Zeitschrift des Max-Planck-Instituts für Rechtsgeschichte und Rechtstheorie
Journal of the Max Planck Institute for Legal History and Legal Theory

Rechts Rg geschichte

Rechtsgeschichte
Legal History

www.lhlt.mpg.de

http://www.rg-rechtsgeschichte.de/rg30
Zitiervorschlag: Rechtsgeschichte – Legal History Rg 30 (2022)
http://dx.doi.org/10.12946/rg30/118-129

Rg 30 2022 118 – 129

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Italian Immigration, Crime, and Police Actions in Uruguay: The Volpi-Patroni Case (1882)

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Abstract

In March 1882, the Kingdom of Italy suspended diplomatic relations with the Republic of Uruguay because two Italian immigrants accused of murder, Raffaele Volpi and Vicenzo Patroni, had been tortured by the Uruguayan police. At that time, criminals and marginalized people were commonly stigmatized and persecuted by the authorities, who considered them to be blocking the political and cultural development of »modern« Uruguay. This context framed the episode. Through historical analysis of the Volpi-Patroni case, its broad press coverage and transnational impact, this article examines the complex process of social identity formation at the time of the massive arrival and inclusion of foreigners into Uruguay society in the last two decades of the 19th century.

Keywords: Italy, Uruguay, immigration, transnational law, crime, modernization

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I. Introduction

On February 7, 1882, the newspaper *La Democracia* cautioned against the advisability of certain proposed measures to »limit and restrict the rights enjoyed by foreigners in the collective life of the country«. According to the editorial of this daily, which generally supported the views of the National Party (in opposition at the time), these proposals were contrary to »the principles of equality on which any good political system rests« and went »against the true social and economic interests of the nation«. Curtailing the social and political rights of foreigners, the editorial argued, was tantamount to ignoring the existence of »14,500 Spaniards, 13,600 Italians, 6,720 French nationals, 1,820 Brazilians, 3,750 Argentines, 1,290 English nationals, 462 Germans, and 2,858 people of other nationalities« in the Department of Montevideo alone, in addition to the significant amount of capital brought in by foreigners. The journalist concluded that »foreigners who have thus settled in our country, and who have tied their fortunes and dearest affections to it, have as much of an interest as nationals in seeing that the rule of law prevails and that all the guarantees promised by our institutions are effectively granted«. In this way, one of the newspapers that opposed the government, and which championed ›work‹ and ›industry‹, demanded that foreigners – and in particular those who contributed to the country's economic development – be eligible to vote, as they represented »the greatest sum of material and moral interests«.[1]

Some days later, these views, echoed by other Montevideo newspapers,[2] became the focus of an intense debate when, in his statement to the police, the leading suspect in a murder case incriminated two Italian immigrants, triggering a major diplomatic incident with the Kingdom of Italy that lasted over a month. Under the prevailing political climate, rumors that the suspects detained for this crime had been tortured sparked public outrage. The Volpi-Patroni case, as it was known at the time, prompted heated discussions in the Montevideo press over the naturalization of foreigners.

Uruguayan historiography has dealt with the subject of international relations through the study of various treaties governing trade matters and sanitary or scientific cooperation, but the relationship between immigration and crime has not been sufficiently addressed, with the exception of research in the field of law that has examined extradition as a purely legal phenomenon.[3] The objective of this chapter is to combine the history of transnational criminal law with a social history that seeks to analyze the representations of criminals and foreigners by looking at narratives surrounding immigration and the role of immigrants – and of their countries of origin – during Uruguayan nation-building.[4] I will examine some of the salient aspects of the Volpi-Patroni case in order to shed light on the conflicts underlying an incident prosecuted as a crime, their torture, whose transnational dimension has largely been overlooked by Uruguayan historiography. To that end, as primary sources I will draw on press media from both Montevideo and the rest of the country (*El Bien Público*, *El Ferrocarril*, *El Norte*, *L'Italia*, *La Democracia*, *La Opinión Nacional*, *La Prensa*, *La Razón*, and *La Tribuna Popular*), covering a range of political and ideological tendencies, as well as on diplomatic documents held by Uruguay's General National Archive (*Archivo General de la Nación de Uruguay*).[5]

1 El extranjero (editorial), in: *La Democracia*, February 7, 1882, 1.

2 The newspaper *La Razón* used the same arguments as *La Democracia* in a series of editorials published on February 8 and 9, 1882 (El patriotismo y los extranjeros, El trabajo y los extranjeros), which were written in response to the vilification of immigrants in *El Nacional*, the newspaper loyal to the government of President Máximo Santos.

3 Olarte (1942) vol. 1.

4 For an initial study, see Duffau (2017). See also Härter/Hannappel/Tyrichter (eds.) (2019) especially 1–19; Boister (2012) especially 3–23; Andreas/Nadelmann (2008) 7–13.

5 Some of the newspapers mentioned here, such as *La Tribuna Popular*, *El Ferrocarril* or *El Norte*, labeled immigrants as transnational criminals and as a threat to society.

My approach to this incident is aimed at finding out what reactions it triggered in the press, among the authorities of the time, and among the population. As an event that involved immigrants, it can throw light on the complex processes of the construction of social identities experienced by Uruguayan society during the massive influx of foreigners into the country in the final quarter of the 19th century.

