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THE CASE OF SÃO PAULO, 1880-1924

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ABSTRACT

Urban Crime in Brazil: The Case of São Paulo, 1880-1924

This paper concerns itself with crime in the city of São Paulo in a period characterized by intense development and considerable influx of foreign immigration. Based primarily on research on judicial cases found in the Judicial Archives of São Paulo, it focuses specifically on crimes against property.

The study includes analysis of the characteristics of the defendants with respect to nationality, race, age, sex, and recurrence rate. Certain delinquent actions (individual or by groups) are discussed as a step towards understanding the reasons for the absence of "gang" crime in São Paulo. The study also contains short references to victims and certain types of crimes which are more significant from the point of view of social history. On the other hand, jury decisions are examined as a basis for understanding how the educated strata of the society judge the poor and marginal population groups.

URBAN CRIME IN BRAZIL:
THE CASE OF SÃO PAULO, 1880-1924

by Boris Fausto
University of São Paulo

Introduction

In the past few years, crime has become a crucial problem for the great cities of the Western world. Londoners grieve over the end of a golden age of tranquility; New Yorkers worry about the rise of delinquency in areas inhabited by the middle or upper classes. Insecurity corrodes the major Third World urban centers. The largest Brazilian cities--particularly São Paulo and Rio de Janeiro--not only belong to this picture, but are also radical examples of it.

Recently, the cover pages of two of the country's most respectable magazines featured crime as their theme, to which they also dedicated extensive articles. The austere Jornal do Brasil shifted its news on crime from the anonymity of the internal pages to a daily front-page "crimes of the day" column. A demoralized police force gives contradictory advice to the community: some authorities counsel the population to carry arms in order to resist assaults; others advise not to carry arms in order to increase chances of escaping alive from a violent incident. In some instances, they even condone--and with good reasons--violation of traffic laws, suggesting that drivers should ignore red lights late at night. Increase in criminal activity jeopardizes government efforts to expand the country's revenues by encouraging tourism. How does one attract masses of tourists to the natural beauties of Rio de Janeiro, if those easily identifiable tourists are the principal target of crime on the city's beaches?

This paper, however, does not concern itself with current crime. Focusing on the city of São Paulo between the years 1880 and 1924,¹ and referring only to crimes against property, it represents one section of a broader study on delinquency during that period, which concentrates on three types of felonies: homicides, property crimes, and sexual offenses.

During the 1880-1924 period, the city of São Paulo went through dramatic changes. The provincial "student borough" of the mid-19th century, known for its misty winters and its Law School, had already turned into the country's second largest city by the late 19th century. In 1872, the population of São Paulo was approximately 26,000; in 1900 it had increased to 239,000, and by 1920 it had reached 579,000. The

annual growth rate was 5.2% between 1872-1890, 13.9% between 1890-1900, and 4.5% between 1900-1920, the average growth rate for the entire 1872-1920 period being 8.5%. During certain years, population increase was exceptionally high--e.g., between 1893-1900 it grew from 130,700 to 239,000, with a growth rate of 26.3%.²

Generally speaking, the city's development within that whole period resulted from an enormous increase in coffee export production in the state of São Paulo. Located on a plateau, halfway between the large farms in the countryside and the port of Santos, where goods were shipped, the city of São Paulo became a major administrative and business center for the entire region. By the end of the 19th century, foreign immigration, primarily Italians, became the most important factor for population growth. Immigrants were attracted to the farms in order to replace slave labor in a time of crisis for the slavery system, which was abolished in 1888. When their work contracts ended, or even before, entire families would move to São Paulo, either to escape pressures from the plantation owners, or to find a way "to make it in America," as it were, in an urban center undergoing rapid expansion. A number of these immigrants went directly to the city, despite the interest of the government and the plantation owners in attracting labor exclusively to the countryside. In 1893, at the outset of a period of intense growth, foreigners comprised 54.6% of the city's population. Of these 34.2% were Italians, 10.8% Portuguese, and 3.6% Spaniards, followed by groups in less significant numbers. Italian culture spread its roots in the city, through its food, drinks, games, and entertainment, as well as through its various newspapers and the introduction of the Italian accent in the spoken language of "paulistas" from different extractions. However, while this influence was enduring, by 1920, when the large wave of immigration was over, the picture of demographic distribution changed, with foreigners comprising 35.5% of the population.

It is easy to understand why the city of São Paulo in that period presents an interesting case from the point of view of the study of crime, apart from its local history. Several questions arise, such as relationships between urban growth and crime, immigration and crime, race relations and crime, all of which can be discussed on the basis of a concrete historical situation. Furthermore, from the broader perspective of Brazilian social history, the study of crime becomes fundamental in order to develop an understanding of the day-to-day existence, survival strategies, and mental framework within the "world of the poor." Such a knowledge becomes particularly relevant in dealing with a period during which society's differentiation into social classes was still fluid.

An important indicator of the meaning of a criminal offense for the ruling elites of a country is the definition of the offense and the penalties attached to it. The Brazilian Penal Code of 1890 distinguished between two basic types of property crimes, aside from such characteristic forms of "white collar crime" as bankruptcy and fraud. These two basic types were theft and robbery. Theft was defined as the taking of a movable good owned by someone, without the use of violence against the

object or its owner. Robbery consisted of the same offense accompanied by violence against the object or its owner. The concept of violence was quite broad, encompassing actions such as breaking into a house at night by means of climbing, using false keys, or keys obtained by the offender with the help of a house servant. Penalties for these two types of felony were quite different. Theft was punished according to the value of the object, with penalties ranging from one month to three years in prison; a sentence for robbery would subject the offender to a penalty of 2 to 8 years, up to 12 years in case severe injuries were inflicted on the victim, and 30 years when the robbery resulted in the death of the victim.

If one compares these sentences to those established for sexual offenses, it becomes apparent that property was surrounded by more respect than personal relationships. Penalties for sexual offenses would vary from 6-month to 6-year sentences. The maximum penalty could be applied to rape, if the victim was considered honest. A prostitute would not merit such consideration.

Arrest Figures: An Insecure City?

