 1900 was beset by overcrowding, epidemics, and rising crime, as well as emerging workers' movements and the nation's first general strikes.

Equipped with modern scientific theories, forward-looking Argentine criminologists became respected spokespeople on the crime question. Journals, as well as academic dissertations, books, pamphlets, and other materials produced in Buenos Aires reached the rest of the world. Beyond the capital city, though, few of those ideas

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<sup>52</sup> It appears that many of the participants in the event represented no state. According to Leonards, over half of attendants at the first editions of the congress came by their own means out of their personal interest in the topic. Leonards, C., *cited*, p. 91.

were translated into concrete policies. Exceptions were a prison opened in Ushuaia, Tierra del Fuego in 1902, and a detention center for minors built in Marcos Paz, Buenos Aires province in 1904.

The Belgian government's invitation to the 1900 edition of the congress arrived in Buenos Aires in October 1898.<sup>53</sup> The Ministry of Justice did not respond until March 1900, when a second letter arrived. In this one, the organizing committee requested that the ministry indicate the names of the delegates it would be sending. In its response, the Argentine government once again affirmed the importance of scientific events that contributed to "improving prisons through comparative study of prison systems in every country." The *ad honorem* delegates selected were Juan Carlos Belgrano, Marco M. Avellaneda, and Joaquín Lemoine.<sup>54</sup>

The *Actes* tell us that Avellaneda was the vice president of the congress's third section, which dealt with prevention measures.<sup>55</sup> In all four sections, though, European countries were the overwhelming majority; mentions of Mexico, Japan, Brazil, and Argentina were few and far between, and no delegate from Latin America delivered a lecture.<sup>56</sup>

### 3.7. No One Went to Budapest (1905)

After the congress in Brussels, the International Penitentiary Commission took root as an international governmental organization. The United States joined the permanent commission, which bolstered funding. The commission's bulletin was published at more regular intervals, and meetings of representatives of the organizing committee also became more frequent. Many more texts and reports on the questions discussed at the event were published, and they traveled the world in a number of different languages.

The question of the indeterminate sentence so central to the 1900 congress was not discussed at the 1905 edition, where penal labor was the chief area of debate.

Five years into the 1900s, Argentina once again found itself in tumult. An armed uprising organized by the Unión Cívica Radical, an organization that brought together the emerging middle classes, ousted President Manuel Quintana. Workers' movements, especially those with an anarchist bent, repudiated the "conservative order" and began to mobilize against the governments that had held power since 1880.

A battery of new measures on crime and punishment were put into effect in Argentina during these years, giving shape to a system much more complex than a repressive apparatus aimed at putting down rising sociopolitical dissent. Regarding

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<sup>53</sup> Ministry of Foreign Relations and Religious Affairs. Treatises and Conferences Section. AHCA/0041.

<sup>54</sup> Significantly, all three delegates had outstanding academic and political careers, but none had any experience with the penal system.

<sup>55</sup> The congress's four sections were: a) criminal law; b) penal institutions; c) prevention measures; d) child protection.

<sup>56</sup> See "Congreso Penitenciario Internacional de Bruselas" in *Revista de las Prisiones*, Year VIII, August 24, 1900, n°32.

prisons and penitentiaries in particular, the First National Prison Census was carried out in 1906 at the initiative of Antonio Ballvé, director of the National Penitentiary. The census set out to gather information on the over sixty facilities in the country and the state of the inmate population, a total of around eight thousand people. A prison was opened in Neuquén province in 1904, the magazine *Revista Penitenciaria* launched in 1905, and the Institute of Criminology created in 1907. Together, these developments lay the groundwork for a dynamic set of policies geared to prison reform.

Despite this intense spurt of activity locally, Argentina did not take part in the International Penitentiary Congress held in Budapest. The silence about the event in publications on the prison question, both academic and lay, is striking. One way or another, though, it appears that the congress's resolutions made their way to director Ballvé who, in keeping with them, implemented paying the prison population at the National Penitentiary a peculium if they had been injured while working.<sup>57</sup>

#### **4. Penitentiary Experts and the International Prison Panorama between the Wars: Argentina's Participation in the International Penitentiary Congress (1910-1950)**

The aim of this second section is to analyze Argentina's participation in the editions of the International Penitentiary Congress held from 1910 to 1950, when the International Penal and Penitentiary Commission was dissolved and its functions turned over to the United Nations. As we saw in the previous part, though Argentina's ability to participate in the event was conditioned by, among other things, budgetary restrictions, penal institutions were a fundamental concern of the Argentine delegates that were able to attend. During the first half of the twentieth century, Argentina's engagement in international diplomacy increased, allowing for a fluid exchange with other nations. Argentina's commitment to penal and penitentiary questions—evident in its fairly regular attendance of the congress and measures enacted in the country itself—was recognized by the International Penal and Penitentiary Commission in the thirties, when Argentina was finally granted membership.

##### **4.1. Argentina's Participation in the International Penitentiary Congress. The Director of the National Penitentiary in Washington (1910)**

Unlike in the nineteenth century, communications inviting national governments to participate in the editions of the congress arrived promptly, and it was easier for delegates to make the journey to the event. Transatlantic travel and communication technology had improved, paving the way for the intercommunication global diplomacy requires.

In late 1908, news was first heard in Washington of the International Penitentiary Congress to be held in that city in 1910. Along with the bylaws and pamphlets from previous editions, the Argentine Ministry of Justice received an informal invitation to send one or more delegates (not a single Latin American country

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<sup>57</sup> Alper, B.S., Boren, J.F., *cited*, pp. 41–42.

had participated in the previous edition, held in 1905). The 1910 congress would be not only the first but also the only one to be held in the Americas. The process by which the United States joined the International Penitentiary Commission had proven time consuming and cumbersome; the intention was, to some degree, to shift decision making away from Europe.

