



Toward a Non-Androcentric Historical Analysis of Women's Prisons: The Cases of Santa Fe and Buenos Aires (Argentina, 1924–1936)

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Abstract

This article analyzes the administration of women's prisons in Argentina during the process of state consolidation, using two prison cases: the Correctional Institution for Women (Santa Fe) and the Olmos Prison for Women (Buenos Aires). In both cases, the Sisters of the Good Shepherd's administration faced resistance from several state and non-state agents. We revisit an old issue using a new gender approach to investigate the relationship between female punishment, civil society, the state, its agents. The aim is to contribute toward a historical, non-androcentric analysis of women's prisons using archival research.

Keywords

Women's prisons, gender; female punishment; the Good Shepherd; Argentina.

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Introduction

On July 31, 1829, when Marie-Euphrasie Pelletier founded the order of *Nuestra Señora de la Caridad del Buen Pastor* (Our Lady of Charity of the Good Shepherd), nobody could have imagined that, by the middle of the century, the order would be managing most South American prisons for women. The Good Shepherd arrived in Argentina in 1885, after the approval of the Uruguayan Convent Law (*Ley de Conventos*), which led to Sisters from the House of Montevideo moving to Buenos Aires (Isern 1923).¹ When the Sisters of the Good Shepherd arrived in South America, they possessed rare expertise in the management of incarcerated women. Toward the end of the 19th and beginning of the 20th centuries, the congregation administered almost all women's prisons in Argentina and many others in South America.

In the context of penitentiary reform, the incarceration of women and minors differed notably from that of men. Unlike male punishment, the economy of female punishment was not only linked to crime but also to any other offense to domestic order or the duties that were associated to with their sex. María Soledad Zárate Campos (1996) has highlighted that, in the Chilean Good Shepherd case, the aim was for prisoners to be 'rescued' as good wives and mothers rather than 'reformed'. Conversely, Carlos Aguirre (2003) held that the Peruvian Good Shepherd shared the mission of rehabilitating 'fallen women' with state-run prisons. Further, Daniel Fessler (2017) has indicated that, in the case of Uruguay, the state was not able to reform female punishment during the 19th century, despite its anticlerical imprint. Such historiographical interpretation has been shared by research undertaken regarding the Argentinian case. Pioneering studies by Donna Guy (2001) and Lila Caimari (2007) have shown that, in the Buenos Aires Correctional House, the Good Shepherd nuns oversaw the rehabilitation of both young girls and adult women.

Gender relationships form a central axis in the analysis of power relationships in society (Scott 1992, 2016); however, they are not sufficient to explain the great diversity in crime, violence, and penal law experiences for women (Carrington 2015). The aim of this paper is to analyze and conceptualize these institutions during the process of state consolidation, using two cases: the Correctional Institution for Women (CIW) of Santa Fe (*Instituto Correccional de Mujeres de Santa Fe*) and the Olmos Prison for Women (*Cárcel de Mujeres de Olmos*) in a neighboring town of La Plata, the capital city of the province of Buenos Aires. In both cases, the Sisters of the Good Shepherd's administration faced resistance from several state and non-state agents. This paper revisits an old issue using a new gender approach to investigate the relationship between female punishment, civil society, the state, and its agents. The method used was a comparative analysis of newspapers from 1924 to 1936 in Buenos Aires and Santa Fe, complemented by contemporaneous literature and provincial state archives.

The paper is divided into three sections. The first section presents and discusses debates and contributions from gender studies and historiography to the field of women's prisons. The second section analyzes the case of the CIW. The administrative transfer of this institution away from the control of the congregation of the Good Shepherd caused strong reactions on the part of the press, former invigilators, and the prisoners themselves. The final section of this paper discusses the tensions generated by the transfer of the La Plata Prison for Women to Olmos. This removal occurred during a secularizing attack by the lawyers of the Buenos Aires Patronage of Incarcerated and Released Women (*Patronato de Recluidas y Liberadas de la Capital*).

Historiography of Women's Prisons: Trends and Debates

From its inception, prison scholarship has been marked by the influences of Marxist analysts such as Rusche, Kirchheimer, Melosi, and Pavarini, and by the work of Michel Foucault. Such contributions, originating in the Northern Hemisphere, have influenced theoretical conceptualizations of Latin American cases during recent decades (Salvatore and Aguirre 1996). These studies of prisons in our region were groundbreaking; however, they focused only on male institutions. This perspective created a research gap regarding crime and female punishment and had a direct impact on understandings of this problem. First, there has been a tendency to make it invisible, granting it less importance than male crime and building a

male-centered view of criminality that applies conclusions drawn about male criminality and punishment to women's experience. Punishment and institutions for women have been approached negatively — in terms of their “deficiencies” and “shortages” — compared to male institutions. These kinds of assertions have led to the conclusion that women's prisons, having been delegated to religious congregation management, were beyond the reaches of intervention by state agents.