II. Uruguay: A Burgeoning Nation

In 1860, the government of Bernardo Prudencio Berro conducted Uruguay's second population census. While there are undoubtedly numerous gaps in the data gathered, given the state's inability to cover every area of the nation's territory and the roaming nature of many of the country's rural inhabitants, some useful conclusions can be drawn. The census figures show that since the previous official count in 1852, Uruguay's population had shot up from 132,000 people to 221,000 in 1860.[6] In less than ten years, Montevideo's population had increased from 34,000 to 58,000 inhabitants.[7] Immigration data reveals the role foreigners played in this growth, as their share rose from 21.6 % to 35 % of the total population in 1860. In Montevideo that percentage was even higher, as immigrants (not including descendants) accounted for 48 % of the capital's inhabitants. Twenty-two years later, in 1882, the population had more than doubled, totaling 505,207 for the entire territory, and, while precise figures are not available for Montevideo, it is safe to say that a significant number of Uruguay's population was concentrated in the capital.[8]

The contribution of foreign capital and, more importantly, cheap and efficient labor was a key component of the country's economic policy. Backed by the state, private enterprise put in place various schemes for recruiting workers, such as subsidizing fares, distributing land, and granting jobs, which in the vast majority of cases concealed forms of exploitation and abuse.[9] With the establishment of the Immigration Committee (*Comisión de Inmigración*) at the end of 1865, the government fostered the promotion and protection of foreign immigrants and launched an active campaign in Mediterranean ports and cities to attract workers to the country. At the same time that the significance of France, Germany and England as the countries from which most migrant workers originated waned, the Río de la Plata region began to attract an increasing number of Italians, drawn by the promise of work. This promise was reason enough for them to abandon a land devastated by war, economic crisis, and overpopulation. Given the circumstances that prevailed in their homeland, it is not surprising that a motley stream of unemployed workers and tradeless outcasts came to Montevideo from Italian as well as Spanish peninsular ports. These immigrants sparked concern among local authorities and animosity in the ruling classes, who feared that the incomers would turn the Uruguayan capital into a city of shoe polishers, street peddlers, invalids, musicians, and beggars.[10]

According to the 1860 census, there were 7,582 Italians in Montevideo, accounting for 27 % of all immigrants and only exceeded in number by their Spanish counterparts, who at 7,811 represented 28.22 % of the total.[11] By 1884, the number of Italians had risen to 32,829 (45.11 % of all immigrants), now surpassing by more than ten thousand the number of Spanish immigrants (22,122). Between 1879 and 1880, an estimated 8,824 Italians migrated to Uruguay, and over the following five years a further 26,473 immigrants from the Italian peninsula entered the country through the port of Montevideo. Between 1882 and 1886, the total number of foreigners in the Department of Montevideo stood at 72,781, compared to 91,247 Uruguayans.[12]

6 The data is taken from Silva / Witter / Santos (1990).

7 Without denying the importance of immigration in the process, 19th-century Uruguay was also characterized by what the historian José Pedro Barrán has called a »demography of excesses«, with a young population and a high birth rate. Barrán (1990) 29.

8 For a detailed study on migration, see Duffau / Pellegrino (2016) especially 196–199.

9 On employment contracts for immigrants in the preceding period, see Thul (2014).

10 Half of the 16,367 individuals who applied for work to the Committee between 1867 and 1876 declared that they had no trade. Data taken from Pacheco (1892) 105.

11 Silva / Witter / Santos (1990) 301.

12 Silva / Witter / Santos (1990) 302.

Region	1882–1886
Piedmont	335
Lombardy	718
Liguria	1260
Veneto	43
Emilia-Romagna	32
Tuscany	166
Marche	35
Lazio	No data
Umbria	No data
Abruzzo and Molise	12
Campania	876
Apulia	1
Basilicata	1451
Calabria	519
Sicily	25
Sardinia	No data
Total	**5473**

Italian immigration to Uruguay by region of origin. Source: Devoto (1993) 33.

As shown in the above table, from 1882 to 1886 the Campania region – which was where Volpi and Patroni were from – contributed 866 people to the inflow of Italian immigrants (about 16 % of those whose origins we can trace), thus making it one of the leading regions of origin for immigrants from that country. The figures do not show how many of those Campania immigrants came from Naples, the region's capital. However, the terms *napolitano* (Neapolitan) and *gringo* (disparaging slang for ›foreigner‹) soon spread and were widely used to refer to any Italian living in Montevideo at the time. The historian Juan Oddone has noted that, in the case of the urban upper class, the attitude of contempt toward *gringos* did not extend to all foreigners but instead expressly excluded immigrant groups from countries that were considered to be at the forefront of modern political or economic development (France, Germany, Britain, and the United States). In contrast, the urban upper classes scorned immigrants from Italy, and to a lesser extent those from Spain, because of their social class and their supposed economic preferences, seeing them as potential criminals and a threat to order and security.[13]

The historian Silvia Rodríguez Villamil has pointed out that opponents of immigration were strongly influenced by the *Criollo* (Creole) mentality, which, among other basic features, was characterized by its connection with rural life, the idealization of the past (in particular the colonial past), and a rejection of all things new. The defenders of the Creole mentality were the old patrician upper class and associated families as well as urban lower-class sectors.[14] The most evident aspects of ›foreignness‹ – the presence of the immigrant and the prctice of European customs and ways of life – sparked a strong hostility among the sectors where *Criollo* mentality predominated. According to Rodríguez Villamil, that hostility can be traced to the *Criollos'* view of immigration as an invasion of their world by outside elements, as well as their disdain for the social class of most immigrants. Behind these stereotypes we can locate upper-class fears, in which immigrants figured as mostly belonging to the lower classes and as deviants or potential criminals threatening law and order. In this sense, the attitude of upper-class opponents of immigration was clearly conservative: they saw the prevailing social hierarchy as just, and the presence of immigrants alarmed those who defended a static image of society.