The VIII International Penitentiary Congress was one of the most significant in the event's history. Before the official opening, the local organizers put together a tour of the largest penal facilities in the country. The tour, which took place from September 18 to 24, 1910, covered a great many miles in seven different states. In one of them, New York, visitors saw the Elmira Correctional Facility, considered a model in criminal reform.<sup>58</sup>

The Congress in Washington was the first to issue a resolution on the question of the indeterminate sentence as scientific principle. Four conditions were recommended for its application:

*a) That the prevailing conceptions of guilt and punishment be compatible with the principle of the indeterminate sentence; b) that an individualized treatment of the offender be assured; c) that the board of parole or conditional release be so constituted as to exclude all outside influences, and d) that this board should consist of a commission made up of at least one representative of the prison administration, and at least one representative of medical science.*<sup>59</sup>

The debate between advocates and opponents of the indeterminate sentence would go on for years. While experts in the United States largely agreed on its use in the case of the "morally ill," a number of specialists advocated using in for all types of convicts.<sup>60</sup> The Washington Congress witnessed discussion of the principles at the very foundation of modern prisons: a) No individual, regardless of age or criminal background, is beyond reform; b) Society should make serious efforts to reform criminals; c) Key to that reform are religious and moral instruction, intellectual and physical education, and vocational training to help the prisoner make a living after release; d) Reform is not possible if sentences are short; e) Sentences at penal facilities should be complemented with parole and other forms of monitoring; and f) Indeterminate sentences should be applied and, to a greater and greater extent, sentences should be individualized.<sup>61</sup>

The sociopolitical situation in Argentina was, once again, fraught with difficulties. While political leaders were concentrated on celebrations to commemorate

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<sup>58</sup> *Actes 1910*, 529-587/I.

<sup>59</sup> Alper, B.S., Boren, J.F., *cited*, p. 42.

<sup>60</sup> The number of attendants from the organizing countries was consistently higher than the number from other countries. The graphics Leonards put together for the nineteenth-century editions of the International Penitentiary Congress show the proportion of local to international attendants to be as high as 3 to 1. Leonards, C., *cited*

<sup>61</sup> See Núñez, Jorge Alberto, 'Fernando Cadalso y la reforma penitenciaria en España (1883-1939).', Madrid, Universidad Carlos III de Madrid, 2014, p. 216. Also see Ramos Vazquez, Isabel, 'La individualización judicial de la pena en la primera codificación francesa y española', *Anuario de Historia Del Derecho Español*, no. 84, 2014, pp. 327-363.

the centennial of Argentina's independence on May 25, 1810,<sup>62</sup> there were more and more anarchist terrorist attacks in the country—indeed, Buenos Aires was a major hub of the anarchist movement in South America.<sup>63</sup> Beyond the anarchists specifically, political dissent of all stripes was growing against a free-market, liberal model—and that dissent was seen as a political threat. Two laws passed epitomized the methods of repression deployed in the name of the positivist paradigm of “order and progress.” Together, the Residency Law and the Social Defense Law authorized the Argentine State to hold without trial and deport any “dangerous” foreigner.<sup>64</sup>

At the other end of the Americas, the opening sessions of the Washington Congress were underway, and physician Armando Claros,<sup>65</sup> the director of the National Penitentiary, represented Argentina. The formal invitation from the International Penitentiary Commission was slow to arrive, and Claros's attendance was announced before it did in a letter from Epifanio Portela (Argentina's envoy extraordinary and minister plenipotentiary in the United States) to public offices in Argentina,<sup>66</sup> that missive also included a number of pamphlets on the Penal and Penitentiary Commission.<sup>67</sup>

The Argentine government's decision to send the director of the country's most important prison to the congress reflects a change in its stance. As we saw in the previous part, Argentina had been sending diplomats not versed in the penal question. Furthermore, this was the first time that reports on the official delegation in Washington were made public in Argentina. An edition on “the new penal tendencies” discussed at the congress was published in 1911. Printed at the National Penitentiary's print

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<sup>62</sup> The first Argentine government with no representation of the Spanish crown was set up on that date, unleashing a conflict between defenders of maintaining ties to Spain and advocates of an independent social and economic order.

<sup>63</sup> The assassinations of Umberto I and President McKinley caused a public uproar and were the engine behind a move to exclude anarchism from the Argentine social and political scene.

<sup>64</sup> Law 4144 or the “Residency Law” (1902) authorized the executive branch to deport or prevent the entrance into Argentina of foreigners “whose behavior undermines national security or upsets the public order.” Law 7029 or the “Social Defense Law”—enacted in just two days in 1910, after an attack on the Teatro Colón, a symbol of the Buenos Aires elite—expanded the government's repressive power with a particular focus on the anarchist movement.

<sup>65</sup> Armando Claros was born in San Salvador, Jujuy province in 1866 where, after graduating from medical school in 1881 (his dissertation was entitled “On a Case of Pseudo-Leukemia”), he had a prolific political career. See UBA Archive. *Libro de títulos y planes 66. Libro de grados de Doctor en Medicina*. p.110. In the eighteen-nineties, he was the secretary of the Jujuy government. He was elected to the Argentine House of Representatives shortly before being named undersecretary to Minister of Interior Joaquín V. González. Before becoming the director of the National Penitentiary, Claros had been the director of a correctional facility for boys in Buenos Aires (1906-1909) after a brief spell at the National Post and Telegraph Office (1904-1905). González Alvo, L., ‘Una aproximación a los orígenes de la administración penitenciaria federal. Las “comisiones de cárceles” y el Proyecto de Reformas de Claros y Muratgia (1890-1912)’ cited, pp. 6–7.

<sup>66</sup> In 1909, the most important publication on the penal question in Argentina reported on an epistolary exchange between Barrows and José Luis Duffy (Director of the Buenos Aires Prison for the Accused). Apparently, Barrows praised Duffy for “the progress made in penal science” in the country and requested a subscription to *Revista Penitenciaria*. The magazine recommended that Argentina be represented at the congress by Eduardo Sarmiento Laspiur, who had specialized in penal questions in his studies at the University of Paris. See *Revista Penitenciaria*, Volume X, Year 1909, p. 56. We would like to thank Alejo García Basalo for turning our attention to this material.