The present study, as well as the more extensive work from which it originates, is based essentially on two types of data: quantitative data--which unfortunately lack precision--referring mainly to the total number of persons sentenced to prison every year during the period under consideration; and data included in judicial records found in the Judicial Archives of the state of São Paulo.³ Statistics on the number of prisoners in the city of São Paulo, listing only the reasons for arrests, started to be regularly issued only after 1892. Apparently, there is no possibility of comparison between data for the late 19th century and the initial decades of the 20th, using earlier figures relative to a period before intense changes took place in the city. We should also point out that different criteria regarding reasons for arrests have varied throughout the years. Between 1892-1906 those arrested for crimes against property appear under the heading "gatunos," without a technical distinction between theft and robbery. Such distinctions appeared after 1907, accompanied by a decrease in the number of arrests, indicating that many of those labeled as "gatunos" were people who lived at the periphery of the economically active society, routinely detained by the police in their attempts to control this population. Furthermore, from 1918 on, the total number of arrests was no longer included; only the total number of persons identified by the police as criminals for trial purposes, which is not the same thing.

With all these qualifications in mind, if we take the period 1892-1904 (except for the years 1899, 1901, and 1903, for which no data are available), we note that the yearly average of arrests in the city of São Paulo was 7,207. If we take two years for which total population figures are reasonably reliable (1893, 1905), we find that the number of arrests per 100,000 inhabitants was 2,723, in 1893, and 4,014, in 1905. Arrests for "gatunagem" comprised 13.0% of the total number of arrests during the 1892-1904 period, outnumbered only by figures for "disorderly conduct" (29.1%) and "drunkenness" (20.8%), and ranking above arrests for vagrancy at 9.2%. Without delving into comparative aspects,

let us only point out that, in a city of the developed world--London--the total number of persons arrested in that same period oscillated between 1,500 and 1,800 per 100,000 inhabitants.⁴

Would such a large number of arrests suggest that the city of São Paulo was overtaken by a general feeling of insecurity parallel to present experience? In societies under rapid transformation, a group of its members, mainly those who have reached maturity, tend to look back at the past through fluid and rosy colors of nostalgia. Thus, it is likely that for an inhabitant of São Paulo at the beginning of the century, who would be around fifty, the young years were remembered as a period of tranquility when everybody knew each other and nobody worried about security, in contrast with a period during which a wave of strangers invaded town. Undoubtedly this feeling resulted in part from real changes. But seen from our perspective, the entire period appears colored by nostalgia for a time when windows were left open, seats were reserved in theaters by placing raincoats on them, and citizens would greet each other politely while passing by the downtown area. Many of those arrested for "gatunagem" were probably harmless, and the ones tried for theft and robbery rarely posed any threat to the physical integrity of honest people. Among the 297 cases included in our research, referring to crimes against property, 189 are defined in the prosecutor's indictment as theft, 108 as robbery. Within the 108 trials for robbery, 91 were defined, according to the indictment, as violence against the object, 11 as violence against the victim resulting in injuries, 3 as violence resulting in deaths, and 3 as violence against the victims without injuries.

Perhaps more important than these figures is the fact that citizen participation in arresting would-be delinquents was not rare. Among the world's great urban concentrations of today, there is a prevailing tendency, albeit not exclusive, to look at crime as an issue that has to do with the involved parties and the State, but not with society. The case of Kitty Genovese, a young woman stabbed to death in Queens, March 1964, in the presence of fear and indifference from her neighbors, is a symbol of this tendency, that has become more and more common. Everyone feels safe from the risk of involvement and from responsibility for a problem which is meant for an outside authority to handle. In this context, the present contrasts with a period when individuals, accompanied or not by police, would participate in the rounding up and the arrest of thieves. The traditional cry "stop thief" no longer sounds in the streets of São Paulo, just as one no longer hears the sounds of street vendors selling fish, fruit, or candy. However, it is interesting to note that, during the earliest part of the period under consideration, we found that popular involvement was greater in catching would-be delinquents. In the cases where this phenomenon occurred, 11 took place between 1883 and 1903, and 6 between 1904 and 1924.

The Defendants

1. Nationality. Let us examine more closely the group of 512 persons charged with crimes against property according to such variables as nationality, race, age, sex, education, and profession. Considering only the number of offenders whose nationality is known, foreigners

make up 60.2% of the total, and Brazilians 39.8%. Taking each nationality separately, Brazilians comprise the majority, followed by Italians at 30.2%, Portuguese at 12.1%, Spaniards at 6.2%, and 11.7% of various nationalities. Under the item "other nationalities," the most significant presence includes persons classified as Arabs, Turks, or Syrians, usually small merchants accused of being receivers. Comparing with other types of crime, we find that foreigners were charged with 53.1% of the sexual offenses and 62.2% of the homicides. It should be noted that Italians outnumber nationals in homicides (respectively, 39.8% and 37.8%). Figures for the period 1904-1906, relative to general arrests occurring in the city, and indicating nationality, show a division in behavior in broad lines within the area that could be referred to as "misdemeanor." Nationals are a majority in misdemeanor linked with what is conventionally known as the "world of marginality"; foreigners appear as the majority in occasional misdemeanor which could be described as forms of evasion from daily routine. Thus, among 2,345 persons arrested for "gatunagem" during those years, 1,371 (58.5%) were nationals and 974 (28.7%) were foreigners. However, among the 11,829 arrested for drunkenness, 6,251 (52.8%) were foreigners and 5,578 (47.2%) were nationals, while among the 7,166 arrested for "disorderly conduct," 4,298 (60.0%) were foreigners and 2,868 (40.0%) were nationals.