It is difficult to determine exactly how widespread these ideas were among the population of late 19th-century Uruguay. However, one possible working hypothesis could be to consider the Volpi-Patroni case as the culmination of a process of open violence against foreigners, as a number of high-profile incidents had already preceded it. These included the Paso Hondo incident in 1880, in which Brazilian officers were executed without trial because they allegedly planned to invade Uruguay; the beating of Italian immigrant Noe Scampieri by the chief of police of the town of Sauce (Department of Canelones); the disappearance of Manuel Sánchez Caballero in 1881,[15] and the subsequent killing of Silverio Sarrasina because

13 Oddone (1969) 16.
14 Villamil (2008) 44.
15 The Spaniard Manuel Sánchez Caballero, who had a feud with the Political Chief of the Department of Tacuarembó, Manuel Suárez, disappeared from his home in late 1881 and was never seen again. His disappearance caused a conflict between Uruguay and Spain, but neither the Political Chief nor other suspects were ever put on trial. For an account, see Acevedo (1934) 165 and 166.

he had signed a petition calling for an investigation into the fate of Sánchez Caballero. These incidents were closely observed by the Italian community, which objected to the methods of the police but also accused the government of arbitrariness, and society of meeting immigrants with contempt at every level.

III. The Crime

On the night of February 16, 1882, Juan Bentancour, a 19-year-old employee of the money exchange house *Francisco Platero y Hermanos*, located on Juncal Street in downtown Montevideo, was murdered by burglars as they attempted to rob the business. Days later, Uruguayan national José Carbajal, a forty-year-old legal assistant, was arrested as the main suspect. He confessed to the crime, and in his statement to the police implicated two Italian immigrants as his accomplices: the forty-year-old Raffaele Volpi di Giovanni and Vicenzo Patroni, a forty-eight-year-old street hawker, both originally from Padula, in Salerno.[16]

The Montevideo press immediately reported the news of the crime. One of the most widely read and more affordable newspapers, *La Tribuna Popular*, was known for featuring the most detailed coverage of violent crimes, and within twenty-four hours of Carbajal's arrest it had published an elaborate account of his crime. The reporter had either had access to the accused man's statement – difficult but not improbable – or simply made up the facts. Either way, his account was later repeated by other newspapers as a reliable version of what had happened.

According to this version, Carbajal was »short of funds« and went to see Volpi and Patroni who owed him a significant amount of money for legal services rendered by him in the Department of Soriano. They »told him they had no cash, but had a good business deal in the works, which would bring them a large sum of money«. The deal turned out to be a plan to rob the money exchange house. Around 8:30 p.m. on February 16, as the young employee was preparing to close up, Carbajal, »who had been watching him from across the street, saw his chance and went into the office first, with the two Neapolitans close behind. Once inside, he took a bill out of his pocket and said to his unfortunate victim, ›Hey, will you change this peso for me?‹« At that point, the two Italians went into the shop and »grabbed the money, filling their pockets with everything they could find, and then joined Carbajal in stabbing the victim to death«.[17]

The best-selling newspaper at that time was *El Ferrocarril*. Its popularity had to do with its price and its coverage of police news, which were written in a simple language that made them the most widely read. The paper's crime reporting style had a novel-like quality with an engaging and colloquial prose style.[18] Its dramatic portrayal of the suspects – Carbajal, Volpi, and Patroni – stirred the public's curiosity. Under the title »Famous Case«, it began a thorough coverage aimed at captivating readers. It started out by highlighting the exceptionality of the crime perpetrated at the *Francisco Platero y Hermanos* money exchange. It described it as very uncommon »in our country, and that is something we must congratulate ourselves on. Because despite the many turbulent times that the inhabitants of this republic have had to suffer, it has only been on rare – very rare – occasions that the press has had to report crimes such as this one, whose perpetrators, it is plain to see, have a soul darker than the depths of hell.«[19] In the following editions, over the months of February and March, *El Ferrocarril* continued its detailed account of the Bentancour crime, in a tone that was more in line with the ›true crime‹ stories of pulp magazines than with information featured in the pages of a newspaper. Both *El Ferrocarril* and *La Tribuna Popular* employed literary devices in their police chronicles to achieve a more realistic narrative, but they failed to clearly indicate that dialogues and facts might have been invented for effect.

La Democracia, more moderate in its coverage of police news, was against releasing information on crimes that were still under investigation. It cautioned that to do so would be to disregard »the most serious guarantees afforded by law to suspects of crimes or offenses who have been brought to

16 It was impossible to find the case files of the suspects in the Judicial Section of the General National Archive of Uruguay. Thus, we lack data of when they emigrated to Uruguay.

17 *La Tribuna Popular*, February 19, 1882, 1.

18 For a more comprehensive analysis of *El Ferrocarril*, see Duffau (2014) especially 63–83.

19 Causa célebre, *El Ferrocarril*, February 22, 1882, 1.

justice and are awaiting trial«, and that, it said, was dangerous. It therefore urged all the other press media to observe the discretion and reserve required by »the process on which are dependent the life and reputation of men who are accused of a criminal act and fall under the actions of the authorities«. *La Democracia* argued that it was necessary to protect the personal safety of all defendants, who were to be considered innocent »until they have been found guilty in a judgment handed down by a competent judge which has become final«. The press had a duty to cooperate with the judges so that the ruling in the Volpi and Patroni case, as in others, was not made »amidst the din and pandemonium [surrounding the crime] and under the initial impressions formed when the whole criminal plot and its perpetrators and various degrees of accomplices are discovered, or are believed to be discovered«.[20]