<sup>67</sup> In conversations with Samuel Barrows and Francis Bacon in the United States, Portela had conveyed Argentina's interest in sending “one or more delegates” to the congress. Box AH/0091. C82 A 55. Henceforth AHCA (acronym in Spanish for the Historical Archive of the Argentine Foreign Office).

workshop, the publication included a Spanish translation of the resolutions adopted in Washington.<sup>68</sup>

Entitled *Nuevas tendencias penales*, the book provided a sweeping overview of some of the topics raised at the Washington Congress, as well as questions related to penitentiaries in the United States. Included as well was a section on the application of the congress's resolutions in Argentina.<sup>69</sup>

In addition to Claros, Antonio Amaya, the director of San Martín Prison in Córdoba province for two different terms (1908-1919 and 1922-1926),<sup>70</sup> attended the event in Washington. According to Luciano, it was under Amaya that the largest prison in Córdoba managed to gain a level of autonomy from the police and enact a "...series of modifications in regulations on the duties and attributes of certain public officials. A new set of bylaws was passed . . . and branches [of the prison system] tied to the principles of positivist criminology created: a prisoner conduct board, a parole board, and the Córdoba Institute of Criminology." Upon returning to Córdoba, Amaya was able to implement some of the aspects of the United States prison system that most impressed him, especially those related to juvenile detention centers. He could not make as many changes as he would have wanted because of lack of personnel and infrastructure.<sup>71</sup>

In 1914, the Argentine Institute of Criminology, housed in the National Penitentiary, organized a national congress of doctors, criminal attorneys, experts, prison directors, and others involved in prison administration.<sup>72</sup> The organizing commission tasked Eusebio Gómez with putting together an institutional history of the National Penitentiary, an impressive volume to be printed at that penitentiary's print workshop and published by the Institute of Criminology. The congress would be a major early event in the discussions of experts and administrators alike, as well as evidence of local concern with improving Argentine prison administration. Unfortunately, no second event of this sort would be held until the nineteen-fifties,

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<sup>68</sup> Claros, Armando, *Nuevas Tendencias Penales En El Congreso Penitenciario de Washington*, Buenos Aires, Talleres Graficos de la Penitenciaría Nacional, 1911.

<sup>69</sup> In the publication, Claros explained that there was interest on the part of the government in clarifying the role and organization of prisons and that the penal code was undergoing reform. He suggested penal alternatives for women and children. He recommended classifying prisoners (youth/adults, first-time offenders/repeat offenders) and prisons. Undoubtedly influenced by his visit to Elmira Correctional Facility, Claros recommended the creation of a facility for young adults based on the cellular model and outfitted with school, workshops, and lands for crops in the countryside in Buenos Aires province.

<sup>70</sup> His career began in the late eighteen-seventies in the Córdoba police department, and he was named warden of the facility in that province in January 1908. See González Alvo, Luis, *El tiempo de la prisión. La reforma penitenciaria en Córdoba, Santa Fe y Tucumán (1853-1946)*. Doctoral dissertation in history, 2018. We thank its author for bringing this text to our attention.

<sup>71</sup> See Luciano, Milena, 'La verdad burocratizada: las condiciones materiales de vida de los internos de la Penitenciaría de Córdoba entre 1908 y 1916', *Revista de Historia de Las Prisiones*, vol. enero-juni, no. 6, 2018: 100.

<sup>72</sup> The head of the congress's organizing commission was Norberto Piñero (chair of the Criminal Law Department at the University of Buenos Aires School of Law and Social Sciences at the time). The members of the commission were Osvaldo Piñero, Domingo Cabred, Ricardo Seeber, and Domingo Cavia (vice presidents); Helvio Fernández and Eusebio Gómez (secretaries); and Miguel Lancelotti and Carlos de Arenaza (deputy secretaries). Instituto de Criminología de la Penitenciaría Nacional (ed) , *Trabajos y Actas Del Congreso Penitenciario Nacional Celebrado En Buenos Aires Del 4 Al 11 de Mayo de 1914*, Buenos Aires, Talleres Gráficos de la Penitenciaría Nacional, 1914, p. 12.

when the Peronist Penitentiary Congress took place. That delay was due to institutional indifference as well as the tendency, for a number of reasons, to envision prison administration as a practical realm of knowledge built by hands-on experience in prison facilities rather than in university departments, scientific councils, and research bodies.

#### 4.2. A Delegation of Experts in London (1925)

At the close of the congress in Washington, it was decided that the next edition would be held in London in 1915. But the outbreak of World War I in 1914 made that impossible.

The International Penitentiary Commission resumed its activities in 1922, but it was not until two years later that the date—the first week of August 1925—and the place—London—was set for the ninth edition of the congress.<sup>73</sup> As soon as those decisions had been made, the Argentine Ministry of Justice and Education confirmed attendance and took on the task of selecting delegates. As originally determined in 1910, Eusebio Gómez, director of the National Penitentiary and professor of criminal law at the University of Buenos Aires, was chosen to represent Argentina.<sup>74</sup> Two other eminent professors, José María Paz Anchorena<sup>75</sup> and Juan P. Ramos,<sup>76</sup> would attend along with him.

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<sup>73</sup> Ángel Gallardo, minister of foreign relations, received a letter informing him that the International Penitentiary Commission had met in London in 1924 “to take care of the final arrangements, which are now complete. Participants in the congress will, if they so desire, be able to visit the most important penal facilities in Great Britain and Wales after the close of the sessions.” See Box/AH 0136/Bis. Great Britain. London IX International Prison Congress (SIC)

<sup>74</sup> Eusebio Gómez was born in the province of Santa Fe, Argentina to an eminent professor and congressman. Though he began practicing law as soon as he graduated from law school in 1902, he had a clear inclination for research on penal and penitentiary questions. In the nineteen-twenties, he would be named a full professor of criminal law at the University of Buenos Aires Law School (he would hold that post until the mid-forties). Gómez was the director of the National Penitentiary from 1923 to 1928, when he was appointed a judge in Buenos Aires. In the thirties, he worked with Rodolfo Moreno on the criminal procedure code and with Jorge Eduardo Coll on the penal code. He wrote dozens of articles, edited a number of journals, and published more than twenty books over the course of his career. He died in Buenos Aires in 1954. See González, Esteban, ‘El trabajo de los penados argentinos alrededor del mundo. Eusebio Gómez en el IX Congreso Penitenciario Internacional (Londres, 1925)’, *Revista de Historia de Las Prisiones*, no. 7, 2018.