This tendency began to be reversed during the last 30 years when a study group began to consider female criminality through a historical perspective (Feeley and Little 1991). Although their theoretical framework was not feminist, these studies formed a vital contribution by comparing the crimes committed by women and men, and how they were approached by criminology. Since this time, a substantial change may be observed in terms of dealing with criminality, as research of feminist and English-speaking origin has begun to question existing interpretations of penal law and the state. We refer to Catharine MacKinnon (1995), Frances Olsen (2000), and Carol Smart's (2000) studies, which opened a dialogue that had previously seemed unfeasible between two key areas: criminology and penal law and feminist studies.² Likewise, research conducted by British criminologist Pat Carlen (1983) has offered a new outlook on the study of prisons and control institutions, with a feminist perspective.

From a historical viewpoint, the gender category addressed and investigated by Joan Scott (1992) — as a key to understanding the exercise of power — forced scholars to rethink control institutions from a new mindset. From that moment onward, studies of social control proliferated, together with a renewed interest in the social history of crime and gender studies. The findings of this intersecting scholarship not only reinstated the history of one portion of the population that had been overshadowed but also addressed issues that had been unexplored previously by the study of crime history. Such studies cross-examined conceptual frameworks and produced new methodological techniques that had profound effects on the field of study (Knepper 2015). Among this research, innovative studies were conducted by Patricia O'Brien (1978), Nicole Rafter (1985), and Lucía Zedner (1991) — critically, the authors questioned the Foucauldian construction of prisons. These studies revealed that, far from being disciplined subjects, women's experiences in prison and their criminal motives demonstrated their capacity for agency, mediated by gender and class relationships. At the end of the 20th century, Mary Bosworth worked on the notion that power is under constant negotiation in women's prisons. She proposed that, as a way of resisting institutional control, women are always — in some manner — engaged in the negotiation of power. Therefore, she argued, it is necessary to consider how incarcerated women manage “to retain a sense of themselves as agents, despite the restrictions they face” (Bosworth 1999: 10). More recently, Bosworth and Flavin (2007) conducted an investigation of women's prisons that used a historical approach to analyze gender and race factors.

In Latin America, the study of women's crime from a historical standpoint originated at the heart of a historiographical renovation that occurred during the democratic restoration (Albornoz Vásquez 2005; Caimari 2007; Caulfield 2000; Correa Gómez 2005; Guy 2001; Ini 2000; Ruggiero 1994; Speckman Guerra 1997). Recently, many studies have distanced themselves from the regulatory approach to reconsider the issue of crime from a standpoint that challenges the gender stereotypes of wife and mother, which the state and domineering sectors have attempted to impose (Biernat and Simonetto 2017; Calandria 2017; Cepeda 2011; Coppa 2016; Di Corleto 2018; Gálvez Comandini 2014; Schettini 2016). Thus, prostitutes, child murderers, thieves, and murderers have been understood as women who distanced themselves from the socially established norms of sex and gender via their practices.

As Caimari has highlighted, although the epistemic turn taken by the history of justice over the last 30 years barely affected the scrutiny of female criminality, it is significant that arrested women were not sent to science-based institutions or penitentiaries, as was the case for men. Specifically, studies of Latin American women's prisons made significant contributions to understandings these institutions' operation. The majority of such research had questioned why the state delegated prison administration to a religious order at a time when a secular, forward-thinking state was in power. Groundbreaking investigations by Ini (2000), Guy (2002), and Caimari (2007) have contributed greatly to the understanding of penal

institutions in Argentina. Their inquiries coincided with the origin of other studies of women's prisons in South America. The works of Marcelo Neira Navarro (2004) and María José Correa Gómez's (2005) explored crime and punishment in Chile during the first half of the 20th century. Despite their diverse methodologies, these studies drew similar conclusions. Caimari suggested that the administrative transfer resulted from positivist criminologists' consideration that women were less dangerous than men.³ Further, Correa Gómez's (2005) work indicated that religious administration was directly related to socially attributed gender roles; "penitentiary rehabilitation" typically involved assigning a domestic role to women and assigning men to the work field. Hence, the notion of "dangerousness" was influenced by a new gender perspective, which highlighted that female dangerousness explicitly focused on those who did not comply with this domestic role: predominantly workers and prostitutes. This last hypothesis was reinforced by Zárata Campos (1996), who suggested that control institutions added to the building of "domesticity" through household chores (e.g., cooking, cleaning, and sewing) that were performed in institutions for women's rehabilitation. Further, Neira Navarro (2004) demonstrated that female punishment was not limited to confinement in formal control institutions, as with male punishment; instead, it also formed part of a broader repressive circuit that incorporated domestic work in people's homes or in the confinement of monasteries.

Recently, a work published by Julieta Giacomelli (2018) highlighted, based on a local case in Argentina, the existence of a complex network of relationships between the Good Shepherd and the state that underlay the institutional administration of female punishment. Giacomelli showed that, in the town of Azul (province of Buenos Aires), two logics of punishment administration coexisted: a female correctional facility administered by the Good Shepherd and a pavilion for women within the male state prison. She hypothesized that the state was interested in administering female punishment that was verified via the creation of this pavilion; further, this was possible due to the locality's secular tradition. Her study addressed an old debate about the administration of female punishment based on a local case — this article continues and extends her work. Our purpose is to rethink the links and tensions between the state and society in relation to the social control of women, and also to consider local spaces that had very different dynamics from those of the capital city, Buenos Aires.