On February 19, police authorities released an alleged confession from Volpi in which he admitted that he had participated in the crime and said he was willing to cooperate. As a result he was taken to his home where he intended to return the stolen money. Once there, however, according to the media, »Volpi tried to take advantage of the situation by making a scene, inciting his neighbors against the authorities, and asking for help with cries of ›Long Live Italy!‹«[21] After he was taken back to jail, rumors that torture had been inflicted on him and the other detainees were picked up by some newspapers, which denounced the methods used by the police to force confessions under duress. The Italian community protested through its associations, in particular the *Circolo Napolitano*, and the newspaper *L'Italia*.[22]

El Ferrocarril did not limit its coverage to an account of the facts. As in other ›famous cases‹ of the time, it gave its opinion with respect to the treatment of perpetrators. A week after the crime, and in direct reference to the rumors of torture suffered by Carbajal, Volpi, and Patroni, the daily stated: »We have no knowledge of coercive methods being used – as some newspapers claim – to force a confession from these despicable murderers, these perpetrators of the heinous crime on Juncal Street. However, we must bear in mind that these are criminals who are very careful to conceal any evidence of their crimes, but not so much that they can fool the vigorous efforts of police investigators.« The newspaper asked if criminals should be shown consideration, and while it did not respond to the question directly, its answer was implicit when it continued by asking if the three accused had had any consideration »when they committed the premeditated, brutal homicide they had been hatching in their minds for more than a month?«[23]

The rumors of torture continued, prompting the Italian vice consul, Enrico Perrod, to insistently request that he be allowed to visit the prisoners to check on their state of health. Here the case enters the transnational level, because the suspects were still considered Italian nationals by Uruguayan authorities, and Italy demanded that the Uruguayan government should act within the rule of law according to their citizenship.

On February 27, the Italian diplomat, accompanied by a doctor from the gunship *Sicilia*, visited the Central Jail, housed in the Cabildo of Montevideo, and met with the detainees, who did not show any signs of torture or physical punishment.[24] In his statements to the press, Perrod affirmed that he had »found the accused men in good health«, while the Italian physician declared that »their bodies did not present any traces of having suffered torture«.[25]

This did not stop the rumors, however, and twenty days after he had visited the prisoners, the Italian diplomat sent a new letter requesting that the situation of his fellow countrymen, who were still being held in solitary confinement, be promptly resolved. Some years earlier, on April 14, 1879, Uruguay had entered into an extradition agreement with Italy. Under that treaty, which had been signed by the Uruguayan ambassador to Italy, Pablo Antonini y Diez, and ratified in 1881, each party agreed to hand over any nationals of the

20 Las garantías de la justicia (editorial), *La Democracia*, February 23, 1882, 1.
21 *El Bien Público*, March 25, 1882, 1.
22 Calma e fermezza (editorial), *L'Italia*, February 23, 1882, 1.
23 *El Ferrocarril*, February 23, 1882, 2.
24 The Italian gunship *Sicilia* was stationed in Montevideo at the express request of Perrod, who, after a series of crimes, attacks against newspapers, and a robbery suffered by the Brazilian Embassy in May 1881, all of which had been perpetrated by gangs loyal to President Máximo Santos, joined other diplomatic missions in demanding that a »permanent naval station« be allowed to »guard important interests of our community«. Letter from Eduardo Perrod to the Minister of Foreign Affairs of the Kingdom of Italy, May 25, 1881, in: Oddone (1965) 84–87.
25 *La Tribuna Popular*, February 28, 1882, 1.

other party taken into custody if the other party issued a diplomatic request for their extradition.[26] The fact that these diplomatic provisions were not observed should not be understood as a lack of concern on the part of the Uruguayan government for the international treaties it had ratified. While a norm was blatantly disregarded, this breach violation also illustrates the nature of state-building processes, which are not always linear, nor do they adjust rapidly to regulations. The existence of a law or treaty does not mean it will be immediately respected or enforced, as local circumstances could lead the authorities to disregard the rules. The conflict surrounding the Volpi-Patroni case also happened during the period when the characteristics of transnational law were still being defined, and criminal matters were precisely one of the areas in which full agreement did not yet exist. Moreover, it would be some years before Uruguay adopted a Criminal Code (in 1889), so that at this time criminal law consisted mostly of provisions dating back to the colonial period and some new regulations governing the administration of justice.[27]

In his letter addressed to the Uruguayan Foreign Minister, Manuel Herrera y Obes, the Italian diplomat noted, »I cannot ignore the persistent rumors of the barbaric treatment to which the police is subjecting these individuals by the name of Volpi and Patroni.« He also warned the minister about »the general outrage these rumors have sparked among the public, in particular the Italian community«, which is »in a state of alarm and concern over the arbitrary refusal of the authorities to allow me to verify with my own eyes« the state of the prisoners.[28] Uruguay's foreign minister replied the next day. As reported in *El Bien Público*, Herrera y Obes told Perrod that »if there are any complaints of torture – which is prohibited under the laws of this country – to which Volpi and Patroni are said to have been subjected, it is these men themselves who must bring those complaints directly to the attention of the judge in charge of the proceedings, so that he is made aware of them and can take appropriate action«. In addition, he cautioned the vice consul that »his diplomatic status does not grant him power to represent the defendants, as he can rest assured that all the regulations established by the laws of the country are being applied in their case«.[29]