How closely would it be possible to associate foreigners with a certain type of "property crime" and Brazilians with another type? Taking into account the technique employed, one can establish a generic division of crimes between those that are based on intellectual ability,⁵ crimes employing manual skills (pickpockets), and those using violence. Among 8 individuals charged with crimes involving intellectual skills, 6 were foreigners; among pickpockets, 13 of the 15 accused were foreigners. On the other hand, we have also found that all 21 arrested for crimes in which the value of the stolen object was significant were foreigners. However, it would be useful to qualify the generic designation of foreigner, emphasizing that these people were newcomers to the country. It is not easy to determine the time of their arrival in Brazil, and, even less, in the city of São Paulo, of the 349 people classified as foreigners which make up our sample. The newly arrived immigrants were of particular interest to the law-and-order forces until the end of the 19th century, which was the period of mass immigration to the state of São Paulo. At that time, printed forms used for the interrogation of the defendant usually included a question regarding period of residence in the city. Gradually the question was dropped. For our purposes, to establish the category of newly arrived, we have had to use indirect references, even though these were not always reliable: e.g., statements given through interpreters, references to poor knowledge of the language, etc. In cases where questions regarding residence were asked as part of the judicial process, we established the criterion of classifying as newly arrived all people who declared residence in Brazil to be 3 years or less. Bearing in mind these qualifications, we identified 27 cases involving 46 newly arrived. Intellectual skills at one end, and robbery at another, are related to this group. Out of 6 foreign defendants charged with "flim-flam schemes," 5 had been residing in São Paulo a short while. Of the 27 cases referring to newcomers, 13 were classified as robbery, 14 as theft. There is also a marked disproportion in the set of crimes against property, which were distributed among 189 thefts and 108 robberies.

Despite the diversity of cases, those people, on one hand, responsible for crimes requiring more intellectual ability, and, on the other hand, those responsible for more violent crimes, are divided between professional thieves who operate in international circles, adventurers--mainly sailors--who come to find their fortune, or people more settled for whom the uprooting causes material deprivation or psychological disturbances. At one extreme, one finds people like Julio Manetti, who, in September 1913, was charged with armed robbery in a crime which had sensational overtones, as the victim was a well-known prostitute. Incidentally, Manetti, along with a co-defendant, was acquitted by the jury in a close decision. But here it is important to emphasize the background of the defendant, which was compiled by the São Paulo police using information from Italy and Argentina. Born in Florence in 1888, 25 years old when the crime occurred, Manetti had immigrated to France in 1908. In 1911, he went to Buenos Aires, where he was known by the nickname Toscano. There he became the owner of a "farra" patronized by pimps and thieves. Sentenced to prison for unspecified crime, in April 1913, he went through Brazil, going on to Italy, where he stayed for some months. He returned to Brazil one week before the crime with which he was charged. He was considered as belonging to an international gang, and was tried in Florence for indecent exposure, theft, and carrying arms without a permit. At the other extreme, we find characters like the Swiss Fritz Fahrnz, hired in Switzerland to work for a luxury hotel in São Paulo. Jewelry and a considerable amount of money had been stolen from the hotel safe. He confessed responsibility for the crime, explaining that he had felt lonely and cheated, as his salary was insufficient to meet his needs. The Brazilian consul in Bern testified on behalf of the accused, declaring that he belonged to an excellent family from the Swiss bourgeoisie, and was known by his professional standards and honesty. His grandfather, according to the consul, was a respected industrialist who for many years had presided over the municipal council in his hometown. Nevertheless, the defendant was convicted, although such recommendations may have contributed to decrease the penalty. This case, however, should be taken as an exception. In general, newcomers to the city found themselves in a position of greater vulnerability when charged with committing an offense. Often they did not know enough people who could testify on their behalf. Overseas relationships were distant or useless, if they were professional robbers. In 1889, a former sailor who declared himself to be American, was arrested while drunk and charged with attempted burglary. He had abandoned his ship four months previously, in the port of Santos, and had worked in a textile mill in the interior of the state of São Paulo, leaving for the city of São Paulo, where he was unemployed. The judge presiding over his case set a bail so that the defendant might be free while awaiting trial. However, since he had neither money nor anyone who could vouch for him, he was kept in prison until the trial took place. The newly arrived defendants tried to use as their defense the unfavorable conditions in which they found themselves. Among the common allegations to invalidate confessions was the inability to communicate in Portuguese. An Italian charged with attempt to steal from a market stated before the judge that his confession to the police was invalid. He had signed papers the meaning of which he was ignorant, due to his lack of knowledge of Portuguese, and was only aware of what was happening when he was allowed to talk to an Italian witness. In another instance, a young man charged

with theft (1895) after 3 weeks in Brazil, stated that he had committed the crime without knowing, having drunk the native "pinga," strong liquor the effects of which he was unaccustomed to.

2. Race. Let us make a brief reference to a classification of the defendants according to race. Excluding receivers of stolen goods, most of whom were white (73), and others for whom there is no mention of race, out of 357 defendants, 286 (80.1%) were white, 69 (19.3%) were blacks or mulattoes, and 2 (0.6%) were Asian. There are no precise data, only approximate estimates regarding the city's black population. According to the 1890 census, blacks and mulattoes made up 16.6% of the population (6.8% being black and 9.8% being mulatto). This percentage certainly decreased after the great wave of foreign immigration. Based on several estimates, Florestan Fernandes figured out that blacks and mulattoes represented at least 11% of the city's population in 1910, and 9% in 1920.⁶ Thus, there are indications that blacks and mulattoes were charged with crimes against property in a greater proportion than their participation in the population as a whole. It should also be noted that, comparatively, the division of homicides and sexual offenses according to race indicates a smaller percentage of blacks and mulattoes (in homicide cases 9% of the defendants were blacks or mulattoes; 8% in sexual offenses), with figures that are more compatible to what is assumed to be the proportion of blacks and mulattoes to the total population.

The larger proportion of blacks and mulattoes in crimes against property is another indicator of the condition of the black and mulatto population in the city of São Paulo, which was characterized by underemployment and menial tasks. For those people, the violation of the rules of the game by engaging in crime was an almost automatic and very timid reaction to a state of deprivation. In fact, as a rule, blacks and mulattoes made up the category of defendants charged with petty larceny. None of them appeared among flim-flammers, because race would be a source of immediate mistrust. They also are not found as pickpockets or in crimes of significant value.