<sup>75</sup> José María Paz Anchorena was born in Buenos Aires in 1892. On February 1, 1911, he requested permission to sit for the entrance exam to the University of Buenos Aires School of Law where, in 1924, he was named substitute professor of criminal law (he would soon be named associate professor). He was a member of a number of institutions such as the Royal Academy of Jurisprudence and Legislation (Spain) and the Société de Prisons (France). He joined the National Department of Correction Institutes [Dirección Nacional de Institutos Penales] in 1933—not long after it was established—working at the Classification Institute tasked with “...studying each inmate’s personality and degree of social re-adaptation, and assessing his request for probation.” From 1937 to 1941, he was the director general of the Penal Institutes, a post he left when vice president Ramón Castillo asked him to join his cabinet. During his tenure at the Penal Institutes, he devised a plan based on the following items: 1) the transformation of the Prison for the Accused in Buenos Aires into a jail for convicts with capacity for five hundred inmates; 2) the construction of an irrigation system in the jail in General Roca to facilitate farming some one hundred and sixty hectares on its premises; 3) the opening the Central Penitentiary Hospital to centralize health services, especially for tuberculosis patients, and thus avoid dispersing inmates under police custody to different hospitals at great expense; 4) further construction and renovations of pavilions at the Ushuaia Prison; and 5) the opening the Penal Colony in La Pampa. It appears he was able to carry out all those tasks. See ‘Nuevo Director de Institutos Penales, el Dr. José

The inaugural sessions of the IX International Penitentiary Congress were held on August fourth and the closing sessions on the tenth. Sir William Johnson-Hicks, honorary president of the congress, presided over the opening ceremony held in the grand hall of the London Imperial Institute of South Kensington. In his welcoming remarks, Johnson-Hicks recalled his nation's efforts in crime prevention and the measures taken by the English penal system since the first edition of the congress was held, also in London, in 1872. He also recognized the growing public discontent with the treatment inmates received; prisons were seen almost entirely as somber and dark places where the reform of criminals was impossible. In keeping with tradition for opening ceremonies, Johnson-Hicks went on to name the event's presidents and vice presidents—one of the foreigner commissioners was Paz Anchorena.<sup>77</sup>

Unlike Ramos, the other Argentine delegates wrote and/or published works for submission to the congress.<sup>78</sup> Paz Anchorena wrote a text on the juvenile reform colony in Marcos Paz that would be translated into French, the International Penitentiary Commission's official language. At the request of the University of Buenos Aires, where he was a criminal law professor, Paz Anchorena visited a number of European universities during his trip. Gómez wrote and published two different documents on the issues addressed at the congress.<sup>79</sup> As the director of the National Penitentiary, he made a presentation at the second session, on prison administration (Paz Anchorena took part in the third session, Prevention). Gómez had also performed the major task of compiling administrative materials and historical texts on the National Penitentiary that, as mentioned, he had directed since 1923.<sup>80</sup> He also wrote a summary of the works presented by the Argentine delegation at the congress.<sup>81</sup>

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María Paz Anchorena', *Revista Penal y Penitenciaria*, vol. II, 1937, p. 243.; 'El Ex Director General de Institutos Penales. Doctor José María Paz Anchorena', *Revista Penal y Penitenciaria*, vol. VI, 1941, p. 3.

<sup>76</sup> Legal scholar, professor, and writer Juan P. Ramos was born in Buenos Aires on August 21, 1878. An outstanding student widely admired by his peers at the Universidad de Buenos Aires School of Law, he was named a substitute professor at that institution in 1916, soon after graduating, and a full professor of criminal law in 1922; he was also a professor of education at the University of Buenos Aires School of Philosophy and Letters. In parallel, he had an impressive legal career that culminated with a judgeship in the Buenos Aires criminal courts. Like Gómez and Paz Anchorena, he was, for a brief spell, the director of the National Penitentiary. As a criminal law professor, Ramos was a fervent follower of Enrico Ferri. Ramos also directed the "Criminal Studies Center" created at the University of Buenos Aires School of Law in 1921. That center had the distinction of being responsible for the first publication of Ferri's penal code project outside of Italy. He died in Buenos Aires in 1958. See González, Esteban, 'Circulación de saberes penales en la Facultad de Derecho y Ciencias Sociales. El caso de la Revista Penal Argentina', Carrasco, Morita, Luxardo, Natalia (eds) , *El Orden Cuestionado. Lecturas de Antropología Jurídica*, Buenos Aires, UNSAM Edita, 2017, pp. 25–41.

<sup>77</sup> Some have considered these designations mere diplomatic distinctions.

<sup>78</sup> It appears that the Argentine delegates also included Haya de la Torre, who lived in London. See Molinario, Alfredo J. "Algunos aspectos del duodécimo congreso penal y penitenciario internacional celebrado en La Haya entre el 13 y el 19 de agosto de 1950" in *Anuario del Instituto de Derecho Penal y Criminología*, n°3, Buenos Aires, Ministry of Education, pp 259-297.

<sup>79</sup> In the Archives of the State Department, we found a letter from Gómez on National Penitentiary letterhead dated November 23, 1925. Addressed to the Minister of Foreign Relations, the missive gave an account of Gómez's contribution to the event and the presentations delivered (it included a copy of each). Gómez explained that the British government "cordially welcomed the delegation from Argentina with the finest consideration." See Box/AH 0136/Bis. Great Britain. London. IX° International Prison Congress.

<sup>80</sup> The volume contained the following: an article on Criminal Law and the Sentencing Regime in Argentina (43 pages); Descriptive History of the National Penitentiary of Buenos Aires. (23 pages). In appendices: Decree for the construction of the penitentiary in Buenos Aires (12 pages); Bylaws of the

The ample volume was an updated version of the *Descriptive History of the National Penitentiary* presented at the First Penitentiary Congress in Buenos Aires in 1914. Printed at the National Penitentiary's print workshop, the edition is striking because of the excellent quality of the photographs and the reproductions of opinion pieces by Ferri and Patrizi written out in longhand and printed on special photographic paper. Furthermore, the full-color graphics were hardly standard for the time. The *Descriptive Memory* was, in effect, a sample of what the National Penitentiary's print workshop was capable of. Despite the effort the project required, it was not once mentioned in the congress's *Actes*; the document's reception was never confirmed and no thanks were given for the effort—all of which García Basalo recalls in his article on the IX Congress.<sup>82</sup> Rosa del Olmo goes even further in her interpretation, seeing it as part of a general lack of recognition of emerging nation states. She writes:

Though Latin America's participation in the International Penitentiary Congress was steadfast, it was also only nominal. While some representatives of Latin American countries were named vice presidents of the event, the contribution they might have made was dismissed (...) The intention of events of this sort might have been to set universal norms, but (...) the imposition of those norms was not equal. An imperialist policy predominated where "experts" were participants from hegemonic countries. All they wanted from the other participants was votes in favor of their decisions.<sup>83</sup>

In addition to the texts by Paz Anchorena and Gómez, a monograph on prisoners' peculium by students in a research seminar at the University of Buenos Aires

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National Penitentiary (24 pages); Executive decree calling for the establishment of the National Penitentiary's School for Inmates and setting its curriculum (11 pages); Records for the creation of the National Penitentiary's School for Prison Guards (4 pages); Brief curriculum for the National Penitentiary's School for Prison Guards (5 pages); Daily schedule for inmates at the National Penitentiary, daily rations for each inmate, prisoners' menu, National Penitentiary's annual budget (salaries and expenses) [graphs and charts] (4 pages); Facsimile of the criminal record of each inmate in the National Penitentiary (14 pages); Facsimile of the medical-psychological report for each inmate in the National Penitentiary, Institute of Criminology (16 pages); Work performed by the Institute of Criminology from the time of its founding until May 1, 1925. (1 page); Decree establishing the facilities where convicts should be held (5 pages); Proposal to compensate inmates injured at workplace accidents in prison (7 pages); Photographs of the National Penitentiary and the Institute of Criminology (42 pages); Opinion piece by Professor Enrico Ferri [facsimile] (1 page); Opinion piece by Professor Mariano Patrizi [facsimile] (1 page). Cfr. Gómez, Eusebio, *La Penitenciaría Nacional de Buenos Aires: Memoria Descriptiva Del Establecimiento, Presentada Por Su Director, Dr. Eusebio Gómez, Al IX Congreso Penitenciario Internacional Reunido En Londres El*, Buenos Aires, Talleres Gráficos de la Penitenciaría Nacional, 1925.

<sup>81</sup> The text was published as "Congreso Penitenciario de Londres. Breve relación de sus trabajos por Eusebio Gómez. Delegado del gobierno argentino," and sections of it appeared in the *Revista de Criminología, Psiquiatría y Medicina Legal* in 1925 and 1926.

<sup>82</sup> See García Basalo, Juan Carlos, 'El X Congreso Internacional Penitenciario (Praga, 1930)', *Estudios Penitenciarios*, no. III, 1958.

<sup>83</sup> Del Olmo, Rosa, *América Latina y Su Criminología*, México, Siglo Veintiuno Editores, 1981, pp. 83–84. Though this conclusion might seem like an exaggeration, Paz Anchorena, in the thirties, regretted that the only documents from Argentina in the CIPP's library in Switzerland were studies of "dangerous state" legislation. On the basis of confirmations of receipt of Argentine penal literature, it appears that Argentina was consistently sending documents like penal codes, provisory bylaws, and documents from the country's prisons, as well as titles related to criminology, criminal law, and legal medicine. We do not know if, in subsequent years, that bibliographical oversight was corrected.

School of Law and Social Sciences was published in French—the congress’s official language—for the congress in London.<sup>84</sup>

In his presentation in London, the director of the National Penitentiary set out to answer the question, “For the application of different and proportional regimes, should inmates be classified by character, or by gravity of the sentence or the crime? And how, therefore, should facilities be organized?”<sup>85</sup>

Gómez started out by underscoring how hard it would be to establish a classification model for the inmate population—he doubted it could actually be put into effect. On those grounds, he wondered if it might be better to effect classification through individualization of punishment within the penitentiary: “How to group inmates in categories of psychological traits that are at best only relatively uniform? Would we find those traits in the more or less similar crimes committed? Should the gravity of the crime or the gravity of the sentence be adopted as classification criteria?”<sup>86</sup>

Like the International Penal and Penitentiary Commission, the congress concluded that instruction, discipline, and work would be capable of reforming inmates. The IX International Penitentiary Congress in Washington had reached the conclusion that any prisoner could be reformed and, therefore, penal institutions should impart discipline, education, and industry. And that industry should pursue not only “educational and hygienic ends but also impart technical skills and economic sustenance. And that, of course, requires vast and complex vocational organization”.

Gómez made reference to two past cases where it was proposed that inmates be put to work as a means of reform. The first was the Italian penal code draft of 1921, which was celebrated by the scholars of criminal law at the University of Buenos Aires School of Law and Social Sciences as one of the greatest advances in the “penal science” ever (although it was never promulgated). The second was the recently-enacted set of bylaws for the National Penitentiary.<sup>87</sup> According to those bylaws—and to

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<sup>84</sup> MUSEO DE LA FDCA. Gómez, Eusebio. *Legajo académico*. “Comunicaciones de interés docente.” S/N. June 17, 1925 – Gómez requests the publication of a monograph on the peculium of adult inmates written by students in his seminar in order to be presented at the International Penitentiary Congress in London. (request granted by the C.D on July 11, 1925). Though published in Buenos Aires, the monograph was in French. See Sorensen, Amaro, Chaneton, Ernesto, and Claisse, Anibal, *Le pécule des condamnés: Etudes réalisées par les élèves Amaro Soerensen, Ernesto Chaneton y Anibal Claisse. Sous la direction du profesor Dr. Eusebio Gómez*, Buenos Aires, Lajouane, 1925.

<sup>85</sup> French original: Convient-il de classer les détenus d’après leur caractère, la gravité de la peine prononcée ou de l’infraction commise en vue de l’application de régime différents et proportionnés et comment doit-on aménager les établissements à cet effet?

<sup>86</sup> Gómez, Eusebio, ‘La clasificación de los condenados’, *Doctrina Penal y Penitenciaria*, Buenos Aires, V. Abeledo, 1929.

<sup>87</sup> For its first fifty years, until 1925 when Gómez took over as director, the National Penitentiary had operated on the basis of a provisory set of bylaws, most of them written in the facility’s early years, and a series of writs. Work in the National Penitentiary was regulated by five articles in the fifth section of its bylaws, the one “On Work and Peculium”:

Art. 123.– Work pursues not only educational and hygienic ends but also imparts technical skills and economic sustenance. Compensation will be by unit.