The Italian community, however, did not back down from its demands. In subsequent letters to the press and in complaints filed with the Uruguayan government – but not always approved by the diplomatic authorities – its members continued to call for the immediate release or trial of the two prisoners. On March 21, Volpi and Patroni were released due to lack of evidence, after Carbajal recanted his statement against them.[30] The following day, *L'Italia* published a long article in which it gave an account of the month the »Neapolitans« had spent behind bars, describing what it called the »various torments« they suffered, including being placed in a clamp, held in a shackle bar, and beaten with riding crops and canes.[31] The Italian community accused their diplomatic representatives of having been fooled by the Uruguayan prison wardens. The latter had allegedly shown them two other Italians, in jail for other crimes, who were made to pretend they were Volpi and Patroni.[32]

Once freed, the two Italians, accompanied by the *Circolo Napolitano* Steering Committee, told their story in the headquarters of the Italian Diplomatic Mission, where they were examined by two doctors, Karl Brendel (a German physician who was a resident of Uruguay) and Vicente Stajano (an Italian). The medical report, which was disclosed a few days later, revealed that Raffaele Volpi had injuries on his body that he attributed »to the clamp torture, which he suffered on three consecutive days and at designated hours during

26 Italia. Convenio internacional de extradición de criminales con la República Oriental del Uruguay (1879), in: Criado (ed.) (1881) 432–439. In the same year, Uruguay also signed extradition agreements with Argentina, Peru, Chile, Bolivia, Ecuador, Venezuela, Costa Rica, and Guatemala. Olarte (1942) vol. 2, 21–22.

27 On this subject, see Fessler (2012).

28 Letter from Enrico Perrod to the Uruguayan Foreign Office, March 17, 1882. Archivo General de la Nación, Documentos de la Administración Central, Ministerio de Relaciones Exteriores (hereinafter AGN-MRE), box 405, folder 338.

29 *El Bien Público*, March 28, 1882, 2.

30 *L'Italia*, March 22, 1882, 1; *El Bien Público*, March 22, 1882, 2.

31 Gravissimo, *L'Italia*, March 22, 1882, 1.

32 They were further ridiculed because thousands of lithograph portraits of the accused had been sold throughout the capital during the month the men spent in jail, so that their faces were familiar to the public and should have been recognized by the diplomatic authorities. Some press media denounced the sale of these portraits as they thought it exposed the alleged murderers. See Las garantías de la justicia (editorial), *La Democracia*, February 23, 1882, 1.

the previous month«.[33] The medical examination also showed that he had scars on various parts of his body caused by blows, burns, and knife stabs, in addition to suffering paralysis in his arms and having lost several teeth, which had been pulled by the mouth gag. Vicenzo Patroni presented »a small but deep and irregular wound between his eyebrows, on the left side, which he says was caused by a kick he received when he was in the clamp«, and like his fellow countryman he suffered arm paralysis and had had several molars pulled out.[34]

On March 24, *L'Italia* published the complete statements of the two Italians. In addition to describing the torture they had suffered, they denied having seen Perrod, thus confirming that the Italian diplomat and doctor had been shown other prisoners. Several Uruguayan press media also denounced the torture. Among them was the ›Europeanizing‹ and ›civilized‹ newspaper *La Razón*, which, under the title »The Crime at the Cabildo«, devoted its March 23 editorial to the matter. It apologized to all foreigners in the country, as, it said, »never before have our public officials been possessed by such evil, such great cynicism, such shameless impunity«. On behalf of the Uruguayan people, it declared, »we beg your forgiveness […] for the atrocities that have been committed against you«.[35]

During the month that Volpi and Patroni were in prison, the newspaper *El Ferrocarril*, which insisted on their guilt, published an ongoing, detailed account of the case. This featured dialogues between the killers and their victim that had supposedly taken place in the money exchange house on the night of the murder, which it claimed were taken from different confessions. But once the statements of the two Italians were released, the newspaper accused the national authorities of being like »the blacks of Mozambique or the court of Kana-kana«. For this newspaper, however, the torture inflicted by the police during the jailing of the two Italians was not the issue; rather, it was concerned with safeguarding the ›fatherland‹ from being tarnished by foreign claims.[36] For its part, *La Tribuna Popular*, the other newspaper that had seemed certain that Volpi and Patroni were guilty, published an editorial the day after their release highlighting »the noble sentiments of our people« who saw foreigners as »brothers«, so that »the Volpi and Patroni cause is not just an Italian cause, it is eminently national, because we are interested in protecting the dignity of the country, compromised as it was by individuals who we hope will answer to justice for their punishable actions«.[37]

On March 23, the Italian Diplomatic Mission sent a letter of complaint to Uruguay's Foreign Office, attaching the statements given by Volpi and Patroni. In the letter, it requested that the Uruguayan government prosecute the individuals responsible for the torture. Foreign Minister Herrera y Obes dismissed the statements because they had been given on the premises of the Italian Diplomatic Mission and not before a Uruguayan judge, who »under the laws of the Republic is the only one authorized to hear such statements and consider them for the purposes of adopting a judicial decision«.[38] This is also an interesting issue of transnational law, since the diplomatic mission was clearly considered extraterritorial and thus outside the jurisdiction of Uruguayan law.