In cases involving black defendants, racial discrimination is evident, direct, and blatant. This discrimination consisted typically of constant mention of the defendant's race, either from the victim or witnesses. In the last years of the 19th century, in a period still close to the slave era, the printed forms for indictments used to characterize the defendant included an item referring to race. Although this item was gradually eliminated, it is not uncommon to find records in which court clerks or police authorities would note next to the name of the defendant the mention "black" or "mulatto." A few years after the abolition of slavery, a police officer described a 20-year-old woman accused of theft using the standards of the slave market: "She is black, average height, kinky hair, large eyes, good teeth, thick lips." Particularly difficult were situations when a white man or woman appeared in the proceedings as receivers of stolen goods in a case where the main responsibility for the theft was attributed to a black person. A black person should have caused immediate distrust; therefore, the white defendant caught in that situation would try to cover it up with long explanations emphasizing favorable traits, in order

to offset the racial stigma. Indeed, they would say, the seller of the stolen goods was black, but nothing would have led them to believe that they were getting stolen goods, since the vendor had a good appearance, dressed well, spoke the language correctly. Compared to blacks and mulattoes, signs of discrimination against foreigners were less common, appearing mainly during the period of mass migration. Late 19th century police reports established a relation between crime increase and lack of selective criteria for immigrants. Lack of cooperation with authorities and delinquent behavior were linked to certain ethnic groups. Members of the Italian community were accused of denying cooperation with authorities in obedience to the Sicilian principle of "omertà"; a police officer in charge of investigating a homicide committed by a Spaniard in 1894 complained that "lately the city has become the stage for barbaric murders for which Spanish subjects are responsible." However, as the foreign population began to settle into the urban environment, and as the immigration wave subsided, such references disappeared, in contrast with the signs of discrimination against black people, which were as visible in 1924 as in 1890.

3. Age. In terms of age, those charged with crimes against property were known by their youth. Of special interest is the age group under 21. According to the Penal Code of 1890, starting at 9 years old, children could be indicted for a crime, once it was established that they were capable of discernment. Those under 21 comprised 148 (28.9%) of the total 512 charged with crimes against property, a very high percentage, which is even more dramatic considering that the majority of receivers included in the total number of defendants is made up of adults. Comparatively speaking, the concentration of minors under 21 in crimes against property is obvious. In a total of 239 under 21, 148 (61.9%) were charged with crimes against property, 61 (25.5%) with sexual offenses, and 30 (12.6%) with homicide.

4. Sex. With regard to sex, we find that 476 defendants (93.0%) were males and 36 (7.0%) females. Among 36 women charged with property crimes, 12 were house servants accused of stealing from their employers.

From the point of view of education, the data refer only to literacy. Excluding receivers, we have information on 401 defendants, out of whom 243 (60.6%) were literate and 158 (39.4%) were illiterate. The rate of illiteracy appears somewhat inferior to that of the male population as a whole. The 1890 and 1920 censuses listed almost identical rates of literacy, with approximately 65.0% of the population being literate.

5. Profession. As for occupational data, we must take into account their inaccuracy, since those charged with crimes against property tend to make up some professional affiliation in order to escape the stigma attached to classifications such as "unemployed" or "undefined profession." Even so, out of 502 defendants for whom professional data are available, 46 (9.2%) appear under those labels, but these categories do not appear in any case of homicide or sexual offense. Among the more important categories are manual laborers and those in general services, except for domestic servants (41.0%), retail employees (15.1%), and merchants, receivers in their majority (11.3%), and domestic servants (7.4%).

6. Recidivism. It is a matter of common sense that individuals charged with crimes against property as a rule belong to what could be described as the "world of delinquency." They comprise the majority of prisoners, and were a major source of preoccupation for the authorities who exercised social control over the population. Particularly for the period focused on in our study, during which a robbery would seldom result in violence against the victim, a homicide or a sexual offense was taken as an isolated occurrence, regardless of how sensational the case might have been. Crimes against property, or the arrests of vagrants, in contrast, were common occurrences, measurable and part of a policy of social control. As an example, let us examine the system of criminal identification that was perfected essentially as a function of this type of violation. In the last decades of the 19th century, criminal identification in São Paulo consisted of a photograph filed by the police and sometimes posted in more frequented areas of the city. This practice generated protests from the public and the press, who criticized the police for converting mere suspects into criminals. Beginning in 1902, identification was done according to the anthropometric system, after the Italian criminalist Lombroso. In order to find out whether the suspect would fit Lombroso's description of the "born criminal," measurements were taken of the skull, ear size, and facial structure. Fingerprints were taken from 4 fingers, excluding the thumb. Subsequently, starting in 1907, anthropometry was replaced by the Vucetich system, still in use.⁷

Defendants reacted against attempts to categorize them by stripping themselves of their basic features of identity. They changed their names, place and country of birth, declared themselves illiterate when they knew how to read and write in order to invalidate confessions possibly extracted by force, and also altered their age. Regarding this last aspect, late 19th-century Brazil is reminiscent of France during the 16th and 17th centuries, as described by Philippe Ariès.⁸ It was common to find people who had no exact knowledge of their age. Many poor Brazilians did not know whether they were registered in the parish or in the civil records at birth, or who their parents were; among the foreigners, the majority of immigrant families travelled under the father's passport, where the children's age would appear as indicated by him. This indication was often precarious, and passports would frequently be lost. Such vagueness concerning age would conflict with criteria contained within the penal codes in effect at the time. Proof of age between 18 and 21 altered the penalty established for any criminal act; being under 21 was essential for a woman in order to be considered a victim of seduction. The discrepancies between the social life of the common people and the imposition of codes approved by the elites were apparent in long controversies contained in judicial processes regarding questions of identity, specifically with respect to age. This happened particularly in the cases of sexual offenses, where proof of the victim's age was often given through indirect means. Experts would examine the characteristics of the victim's body, and witnesses would refer to having come from Europe in the same boat with the family of the victim, in order to confirm or deny that she was under 21.