Art. 124.– All inmates must work eight hours a day in accordance with the Penitentiary’s schedule. This obligation is laid out in Law (articles 6 and 9 of the Penal Code); those who fail to comply with this law are committing a serious infraction that will earn them the qualification of “dreadful”; they will be subject to any of the disciplinary actions listed in these bylaws that the director sees fit.

Gómez—for prisoners to undergo true reform, they must be assigned work according to their traits: aptitudes and skills, level of education, and physical condition. Gómez argued that “work neither imparts morality nor bears fruit unless it is appealing.” Hence, he argued, a skilled murderer and a dull thief could well “be suited to the same fate in prison work”.

More than six hundred people attended the congress in London (not surprisingly, over half of them were from England), making it the best-attended edition of the event yet. A number of visitors had toured English prisons and taken part in other events organized in conjunction with the congress.<sup>88</sup>

### 4.3. Prague (1930): Another diplomatic participation

After the event in London came to a close, the International Penitentiary Commission began work on the Standard Minimum Rules for The Treatment of Prisoners, the cornerstone of the international movement for prison reform.

The congress in Prague was evidence, for some authors, of the most negative characteristics of the different editions of the International Penitentiary Congress. Its resolutions reflected that, fifty years after the first congress, there was little consensus on central questions like separate or congregate systems. Furthermore, countries did not join the commission in the twentieth century at the pace anticipated in the nineteenth. In theory, membership mechanisms were not complex; the idea was to pay a fee in the French currency based on the population size of the country to be admitted. Notwithstanding, in 1925 Argentina had expressed interest in joining, but it would take a number of years before it was actually granted membership.<sup>89</sup>

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Art. 125.— Work is performed in workshops; only in exceptional circumstances and with the prior authorization of the subdirector can work be performed in the cell, and that work will always be individual work.

Art. 126.— Which workshop an inmate is assigned will be determined by the director on the basis of the subdirector’s recommendation, within eight days of the inmate’s arrival at the penitentiary. The recommendation will take into account the reports of the medical team and the principal of the school, as well as the inmate’s aptitudes and skills, physical condition, and level of education. When inmates meet the criteria set out in article 7 of the Penal Code, special care will be taken to assign him a workshop in the spirit of that article.

Art. 127.— No inmate can request a change in workshop before having worked in said workshop for at least sixty days. At that point, changes can be requested solely for reasons of health that will be considered by the medical team that will issue a resolution on the request.

Art. 128.— The fruit of the inmates’ work will be distributed in compliance with article 11 of the Penal Code.

Art. 129.— Any inmate who, pursuant to an accident on the job, whether in the workshops or outside of them, requires medical attention will be paid his peculium in full for the length of his disability, just as if he were working (Ministry of Justice and Education, 1926, pp. 95–131). This was also published, with the recommended reforms, in *Doctrina Penal y Penitenciaria*. Gómez, Eusebio, *Doctrina Penal y Penitenciaria*, Buenos Aires, V. Abeledo, 1929, pp. 203–246.

<sup>88</sup> The Argentine delegation visited the tomb of John Howard.

<sup>89</sup> In the Argentine State Department Archives, we found a letter to Ángel Gallardo dated September 24, 1928 explaining that the Argentine delegation to the London Congress “recommended that our country join the International Penitentiary Commission that operates in Europe. It plays a crucial role in the preparation and organization of the congress. If we join, we would be able to participate in the core of the commission, in the preliminary discussions where the topics to be addressed at each edition of the congress are debated and approved. That would afford our delegates the opportunity to evidence the

In considering the 1930 congress, it is impossible to overlook the international crisis unleashed the year before with the crash of the stock market in the United States—the first time a financial event in a single nation had impact throughout the capitalist world. Maybe that was why Argentina did not send a delegation as it had in 1910 and 1925—that despite the fact that José María Paz Anchorena had once again been invited and asked to preside over one of the roundtables. Significantly, soon after the congress, the political crisis in Argentina would lead to the first military coup in the country's history. The Prague Congress was attended by Argentine diplomat Roberto Leviller,<sup>90</sup> who recommended that Argentina be admitted to the International Penitentiary Commission and that Buenos Aires be the possible site for a future congress.<sup>91</sup>

The question of the training of prison personnel was one of the most important topics discussed at the congress. It was held that future prison workers should attend special schools where “the most scientific instruction possible” was imparted. The National Penitentiary in Buenos Aires had made significant progress in this area in the nineteen-twenties during the tenure of director Eusebio Gómez. Plans were made to open two schools, one for security guards and another for jail keepers.<sup>92</sup> Furthermore, the first set of bylaws for the National Penitentiary was enacted.<sup>93</sup>

#### 4.4. Berlin (1935): a discreet presence

The controversy—both at the time and later—sparked by this event was tied to the city chosen as its seat. By 1935, National Socialism had advanced in Germany, and the anti-Semitic and fascist ideology of the Nazi Party was known around the world.

The XI Congress was attended by fifty-six nations. Dr. Roland Freisler, Adolf Hitler's Secretary of State, presided over the opening ceremony. In his speech, he spoke of the policy modifications implemented in Germany. He expounded on the country's influential renovations in criminal law and procedure, and the enactment of sentences as

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importance of the study of modern doctrines of the penal science, and to adapt those doctrines. It would also steer the attention of European specialists toward the problems of crime prevention and punishment in societies formed largely by immigrants from around the world. Participation would also give us the advantage of disinterested contributions, as well as encouragement to incorporate advances from other countries as we develop our own institutions.” See Box/AH 0136/Bis. Great Britain. London. IX<sup>o</sup> International Congress on Jails (SIC) Notwithstanding, Argentina was not admitted to the commission until 1934.

<sup>90</sup> In 1918, Roberto Leviller was named advisor to the Argentine Embassy in Madrid. In 1922, he was designated minister plenipotentiary in Peru, and then assigned the same post in Portugal in 1927 and, the following year, in Russia, Finland, Poland, and Czechoslovakia. He was then stationed in Mexico, Uruguay, and again in Peru, before retiring in 1942. García Basalo points out that there is no record of Leviller's participation in the *Actes* of the Prague Congress. He also states that in 1910 Leviller contributed to a study of crime in the city of Buenos Aires. See García Basalo, J.C., ‘El X Congreso Internacional Penitenciario (Praga, 1930)’ cited, pp. 145–149.