The following day, representatives of all the Italian associations in the capital signed a letter of complaint addressed to the diplomatic authorities of the Kingdom of Italy. Francisco Passano, speaking on behalf of the Italian community, declared that it was »an insult to our dignity as men and Italians that we should have to protest as we are protesting on behalf [of the Italian authorities] against the disregard for the natural rights of Man and the obligations established by the laws of the People, which has of late been committed by the recognized Authority of a region that prides itself on being civilized and claims to be a friend of Italy«.[39]

33 *El Bien Público*, March 25, 1882, 2.
34 *El Bien Público*, March 25, 1882, 2.
35 El crimen de Cabildo (editorial), *La Razón*, March 23, 1882, 1.
36 Hágase justicia, pero sálvese la dignidad nacional, *El Ferrocarril*, March 24, 1882, 1.
37 Calma y justicia (editorial), *La Tribuna Popular*, March 23, 1882, 1.
38 *El Bien Público*, March 28, 1882, 2.
39 Passano's speech was reproduced in the March 28, 1882 edition of *La Democracia* (page 1). The exact number of Italian organizations in Montevideo and their membership at the time are not known. According to estimates by Luigi Favero and Alicia Bernasconi based on Italian consular information, in 1879 there were fourteen organizations in Montevideo that gathered Italian immigrants or their descendants. In 1885, according to figures from these authors, the four most important organizations (*Societa di mutuo socorros Operai italiani*, *Lega lombarda d'istruzione*, *Lega lombarda corale instrumentale*, and *Circolo Napolitano*) had a total of 2,793 members, with 850 in the *Circolo Napolitano* alone. Favero / Bernasconi (1993) 382.

No doubt due to these pressures from the Italian community and following the declarations of the Uruguayan Foreign Minister, on March 25 the Italian Diplomatic Mission sent an ultimatum threatening to break diplomatic relations. On March 26, Italian diplomatic officials, escorted by Naval Captain Carlo de Amézaga, took down the Italian coat of arms and flag from the front of the diplomatic headquarters, and all diplomatic personnel abandoned the premises.[40]

While to the press and the Italian community, the authorities appeared unresponsive to Italian demands, these events did not just cause a diplomatic incident, they also called into question the stability of the Uruguayan government. Even though in the late 19th century, Italy was still new to the international concert of nations, it formed part of a group of countries that were considered global powers, so that starting a conflict with it represented a risk for the Uruguayan government. Some press media feared that the breaking of diplomatic relations would spark a war, especially considering that the recently unified European country was starting to exhibit its first imperialistic aspirations.

El Bien Público[41] held the Italian Diplomatic Mission responsible because it refused to have Volpi and Patroni give a statement before a Uruguayan judge, which the newspaper saw as demonstrating »a disregard for [Uruguay's] national jurisdiction«.[42] On March 27, this newspaper analyzed a manifesto published by Amézaga, in which he justified the Italian diplomats' actions and reiterated the Italian demands. Taking a clearly anti-Italian stance, *El Bien Público* stated that »a breakdown of relations means probable war, and if one of the nations rupturing relations is weak and cannot sustain a war, the breakdown foreshadows humiliation or sacrifice for that nation«. The latter was probably what this Catholic newspaper predicted would happen to Uruguay, so that it called for »serene and patriotic reflection« to solve the dispute.[43]

For their part, government supporters considered that the Italian demand was »a gratuitous and despicable offense«, contrived merely »to slander General Santos and his government«.[44] According to this view, the ruling Colorado Party was Italy's »brother in arms«, while »those who preach uproar and scandal are the same who, having come out of ranks that have gone as far as sanctifying crime, now seek to rally together in order to bring confusion and distress to the spirit of the people«. In response to what he considered inappropriate statements by Amézaga, President Santos banned »all diplomatic agents accredited in the Republic from publishing anything of a political nature and related to pending international issues which may incite their fellow nationals to disturb the public order«.[45] Nevertheless, on March 26, Santos issued a decree discharging the Political Chief of the capital, Francisco Barreto, and the First Officer, Bernardo Dupuy, from their respective positions.[46] In addition, Police Chiefs Rufino Larraya and Juan Charlone were arrested.[47] In another communication, Santos undertook to provide every guarantee for the two Italians to give a statement in a Uruguayan court, but this offer was once again rejected by the Italian Diplomatic Mission.

In the diplomatic sphere, before receiving the Italian Diplomatic Mission's ultimatum on March 25, the Foreign Minister Herrera y Obes had asked

40 *El Bien Público*, March 28, 1882, 2. Amézaga later published his view of events in a memoir which he wrote after returning to Rome from the trip that had taken him around the world and brought him to Montevideo in March 1882. Amézaga (1885).

41 *El Bien Público* was the unofficial mouthpiece of the Catholic Church. It is not surprising, then, that its opinion regarding the conflict with Italy was influenced by the loss of the papal territories suffered by the Church during the Italian unification process of the 1860s.

42 Nuestro puesto de honor (editorial), *El Bien Público*, March 28, 1882, 1.

43 En el crepúsculo (editorial), *El Bien Público*, March 29, 1882, 1.

44 Hechos y no palabras, *La Opinión Nacional*, March 31, 1882, 1.

45 *El Bien Público*, March 29, 1882, 3.

46 Decree issued by Máximo Santos on March 26, 1882. AGN-MRE, box 405, folder 338. Perhaps reflecting the Santos administration's reluctance in making this decision, *La Opinión Nacional* opposed their arrest and published a series of editorials offering supposed evidence of Barreto's innocence. See, for example, La justicia y la oposición and El arresto del Señor Barreto, *La Opinión Nacional*, April 8 and 10, 1882, 1.

47 *El Bien Público*, March 28, 1882, 2. On April 5, the police doctor, Diego Pérez, was charged with covering up the torture. *La Tribuna Popular*, April 5, 1882, 2. In his defense brief, Pérez argued that the Montevideo Chief of Police had forced him to sign a statement asserting that the two imprisoned Italians were in good health. *La Democracia*, March 30, 1882, 1.