Despite the precariousness of the identification system, there was a clear relationship between criminal charges in crimes against

property and the existence of a previous criminal record.⁹ Among 230 accused of such crimes, including receivers, for which data on previous records are available, 142 (61.7%) had criminal records and 88 (38.3%) had no criminal records. If we exclude receivers, the relationship becomes even clearer: 137 (67.2%) defendants with criminal records and 67 (32.8%) without criminal records. These figures contrast with those regarding homicides, according to which, out of 115 defendants whose records were found, 82 (71.3%) had no previous criminal records and 33 (28.7%) had criminal records. The contrast is even sharper in the case of sexual offenders, where in 63 cases, 51 (81.0%) had no previous records and 12 (19.0%) had criminal records. One should also mention the frequency (95.0%) of cases in which the defendants charged with crimes against property had previous criminal identification, either for the same type of offense or for misdemeanors classified as vagrancy, drunkenness, disorderly conduct, or mendicancy.

7. Individual and Group Actions. How frequently and under what conditions were property crimes committed individually or with the participation of more than one person? Out of 297 cases included in this study, excluding receivers, there is more than one defendant in 91 cases (30.6%). This figure probably does not reflect reality, if one considers the existence of cases in which the partner or partners of the defendant disappeared and were not included in the records. Certain types of crimes encouraged the association of delinquents. In burglaries, children are useful given their ability to gain access to a house; in flim-flam cases, the action of two individuals tends to confuse the victim. Association of criminals originates from family relationships, friendship between foreigners of the same nationality, sometimes from the same city, as well as acquaintances made in prison.

The number of recidivists among defendants, and references to professional thieves with international connections, seem to indicate that gradually a marginal group emerged in São Paulo that was set apart from "honest folk." But nothing leads one to believe that, within this group, specialized "gangs" were created. That impression is further reinforced by looking into some of the more notable burglaries which, by the techniques employed, could have been practiced by a "gang." These are robberies committed by foreigners, many of whom were residents in Brazil a short while, and who were tempted by the dream of "making it in America" in one shot, without subjecting themselves to the slow process of climbing the steps of the social ladder. This temptation occurred both for isolated individuals and large groups. In 1915, a lonely 21-year-old Portuguese named Celestino Simoes was arrested in a bank as he attempted to open a safe with an electric drill. The plan was ingenious. Celestino had rented a hotel room located right above his target, broke through the floor, and with the help of ropes descended into the bank. However, he was not a terrible delinquent. Having established a mechanic shop, the idea came to his mind to use his tools in the most lucrative way. In his defense, the owner of the "fazenda" where he worked testified on his behalf, as did dozens of merchants and workers from a small town in the interior, who attested to his good qualities "believing that his actions were the result of a passing lunacy." In the opposite extreme to the solitary action of the young Portuguese, we find a case of a jewel robbery in the same year of 1915, the value of which is the

most impressive of any of the robberies for that entire period. The technique employed was similar to the one described in the previous case, but to carry out the robbery 16 to 20 people were involved, among whom a curious division of labor was established. Exceptionally, middle class people--a small industrialist and a real estate broker--appear in a robbery case, not as receivers, but as financiers. The direct agents were a safe-breaking specialist and two friends who had an adventurous background in Buenos Aires. To the family of the financier, including several women, was given the role of hiding the jewels. This case unveiled a world of adventurers, formed by people who circulated between São Paulo, Buenos Aires, and Montevideo, like "golondrinas" of marginality at the mercy of winds and storms. But nothing indicates that behind this group would one find organized crime.

Throughout the years, police officers and public prosecutors referred to gangs that plagued the city. These gangs seemed to have been short-lived, since they left no traces in the memory of the inhabitants of São Paulo. On the contrary, the most famous thief in the history of the city, and, perhaps, in all the urban centers of the country--Gino Meneghetti--was not the head of a gang, but a craftsman of the crime who acted alone. Born in Italy in July 1888, Meneghetti came to Brazil in 1913. When he was accused of a Brazilian robbery for the first time, in São Paulo in 1914, information supplied by the Italian police described him as a "dangerous individual," previously sentenced several times for crimes against property. He had immigrated to Brazil after having served a sentence for a sexual offense. In São Paulo, Meneghetti became famous for the audacity of his burglaries and for his agility in escaping from the police. At a time when the downtown urban landscape contained relatively low buildings, of almost juxtaposed roofs, Meneghetti became famous for his fantastic escapes over rooftops, watched by a crowd of curious bystanders. In the late 1920s, after one of these famous chases, Meneghetti was sentenced to dozens of years in prison as a result of charges, denied by him, that he had shot and killed a police officer. After long periods of solitary confinement, he was released a few years ago, only to be arrested again, at the age of 90, for larceny. At his death, several newspapers in São Paulo printed obituaries touched with nostalgia for times of greater tranquility. It is interesting to note that, in the memory of those who lived during the period of his most remarkable feats, Meneghetti was remembered as a kind of Robin Hood, incapable of stealing from the poor, and vaguely associated with anarchism. In a record of depositions given by persons over 70--old city dwellers--the figure of Meneghetti appears constantly standing at least as relevantly as such political events as the "Tenente revolt of 1924" or the 1930 revolution which led Getulio Vargas to power.¹⁰

When we state that "gang" crime did not appear in São Paulo during the period of our investigation, we are referring implicitly to the absence of an organization similar to the Mafia or the Camorra, among the members of the Italian community. There are good reasons to think that Mafia members moved to Brazil, as stated by witnesses of some homicides, and through information furnished by the Italian police. But there are no indications that prostitution, gambling, or even the drug traffic, to which reference began to be made toward the middle of the 1910 decade, were controlled by an organization of "mafiosi." It appears that, insofar

as the United States represents the only country with a large Italian community where organized crime emerged, it would be more appropriate to question the reasons for the exception and not for the rule.