<sup>91</sup> Molinario, Alfredo J., ‘Algunos aspectos del duodécimo congreso penal y penitenciario internacional celebrado en La Haya entre el 13 y el 19 de agosto de 1950’, *Anuario Del Instituto de Derecho Penal y Criminología*, no. 3, 1950: 275.

<sup>92</sup> Significantly, the opening of those schools was proposed after a mass prisoner escape in 1923.

<sup>93</sup> Until 1925, the National Penitentiary did not have an official set of bylaws. Since the time of its opening in 1877, it had operated according to a motley group of writs and resolutions.

delivered. He also stated that criminal law was an instrument of the people's community to be used, if necessary, for that people's purification and protection.<sup>94</sup>

Meanwhile, the International Penitentiary and Penal Commission—as it was now called—had made progress toward humanized punishment and prisoners' rights, both of which were topics of discussion for the seven hundred attendants. But debate at the congress largely revolved around the scientific approaches to punishment advocated by the German participants, who made up half of all attendants. Minister Goebbels openly defended the sterilization and castration of prisoners for hygienic or eugenic purposes—a resolution that, shockingly, was approved by the vast majority of delegates.

Argentina did not send a delegate, but diplomat Eduardo Labougle<sup>95</sup> was asked to attend. He presented a work entitled “The Protection of Abnormal and Abandoned Minors in Argentina.”<sup>96</sup> Two other Argentines, Julio A. Méndez<sup>97</sup> and Óscar Rodríguez,<sup>98</sup> were also present, but neither presented a paper.

Argentina would have had a good deal to contribute to the event. In 1933, the National Congress enacted Law 11,833 on prison organization and sentencing regimes which, among other things, constituted the National Department of Correction Institutes (DGIP, the acronym in Spanish). A report the DGIP issued on the state of prisons in Argentina encouraged the country to join the International Penitentiary Commission. That report reached Berne, the commission's seat, through the Ministry of Foreign Relations.<sup>99</sup> Dr. Paz Anchorena, the director of the DGIP, would be named Argentina's representative in mid-1934.

#### **4.5. The Last Edition of the Penal and Penitentiary Congress. The Hague (1950)**

The period between World War I and World War II was as interesting on a global level as the different regional contexts that emerged during it. A novel development in

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<sup>94</sup> See *Vida Penitenciaria* (Spain), August 30, 1935, Year IV, n°113, pp.7-8.

<sup>95</sup> Labougle had long and prolific career as an Argentine diplomat. He began at the Ministry of Foreign Relations in 1905. In 1911, he was stationed in the Netherlands, then moved to Washington in 1913, Berlin from 1914 to 1918, and Cuba, Colombia, and Venezuela from 1919 to 1926. The following year he was sent to Scandinavia, and then assigned to Germany in 1932, where he stayed through 1936. He returned to South America and retired from the Foreign Service in 1957.

<sup>96</sup> It appears that Juan José O' Connor (General Director of Penal Facilities) also sent in a paper: “Aperçu du system penitenciarie de la Republique Argentine.” See Molinario, A.J., *cited*, p. 279.

<sup>97</sup> Dr. Julio Ángel Méndez was a lawyer and the director of the Buenos Aires Police Academy, where in 1922 he included in the curriculum courses on the new penal code. He was also a substitute professor of constitutional law at the University of La Plata School of Judicial and Social Sciences. In 1932, he published “Orientación Profesional,” a 52-page booklet put out by R. Varela press and in 1935 “Organización de las Escuelas de Policía.” The next year, he co-wrote the “Manual de Instrucción para Sargentos, Cabos y Vigilantes.” In 1938, he was named the director of the Higher Police Academy.

<sup>98</sup> Dr. Oscar Rodríguez was a member of the Argentine Association of Bio-Typology, Eugenics, and Social Medicine (fellow member Dr. Paz Anchorena was probably responsible for his participation in the Berlin Congress). He was the secretary general of the commission that organized the First Argentine Congress of Sociology and Workplace Medicine held in November 1939, an event sponsored by Argentine Association of Bio-Typology, Eugenics, and Social Medicine. In 1940, he became the editor of the *Revista Mensual de Profilaxis y Seguridad Clínica del Trabajo*.

<sup>99</sup> Unfortunately, this document was not available to us.

the sphere of the criminal question was a much more fluid exchange between Latin American governments due in part to the interruption of ties to a Europe fresh out of one war and about to embark on another. The prime example of this exchange were the two editions of the Latin American Criminology Congress. Held in Buenos Aires in 1938 and Santiago, Chile in 1942, these events were an example not only of intellectual diplomacy but also of new interest in Latin America as a region with its own characteristics, its own set of problems and solutions. The prison and crime policies implemented in Argentina during this period reaffirmed its place at the vanguard of institutional penal practices.

Progressive governments with close ties to grassroots and union movements were a key driver of change in the region in the second half of the twentieth century, and Argentina was, arguably, a point of reference in this new social, political, and economic orientation. The first two terms of President Juan Domingo Perón (1946-1955) witnessed a major prison reform under the supervision of Roberto Pettinato (Director of Penal Institutes) that pursued two basic ends: improving the conditions of adult male inmates and of prison officers. Regarding the former, federal prisons implemented significant improvements in diet, health care, and sexuality through a regime of conjugal visits for married prisoners; attempts were made to strengthen family ties and to encourage physical activity, work, and education. The Reduced Discipline Regime described below was enacted. The dreaded Ushuaia prison closed. The stigmatizing stripped uniforms done away with, as were shackles when prisoners were transported, and a long list of other such items. Regarding prison officials, an employment structure comparable to other public offices was put in place. Salaries were raised, the National Penitentiary Academy created, and like measures implemented. In short, the undeniable improvement to the quality of life experienced by the working class under Peronism was also felt in the world of prisons.<sup>100</sup> Pettinato himself had a distinguished international career, whether as an advisor to Latin American countries (like Ecuador) when they constructed lavish penitentiaries or as a participant in penitentiary congresses in neighboring countries (like Brazil in 1951, 1952, and 1953) and scientific exchanges, or as an agent for the “export” of the model for institutions designed in Argentina.