Uruguay's ambassador in Rome, Pablo Antonini y Diez, to take the necessary steps to ensure the withdrawal of the Italian war fleet from the Bay of Montevideo, as its captain »was printing out manifestos directed at the Italian community, increasing their state of excitement and using terms that are offensive to the President of the Republic, who should not and cannot tolerate them«.[48]

The Montevideo press and a group of citizens also published manifestos denouncing the Volpi and Patroni case, although the incident may be considered to have served them as a pretext to comment on the country's political situation, in particular the rising authoritarianism that had begun in the early 1880s and intensified with the inauguration of President Santos in March 1882. According to one of these manifestos, torture was »a product of an anomalous and violent inclination, which is not subject to rule or restraint, and when it has crossed moral barriers, there can be no hope of its resuming the path of the law by its own devices«.[49]

A letter written in the newsroom of *La Democracia* and signed by various political personalities claimed that the attacks perpetrated by law enforcement agents were »the predictable and inevitable consequence of the system of force and arbitrariness introduced years ago«, so that opposing that growing authoritarianism was an »act of patriotism […] positioned in time within the realm of truth and justice to condemn the crimes that are being committed«. The letter expressed some views regarding international politics and recognized Italy's status as one of the European powers, arguing that it was therefore necessary to strengthen »in the minds of our fellow citizens the conviction that relatively weak peoples can only win the consideration and respect of the powerful by being fair and dignified, and that only through the establishment of institutional rule can they satisfactorily respond to international demands caused by arbitrariness and force«.[50]

Meanwhile, the judge on criminal matters summoned the two Italians to give a statement. Volpi agreed to appear before the judge at the British Embassy, but the hearing, scheduled for March 30, was canceled by the President Santos, who ordered the judge to immediately leave the embassy, insisting that the investigation be conducted on Uruguayan soil.[51] On March 29, Interior Minister José L. Terra was summoned by legislators to give an explanation of the government's conduct. In his statement to Congress, the representative of the executive branch highlighted the inappropriate behavior of the Italian diplomats, who had failed to respect Uruguay's domestic laws and had obstructed the actions of the national courts.[52] Regarding the alleged slowness to act on the part of the justice system and the delay in arresting the officers implicated in the tortures, Terra maintained that »to suspend a civil servant under the weight of an accusation [of torture] was to discredit from day one the civil servant who was suspended«.[53]

The Kingdom of Italy sent the Marquis de Cova as its special envoy to solve the conflict.[54] He traveled to Montevideo from Buenos Aires and on April 4 held a confidential meeting in which he presented Italy's demands. In a subsequent letter cited by *El Bien Público*, de Cova summarized these as including: the arrest of all the individuals responsible for the treatment to which Volpi and Patroni had been subjected in prison; a payment of 50,000 francs in gold »as proof of the Uruguayan Government's deep regret at the actions that have been verified«; a public apology, »worded appropriately and given by His Excellency, the Minister of Foreign Affairs of the Republic of Uruguay in the response to this letter, retracting the statements contained in official publications with respect to the [Italian] royal authorities«; an official visit by the President of the Republic of Uruguay to the Special Envoy and the Plenipotentiary Minister of Italy on mission in Montevideo; and a »reciprocal salute pursuant to marine rules«.[55] Facing Italian pressure, the Uruguayan government accepted these conditions on April 6.[56] The following day the two nations reached an agreement and reestab-

48 Letter from Manuel Herrera y Obes to Pablo Antonini y Diez, March 25, 1882. AGN-MRE, box 338, folder 405.
49 La cuestión del día, *La Democracia*, March 28, 1882, 1.
50 *La Democracia*, March 31, 1882, 1.
51 *El Bien Público*, March 31, 1882, 2; *La Opinión Nacional*, March 31, 1882, 1.
52 Diario (1885) 205 and 206.
53 Diario (1885) 207.
54 Telegram to the Ministry of Foreign Affairs from the Uruguayan representative accredited in Rome, March 30, 1882. AGN-MRE, box 405, folder 338.
55 *El Bien Público*, April 9, 1882, 2.
56 Telegram from Manuel Herrera y Obes to the Uruguayan representative in Italy, April 6, 1882. AGN-MRE, box 405, folder 338.

lished relations, with Uruguay promising that the officers implicated in the Volpi-Patroni case would be brought to justice[57] and that the injured parties – who had by then left the country – would be compensated financially.[58]

La Tribuna Popular viewed the imposition of Italy's conditions and their acceptance by the Uruguayan government as an affront to national sovereignty. »We must understand that the nation's dignity has been disgraced by the agreement signed and that there is a great risk that the justice system will not have the freedom of action necessary to finally deliver that famous superior order that all accused cite but whose origin nobody knows.«[59] In contrast, the newspapers loyal to the government considered that it had reached »an honorable agreement for both parties«.[60]

These articles were likely fueled by some editorials published in *L'Italia*, the unofficial mouthpiece of the Italian community, which was still attacking the local authorities. On April 13, *L'Italia* took up the conflict again and defended the Italian community. Although the agreement reached five days earlier seemed to indicate that calm would be restored and a conciliatory tone would reign, the paper called for President Santos to be jailed, accusing him of being ultimately and primarily responsible for the torture of Volpi and Patroni. The newspaper vowed to warn its countrymen of the disadvantages that Uruguay presented as a destination country for immigrants.[61] Later, in a special edition published on April 17, *L'Italia* called for the resignation of Herrera y Obes.[62] The article sparked a heated reaction from the minister, who sent a letter to the Italian Diplomatic Mission protesting »the seditious attitude adopted by a sector of the Italian population in the presence of the Agents of His Majesty the King toward this Government, which has shown them a tolerance that is excessive and taxing on the national sovereignty of the Republic and the respect due to the authorities that represent it«.[63]