Precariously, it is possible to indicate that the Italian immigration to São Paulo stands in contrast with the immigration to the great cities of the northeastern United States in several aspects. A comparative study of the integration of Italian immigrants in Argentina and the United States¹¹ explains the reasons for greater success of the immigrants who went to Argentina and did not return to Italy, as a result of the following factors. In the United States, the Italians arrived in large waves as late-comers, after other groups such as the Germans and the Irish. Since their expectation was to make quick savings and return to Italy, they concentrated in the northeastern part of the country, where it was possible to obtain fast earnings in non-specialized occupations, in sectors such as construction and railroad work. If this strategy was fruitful in the short run, it was inconvenient in terms of the social mobility of those who remained in the country. The best jobs were blocked for them, a great share of the land was controlled by other immigrants, and the majority of the commercial establishments were in the hands of Americans and in transition to a monopoly situation. In contrast, the Italians who migrated to Argentina profited from the condition of being the most significant group of immigrants to move to that country during the last decades of the 19th century, meeting with wide work opportunities due to the characteristics of Argentina's economic structure in business and industry, and even due to the access to land ownership. In spite of existing differences between Brazil and Argentina concerning the supply and demand of labor, the history of Italians in São Paulo is closer to the Argentinian case than to the American. The Italians arrived in São Paulo as the first important wave of immigrants, at a time when the state of São Paulo was undergoing a period of rapid changes, as a consequence of the expansion of the coffee business and the transition from a work system based on slavery to wage labor. Industry was still in its infancy, and business opportunities were beginning to increase. Having a more elaborate manual labor technique, many immigrants were able to go from the status of specialized worker to that of small shop owner or even that of an industrialist. Of course, not all Italians in São Paulo were able to advance socially, in the same way that not all Italians in the United States had their social progress blocked. The Italians in São Paulo also had reasons for complaints against discriminatory treatment during their initial times in the city. But this discrimination was not due to the fact that their position in the economic arena was offensive rather than defensive, as decried by several newspapers at the time. We should also consider that, at the cultural level, particularly in the areas of family and religion, the conditions for the adaptation of Italians in São Paulo were more favorable than in the northeastern United States. Whatever the differences in family structure of Italians and Brazilians, there were core values common to both. For instance, it is curious that there was a majority of Italians or sons of Italians involved in cases where the father or brother committed homicide against the seducers of their daughters or sisters. If Brazilians apparently did not go to this extreme with the same frequency, they at least systematically acquitted those accused of homicide for the aforementioned charges.

This schematic digression does not intend to extract out of economic and cultural conditions which were either favorable or adverse to a group of immigrants the automatic formation or non-formation of organized groups of delinquents in its milieu. But, at least in terms of disposition, it seems that the favorable conditions for the insertion of the Italian community in São Paulo greatly reduced the possibilities for the emergence of organized crime in that city.

Usual Location and Stolen Objects

Let us return to the more restricted field of crimes against property. Money, clothing, personal objects, and jewelry are favorite targets of thieves. A car robbery--very common nowadays--appears only once in our investigation (1914), having begun a voluminous legal process. The automobile was a rare, easily identifiable object, which few knew how to drive. Besides the main items, theft included a little bit of everything: billiard balls, animals, firearms, records, musical instruments, door-bells of elegant houses, electricity, and even dentures stolen by a dentist's assistant. At a time when business and banking establishments were concentrated in the downtown area, it should not be surprising that this was the favorite area of activity for thieves (107 out of a total of 297 occurrences happened in the downtown area). The Braz neighborhood, where a large population of Italians was concentrated, appears in second place. A common scene downtown was the theft of large fabric displays placed at the entrance of stores to attract customers, a theft based on carelessness by the merchant and which resulted in long chases. With respect to types of places where property crimes occurred, business establishments appear in first place (123 out of 297 occurrences), followed by private homes (96). The frequency of robberies in places considered sacred was low: only two church robberies and one at the cemetery. Significantly, among the victims there appears only one mulatto and not a single black. Since it is unreasonable to suppose that blacks were not subject to attempts against their property, the most consistent theory for this absence of complaints is that blacks and mulattoes did not resort to police authority. They had good reason to consider the police a purely repressive organization, from which they could expect little or nothing in terms of protection. This finding is consistent with the small number of sexual offenses found among blacks and mulattoes.

Relationship between Defendant and Victim; Thefts Committed by Servants

Predictably, in the great majority of cases, the relationship between the defendant and the victim was occasional (378 out of 512 defendants, representing 73.8% of the total). Next appeared cases in which the relationship was that of employer and employee in the service sector, domestic servants excluded (53 defendants, representing 10.3% of the total). In third place were cases where the defendants were domestic servants (26 defendants, representing 5.1% of the total). This last situation deserves a brief analysis, insofar as it allows us to penetrate, even if only superficially, the little-known realm of domestic relationships,

characterized by the element of paternalism. From the point of view of the nationality of the 26 defendants, Brazilians stand out, numbering 12. There was only one Italian, a possible indication that people of this nationality dedicated themselves with more frequency to other activities. Where race was concerned, the number of blacks and mulattoes⁹ was larger than their average numbers in general cases of crimes against private property. The distribution of the defendants as to sex presents a characteristic which differs from the present day when almost all domestic servants are females: 14 defendants were males and 12 females, although it should be pointed out that general male criminality was much greater than female. Concerning occupation, those in the higher strata of the servants' hierarchy (housekeepers, drivers) did not appear in this group. Generally, the defendants were people who were not only poor, but also physically stigmatized by the very conditions of their work. This was how a police inspector described a woman of about 30 years of age, accused of stealing jewelry from her employers' house: "She makes us feel sorry for her; tall, thin, bony, debilitated by rheumatism, dressed in ragged old clothes, her suffering can be read in the lines of her face; she seemed more a witch than a woman. One believes that her action was compelled by needs resulting from her sufferings, rather than the consequence of theft as a vice." The employer of another woman also of the same approximate age described her to the police as "thin, short, ugly, abundant dark-brown hair, dark eyes, a curved posture, with two burnt fingers on her right hand." The elegant butler, the high-class servants, were exceptional figures. Invariably discrimination against black women appeared--the black Antonia, the black Benedita, the black Maria Jose, etc.

We could find no trace of solidarity or even a minimum of understanding towards the defendants coming from the other servants in the homes of the upper bourgeoisie, where a veritable entourage of servants existed. The internalization of an ideology of respect for the property of the employer, a higher position in the servant's hierarchy, a pragmatic desire to avoid suspicion toward oneself explain this attitude. It is significant that in every case where there were two or more defendants, these were never employed in the same household. In the recesses of the household, the "unfaithful servant" found himself alone, despised by the employers and avoided by his peers.