This local context was reflected at the seventh and final edition of the International Penal and Penitentiary Congress held in The Hague, the Netherlands in August 1950. The Argentine delegation at that event, which was attended by over four hundred individuals from more than thirty-three countries, was sizeable.<sup>101</sup>

In his remarks at the opening ceremony, Sanford Bates, president of the International Penal and Penitentiary Commission, underscored the importance of the

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<sup>100</sup> See Núñez, Jorge, ‘La exportación del penitenciarismo justicialista. Roberto Pettinato y el asesoramiento técnico en la construcción de la Penitenciaría del Litoral (Ecuador, Mayo-Septiembre de 1954)’, *Revista Da Faculdade de Direito, Universidad Federal de Minas Gerais*, vol., no. 74, June 2019, pp. 311–352.

<sup>101</sup> Argentina’s delegates included Roberto Pettinato (director general of Penal Institutes), Juan Carlos García Basalo (secretary general of the Department of Prisons), José Domingo Molina (director of the National Guard), and universities professors Hernán Pessagno (who delivered a paper on the treatment of repeat offenders), Jesús Edelmiro Porto, Humberto P.J Bernardi, Alfredo Molinario, and Marcelo Finzi (an Italian resident of Argentina who delivered a paper on the examination of defendants. Additional attendants were physician Héctor Abrines, who delivered a paper on the psychiatric exam of inmates and the function of psychiatry in jails.

Congress and the need for uninterrupted and coordinated international action to prevent crime and to treat criminals.<sup>102</sup>

The congress was divided into four sections: legislation, prison administration, prevention, and children and minors (though no real difference was drawn between those last two). Most of the Argentine delegates attended the third section, since in 1948, when the congress's agenda was being put together, the country proposed including on it the question of probation and early release of prisoners.

Argentina presented the Reduced Discipline Regime, which was already in operation in pavilion 7 of the National Penitentiary. The idea behind it was to gradually readapt inmates to life outside through daily exposure to social life beyond prison. In the words of one Argentine delegate, "We were brought here by a patriotic interest in making an Argentine experiment known to the prison administrators in attendance," that is, to demonstrate the *worthiness* of the Peronist prison reform.<sup>103</sup>

But what exactly was that regime that, the Argentine delegates reported upon their return, had sparked so much interest at the congress? The primary aim of the Reduced Discipline Regime, explained Pettinato in the most important prison journal in the country,<sup>104</sup> was to train inmates for a future life outside prison. It did so through contact with other well-behaved prisoners, access to "informative" publications, "illustrated" magazines, newsreels, radio, and lectures on "morals." While the intention was to apply the regime to all inmates, regardless of conduct, it began with those who "showed clear signs of moral recovery."

The Hague Congress's *Actes* show that the motion on the regime was approved. An Italian journal asserted that the delegations from Argentina and the United States were the ones most representative of a scientific approach to criminology.<sup>105</sup>

## 5. General Conclusions

As we have indicated here, Argentina's participation in the various editions of the International Penitentiary Congress was irregular. Notwithstanding, it participated more than any other country in the region. While attending the congress during the period addressed here was part of the diplomatic agenda of successive administrations, that did not mean that the ideas discussed at it did not, gradually, make their way into local debates.

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<sup>102</sup> At the close of the congress, delegates visited penitentiaries in Belgium.

<sup>103</sup> Molinario, Alfredo J. "Algunos aspectos del duodécimo congreso penal y penitenciario internacional celebrado en La Haya entre el 13 y el 19 de agosto de 1950" in Annual Report of the Institute of Criminal Law and Criminology, n°3, Buenos Aires, Ministry of Education, p. 295.

<sup>104</sup> See Pettinato, Roberto, 'Algunos aspectos del duodécimo congreso penal y penitenciario internacional celebrado en La Haya entre el 13 y el 19 de agosto de 1950', *Revista Penal y Penitenciaria*, vol. 15, no. 55–58, 1950: 9.

<sup>105</sup> Pettinato took part in intense debates on the question of pay for prison work, affirming that it was a right of prisoners and not a privilege granted by the prison administration. He also argued that that pay would facilitate the later reinsertion of inmates into society.

Sociopolitical crises were a real obstacle to Argentina's ability to attend the International Penitentiary Congress. Local factors did have an impact on the diplomatic agenda. Notwithstanding, prison reform was a topic of genuine institutional concern. Exchanges took place through different means. First, many of the reports written in Argentina in order to communicate the state of prison reform locally were a bureaucratic exercise in their own right, regardless of whether they actually made it to the congress. The preparations for the event in Stockholm in 1878 demonstrate how difficult it was to gather information in Argentina's outlying territories. Those reports to which we had access were geared to providing data centralized in Buenos Aires and rarely made it to the penal facilities distributed throughout the territory, no matter how helpful they might have proven. By 1906, over sixty public buildings housed the country's prison population.

Though the diplomats sent to represent Argentina at the International Penitentiary Congress were not always well versed in the penal question, they voted on the resolutions brought to the floor. In keeping with what Shaffir has shown for the case of India, Argentine diplomats were just a few of the second-rate participants who supported the reform projects formulated by the organizing countries. As the International Penitentiary Commission gained clout and recognition, the weight of its decisions grew—and what that meant for less industrialized nations is a topic worthy of closer study.

In the postwar, real collaboration between the governments of the Western world became possible under the umbrella of the United States. Despite the grim limits of the "social question," one of the movements most important in the history of international cooperation networks would lose the impulse that had set it off nearly one hundred years prior.

The twentieth-century editions of the congress were critical to penal knowledge and information in Argentina, albeit in a different way than in the nineteenth century. If the Argentine delegations discussed in the previous part were essential to the country's inclusion in an international network of hands-on knowledge soon to be professionalized, the knowledge of the twentieth-century delegations was more advanced. Experience at the National Penitentiary was common to all those who attended the congress in the twentieth century.

For all the delegates to the congress, participation in it was a milestone in their careers. But there was a tension between figures like Gómez, Ramos, and Paz Anchorena who were "professionals" in penal issues, that is, who had studied them in the academic realm, and others like Claros and Pettinato who had been trained in prison administration "in the trenches." For neither group was it easy to translate positivist criminological theories into specific practices.

Because of the multiplicity of the sources cited and the complexity of the circumstances surrounding the twentieth-century editions of congress, this article is necessarily limited. One of the aims of this work is to stimulate further research into not only Latin American delegations to the International Penitentiary Congress but also those from other non-central countries. That because complex global networks of expert knowledge on the criminal question and the formation of those networks is unquestionably a rich field of study.

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