Once the case was settled, the press reconstructed the events in various serialized stories that depicted the murder at Juncal Street. *La Patria Argentina*, a newspaper of the city of Buenos Aires, began publishing »The Story of the Gruesome Crime«, written by the journalist »Mr. González Bonovino, Secretary of the Editorial Board of [*El Ferrocaril*]«, who had interviewed the murderer ›Caravajal‹[64] in jail. Volpi and Patroni were not mentioned in these accounts, except as the victims of the incriminating statements made by ›Caravajal‹. The story featured in *La Patria Argentina* was reprinted in Montevideo's *El Ferrocarril* under the name »The Montevideo Drama: The Bentancour Murder«. The story generated great reader interest and was published as a book not long after.[65]

Starting on May 22, and in what can be considered the first steps in positivist criminology in Uruguay, *El Ferrocarril* began printing portraits of Carbajal accompanied by an analysis of the link between physical features and behavior.[66] These views were also connected with the ideas that identified immigrants, in particular Latin immigrants, as the direct cause of the growing crime rate.[67] In this way, a decisive importance was attributed to a criminal's origins and to the natural characteristics that made an individual prone to inclinations that would turn them into »famous criminals, who merited being studied by those who investigate the abilities of those monsters who from time to time shock a society by perpetrating vicious attacks«. According to *La Patria*

57 Record drawn up at the Italian Diplomatic Mission upon delivery of the monetary compensation to Volpi and Patroni. AGN-MRE, box 405, folder 338.

58 José Carbajal (who had implicated Volpi and Patroni) was found guilty and sentenced to death. However, in September 1882, the day before he was to be executed, President Santos paid a visit to the Central Jail and the execution was postponed and eventually commuted for a prison sentence.

59 La espada de Damocles (editorial), *La Tribuna Popular*, April 12, 1882, 1.

60 *La Opinión Nacional*, April 8, 1882, 2.

61 *L'Italia*, April 13, 1882, 1.

62 *L'Italia – Bollettino Straordinario*, April 17, 1882, 1. AGN-MRE, box 405, folder 338.

63 Letter from Manuel Herrera y Obes to Barón de Cova, April 18, 1882. AGN-MRE, box 405, folder 338. This did not put an end to the discussion and the mutual recriminations, with the opinion pieces on the Volpi-Patroni case continuing throughout 1882 and part of 1883.

64 This is how the name of the murderer appears in the issues of *El Ferrocarril*.

65 *El Ferrocarril*, April 24, 1882, 2.

66 *El Ferrocarril*, May 22, 1882, 1.

67 Pesavento (2009) 5–24; Scarzanella (2007) 30 and 31. See, for example, a study by Héctor Miranda, a young Uruguayan legal expert who would later become a well-known politician of the Colorado Party, in which he examined the causes of Uruguay's rising crime rate and suggested some prevention policies. Miranda (1907).

Argentina – as reproduced by *El Ferrocarril* – »Caravajal's crime is not one of those simple homicides perpetrated to carry out a robbery; there are details and circumstances that make the murderer a character in the annals of barbarism and expose him for what he is: a monster of perversity, cunning, and cynicism, one who calculates the probabilities, coldly ponders the difficulties, the consequences, and the contingencies, and prepares everything in such a way as to escape punishment for his crime.«[68]

The renewed publicity of the incident sparked new confrontations between Italians and the police. On the one hand, this reflected the police's hostile attitude toward the Italian community, who were accused of being dangerous immigrants. On the other, the Volpi-Patroni case demonstrates a general way of dealing with crime and criminals that was not necessarily linked to racist or xenophobic views. As the events of this case unfolded, excesses, arrests, tortures, and beatings were also being committed against the Uruguayan population, in response to both criminal acts and political unrest.[69]

IV. Final Considerations

In this chapter I have attempted to examine the history of a series of related transgressions – a murder and the subsequent torture of suspects – and its different social, political, cultural, and transnational implications. The intended focus was not the crime itself but its representations (how the crime was viewed), which I hoped would allow us to see the more salient features of Uruguayan society at the time, in particular with respect to immigration and crime. The ramifications of the Volpi and Patroni case are an interesting starting point for the study of views that called for a halt to immigration, and a contribution to the necessary ›transatlantic‹ approach that will allow us to examine the criminal history of the 19th century and the first decades of the 20th century from a different perspective.

At the same time, this is an analysis of the press as it began to perform a thorough public examination of criminals and immigrants with reconstructions of the most famous cases through the lens of international positivist criminology. In this way, the press sketched profiles and established stereotypes of Italian immigrants from the lower (working) classes that were directly associated with social disorder and decline. This last aspect is interesting in order to analyze the emergence of social marginality in ›civilized‹ Uruguay: the rural or urban criminal and the poor immigrant, who became the preferred targets when it came to stigmatizing the enemies of the new order imposed by the upper classes. This chapter also reveals how countries dealt with a transnational conflict, issues of sovereign territorial integrity, and civil liberties for citizens and immigrants during the process of nation-building. The existence of diplomatic relations and the approval of an extradition treaty was interpreted differently by the Uruguayan and Italian authorities. In the Volpi-Patroni case, the Uruguayan rulers ignored the provisions in force. Italy, in turn, did not recognize the Uruguayan judicial authorities and put pressure on the government of President Santos in order to achieve extradition. This aspect is central because it occurred at the time of the incorporation of the two countries into transnational criminal law, although it is important to note that being part of the system did not imply direct compliance with the provisions. In other words, on the one hand there was the law, and on the other the local practices and historical contexts that have to be taken into account in order to understand the transnational dimension of the application of criminal law in Uruguay.

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68 *El Ferrocarril*, April 18, 1882, 1. On this kind of portrayals, see Sozzo (2007).

69 On repression in this period, see Duffau (2013).

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