Police Brutality

The question of police brutality against prisoners accused of common offenses (non-political) has been intermittently raised in Brazil. It is necessary to be reminded that these prisoners are, in the overwhelming majority, poor people, whatever their specific profession. In recent years, as the authoritarian regime installed in the country in 1964 adopted, especially starting in 1969, the systematic practice of torture against political prisoners, among them intellectuals and newsmen, the denunciation of violence against prisoners in general became stronger. Let us hope that in the course of the recent political opening, the significant decrease in such practices as regards political prisoners does not lessen the attempts to obtain more dignified treatment for the common prisoner. Such campaigns do not always meet with wide acceptance, if we consider that the violence perpetrated against this

kind of prisoner is an illegal but routine procedure, somehow accepted as necessary by members of the police and the legal apparatus, as well as by large segments of the population.

Within the time-frame of our research, complaints against police brutality appeared in the newspapers of the time and in reports of foreign diplomatic representatives. For example, in 1904, a newspaper of the moderate line--Fanfulla--printed in Italian in São Paulo, protested: "At the cafes, in bars, there suddenly appear one, two, three police officers in or out of uniform and, without presenting any legal authorization proceed to investigate those present, as if instead of in free Brazil they found themselves in holy Russia."¹² In 1899, the Italian minister in Rio de Janeiro, Antonelli, after a visit to São Paulo where he met with political leaders, complained that the police beat up Brazilians as well as foreigners, and stated that "it would be necessary to punish those guilty of such truly reproachable acts and not acceptable in a civilized country. . . . The old tradition of beating slaves has not, unfortunately, totally disappeared."¹³

With a stricter focus, let us examine how the matter of violence appears in relationship to the defendants included in our investigation. The link between the employment of violence and crime against property is clear. Among the 512 defendants, 54 (10.5%) alleged that they were physically coerced by the police, while 11 among 263 accused of sexual offenses (4.2%) and only one among 254 homicide defendants made this accusation. We might say that at any rate it was a small number, and it was also possible that some accusations of brutality were simply an excuse to detract from a confession made to the police. If this may have occurred, we should nevertheless remember that many prisoners might have considered it useless or even dangerous to complain of such practices. It is also possible that some judges dismissed these allegations as being extraneous to the case and its evidence. In reality, in only 5 of the 54 cases in which defendants in crimes against property complained of police brutality was mention made of measures taken by judges to investigate the complaint. But there is no indication that some official was made responsible for the occurrence. It is also clear that there is a connection between the complaint against police brutality and the finding of a police record. Among the 40 defendants who presented this type of complaint, and for whom there are data concerning criminal recidivism, 31 had police records, while 9 did not.

The most common complaints refer to beatings with objects ranging from a ruler--reminiscent of scholastic punishment--to rubber tubes. There are also references to solitary confinement interspersed with cold-water showers and deprivation of food or drink. A prisoner accused of a sexual offense stated that his sexual organs were the principal target for violence. An indigent, just released from prison, accused in 1924 of having stolen objects of little value, claimed to have been forced to confess to the robbery by being put in solitary confinement for 18 days and subjected to cold showers at night. He accused a police inspector of frequent beatings and the detectives of having taken all his money and personal belongings. In general, the complaints were not personalized, being directed towards the inspector, the police officer, or more abstractly to the police.

Criteria for Verdicts

Let us now briefly examine the criteria for verdicts. In the Brazilian legal system of the time, a criminal case was initially subject to a police inquiry. The police conducted the investigation, listening to the interested parties and witnesses, and performing technical examinations. When the inquiry was concluded, it was sent to the judicial branch, where the main representatives were the public prosecutor and a judge. At any time after the delivery of the police inquiry to the judiciary, the case might be dismissed, either by the public prosecutor or by the judge. Once the charge was accepted, a period of collection of evidence would ensue, under the judge's direction and with the participation of the defendant's attorney. In the next stage, the judge would proffer a decision of indictment or dismissal. If the defendant was dismissed, the case was filed; an indictment meant that the defendant would be tried by a jury, and resulted in his preventive detention if he was not already in jail.

Among the 512 defendants charged with crimes against property in our study, we have data concerning the outcome of the process for 412. Of those, 200 (48.6%) were pronounced guilty, 94 (22.7%) were acquitted, and 118 (28.6%) had their cases dismissed. In comparison to homicides and sexual offenses, property crimes had the highest conviction rate. Among the 220 defendants accused of homicide for whom data are available, 100 (45.4%) were convicted, 100 (45.4%) were acquitted, and 20 (9.1%) had their cases dismissed. Among those accused of sexual offenses for whom we have data, covering 235 cases, 50 (21.3%) were convicted, 35 (14.9%) were acquitted, and 150 (63.8%) had their cases dismissed, including 23 cases where the dismissal resulted from the marriage of the accused to the victim. Considering only jury decisions, 68.0% were convicted and 32.0% were acquitted in crimes against property, an equal number of convictions and acquittals for homicides, and 58.8% convictions and 41.2% acquittals in sexual-offense cases.

These figures show that crimes against property, compared to homicides and sexual offenses, had a higher rate of convictions when taken to trial by jury. With reference to dismissals, they are found among homicides at one end, and sexual offenses at the other end. There were also a large number of dismissals among those accused of receiving stolen goods. If we exclude these latter dismissals, the following figures are obtained: among 343 accused, 192 (56.0%) were convicted, 76 (22.1%) were acquitted, and 75 (21.9%) had their cases dismissed. If we consider only jury decisions, there were 71.6% convictions and 28.4% acquittals.

The jury reflected the prevailing notions of society. Once the existence of and responsibility for the sexual offense had been determined, doubts could be raised as to the subjective characteristics of the victim, often described as frivolous, or even as a prostitute. In the same manner, at least in homicides considered crimes of passion, the accused could excuse themselves of having acted "in a state of total deprivation of their senses and intelligence in the act of committing the crime." According to the Penal Code, this circumstance was enough to eliminate the criminal nature of the taking of a life. As to defendants in crimes against property, the possibilities of escaping conviction were centered

around raising doubts as to the responsibility for the crime. If these doubts were insufficient, the possibilities of conviction became stronger, since subjective considerations had much less bearing in this type of crime; age and extreme deprivation were not sufficient excuse to warrant acquittal.

Let us specify verdicts as a function of certain personal variables, or in relation to the circumstances involved in certain trials. With respect to blacks and mulattoes, we have data on the outcome of trials of 61 defendants. Of these, 37 (60.6%) were convicted, 10 (16.4%) were acquitted, and 14 (23.0%) had their cases dismissed. The figures show that blacks and mulattoes bore a higher number of convictions in proportion to whites. However, it is interesting that this was due to the outcome of trials involving persons classified as blacks, since the rate of acquittal for mulattoes was higher than the average, excluding receivers. Thus, among 37 black defendants, 25 were convicted, 4 were acquitted, and 8 had their cases dismissed. There is no doubt that evidence of racial discrimination and social inequality can be found on the basis of the high rates of conviction. In this respect, it is reasonable to assume that blacks were in the worst position to meet the requirements for a good defense.

What kind of treatment was given to minors under 21? Among 127 minors, in cases where the outcome is known, 72 (56.7%) were convicted, 23 (18.1%) were acquitted, and 32 (25.2%) had their cases dismissed. The figures do not suggest any special benevolence toward minors, in terms of acquittals and convictions, even though duration of their sentences was shorter than those served by the majority of convicts, given the fact that being under legal age was considered an attenuating circumstance. On the contrary, taken percentually, minors were convicted in greater numbers than adults, besides having a smaller number of case dismissals. Thus, 44.9% of all persons under 21 were convicted, 24.9% were acquitted, and 30.2% had their cases dismissed.

With regard to women, we have data concerning 27 defendants: 12 were convicted, 2 were acquitted, and 13 had their cases dismissed. Here we should note the higher-than-average figure for cases dismissed, the smaller number of acquittals, and the close-to-average rate of convictions. Domestic servants were a special target for convictions, representing half of the total figure. In fact, servants considered unfaithful were judged with special severity. In a sample including 18 cases, 15 resulted in convictions, 2 in acquittals, and only one case was dismissed.

Conclusions

In the course of the so-called Brazilian First Republic, the political elite of the state of São Paulo--representing a regional bourgeoisie--distinguished itself as one of the principal oligarchic forces that shaped institutions according to its interests. This elite played a fundamental role in the alliance between the regional oligarchies of the country, as well as forging an ideology that attracted a traditional middle class. As for the working class, a policy of selective social control was sufficient to prevent its organization in a lasting way, despite the great wave of strikes and attempts to establish unions during the 1917-1920 period.

Control and repression of the working class, however, occurred not only at the level of political and labor organization, but also in the realm of everyday life. In this sense, police arbitrariness, routine arrests of large numbers of people, establishment of a marginal group regardless of how unthreatening it might have been, became part of a policy of control of the lower classes.

These activities were ostensibly carried out by the police, but not exclusively. Judges as well as jurors collaborated to implement this policy. Throughout the two initial decades of the present century, the jury was subject to constant criticism, directed primarily at the lack of qualifications of its members and at their strong tendency to absolve the defendants. Several criminal offenses were taken away from their authority, until a law was introduced, in 1924, restricting jury competence to voluntary homicides. It is possible that technical reasons of trial expediency may have determined these changes. However, it would be necessary to examine to what extent sentences given by judges for crimes previously under jury authority would have presented higher conviction rates.

Nevertheless, an image of general and excessive benevolence on the part of the jury does not reflect reality. In those days, as in the present, the jury was indulgent when crimes of passion were involved, and in which the defendants were individuals of higher social status. Composed exclusively by men, the jury acted with sympathy towards defendants accused of sexual offenses except for incest, or offenses against very young children. On the other hand, the jury diligently performed the task of social control over the poor, convicting a great number of those who were accused of crimes against property.

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¹The initial date (1880) was chosen as a result of its connection with the process of social and economic changes taking place at the time in the city of São Paulo, as well as for reasons of data availability. The final date was determined by taking into account changes in the judicial system of São Paulo. In 1924, a law was introduced taking away from the jury authority to judge the great majority of crimes, voluntary homicide being the most significant exception.

²Data were taken from the national censuses of 1872, 1890, 1900, 1920, and the city's census of 1893. Annual growth rates were estimated by Gerald Michael Greenfield in "The Challenge of Growth: The Growth of Urban Public Services in Sao Paulo, 1885-1913" (Ph.D. dissertation, Indiana University, Bloomington, 1975).

³Data regarding the total number of convictions are found in reports by the Secretaries of Justice and Police Inspectors in the state of São Paulo. With respect to data contained in judicial records, we found 594 cases of robbery or theft, half of which we examined. It should be noted that analysis does not cover thefts in which value is too low, but only those involving sums superior to 200,000 "reis," and subject to sentences given by the jury. In 1913, this amount corresponded approximately to the monthly salary of a skilled worker.

⁴Ted Robert Gurr, et al., The Politics of Crime and Conflict. A Comparative History of Four Cities (London, 1977).

⁵The most famous crime against property employing intellectual skills was known as "conto do vigário," a type of felony which was probably imported from Spain.

⁶Florestan Fernandes, The Negro in Brazilian Society (New York, 1969).

⁷F. de A. Carvalho Franco, Gabinete de Investigações, Relatório Apresentado ao Exmo. Sr. Secretario da Seguranca Publica do Estado de São Paulo, em 1934 (São Paulo, 1935).

⁸Philippe Ariès, L'Enfant et La Vie familiale sous L'Ancien Regime (Paris, 1975).

⁹Criminal record does not mean conviction, but only a record of charges brought.

¹⁰Eclea Bosi, Memoria e Sociedade (São Paulo, 1979).

¹¹Herbert S. Klein, "The Integration of Italian Immigrants into Argentina and the United States: A Comparative Analysis" (unpublished manuscript, 1980).

¹²Quoted by Paulo Sergio Pinheiro, "Violencia do Estado e Clases Populares," in Dados, no. 22 (Rio de Janeiro, 1979).

¹³Quoted by Pinheiro, *ibid.*