The historical investigations mentioned so far are unavoidable in studying control institutions and forms of punishment in Latin America. The studies all stand out because they rendered a previously unexplored problem visible in the historiographical field. They paved a way toward understanding female punishment from a non-androcentric view, which we pursue and reinforce in the present paper. Most of these investigations focused on institutions located in capital cities such as Buenos Aires and Santiago de Chile, and the findings were extended to the rest of the country. It was deemed necessary to contribute to building a new outlook that shifts from the capitals and locates itself toward the country's interior to elucidate realities unlike those of the capital. Recently, studies such as those by Bohoslavsky and Soprano (2010) and Zimmermann and Plotkin (2012) have interrogated traditional ways of approaching the Argentine state, suggesting that it should be studied in a less schematic and prescriptive way. As the latter authors stated (2012: 23), "the state should not be thought of, following a Weberian tradition, as an agency which monopolizes legitimate coercion but as a dynamic organism which is multi-faceted and in constant evolution far from being linear and synchronic in all its areas."⁴ In line with this theoretical viewpoint, this study resumes the issues surrounding Latin American women's prisons, the state, and gender relations, through the lens of two detention institutions in Argentina. Specifically, it centers on two located in the country's interior: Santa Fe and La Plata.

Further, we retrieve an old interrogation by Catharine MacKinnon (1995: 288) because we consider it helpful in building a non-male centered perspective on women's prisons: what is the state from the women's perspective? In answering this guiding question, our hypothesis is that these prisons were not spaces that developed outside the state; rather, they formed part of the multiple and contradictory grounds inherent to the state mechanism. Women's prisons were "gray areas": spaces where the borders between the state and civil society were difficult to define (Pita 2012; Plotkin and Zimmermann 2012). We consider that this kind of articulation of the state, at the end of the 19th and beginning of the 20th centuries, is more

indicative of an efficient mechanism for producing and reproducing gender inequalities than an exception to the running of the state or a lingering form of colonial society.

From “House” to “Institution”: The Administration of the Correctional Institution for Women of Santa Fe

In 1881, a new House of Reformation and Protection of Maternity (*Casa de Corrección y Protección de la Maternidad*) began construction in Santa Fe on a plot neighboring the Hospital of Charity. The new House was left under the administration of the Charitable Society (*Sociedad de Beneficencia*), which had to submit the stipulated regulations for government approval.

From the beginning of the 19th century until the mid-20th century, the Charitable Society oversaw several public institutions destined to hold custody of and reform women, boys and girls, the poor, and the sick; this allowed them to build legitimized power from the elite as much as from state agents. However, as new spaces for reformation and female punishment opened up, their management stopped being under the rule of the Charitable Society and was instead given over to religious orders.

The Reformatory House was damaged significantly during the Radical Revolution of 1983 and, well into the 20th century, it was demolished (Novello 2011). By then, the Good Shepherd oversaw most women's prisons in the country, except those in Santa Fe and Tucumán. However, between 1928 and 1929, both prisons began to be run by the Good Shepherd, within a few months of one another (González Alvo 2018). However, the ways in which such transfers occurred cannot be understood in an unambiguous or linear way; they were quite heterogeneous in nature. In most cases, the transfer was encouraged by the prison management itself — the ladies of the Charitable Society — as happened in Tucumán. In other cases, such as in Santa Fe, the administration opposed the transfer and opened a public debate on the matter. This was not the only peculiarity — the women's prison of Santa Fe relied upon civil personnel and was, thus, dependent on the state. These unique features created significant conflicts between the state, the Charitable Society, and the Sisters of the Good Shepherd over some female reformatory and punishment institutions.

In 1924, Santa Fe had begun building a pioneering women's prison — the CIW — under state employees' leadership. Construction was conducted using an enormous loan that included the construction of several penitentiaries. Once the building was completed, it would become the first in the country designed to house a “modern” women's prison. The public debate over the administrative transfer began a few years later as the official opening approached. In 1927, one of the leading newspapers in town, *Santa Fe*, expressed that, since its creation in 1924, the CIW had much improved conditions for freedom-deprived women. Despite the efforts of its director, Inés Fernández de Bruno —characterized by the press as a respectable, capable, and hardworking woman who carried out her reorganizing duties with great diligence — the institution suffered material complications. Its primary deficit was building-related — the old house in which it was housed was small and in ruins.

After one year of management, Fernández de Bruno organized an exhibition of the chores conducted by the prisoners to demonstrate advances made by the institution; this received a seal of approval from the Santa Fe press. However, several months later, a crisis resulted in her arrest (*Santa Fe* January 22, 1927). The issue began when the Public Defender of Minors ordered the director to hand over or take to the Civil Registry a minor who had been detained in her institution after having been kidnapped by her partner. According to the agreement made by the parties involved in the kidnapping lawsuit, the young lady should get married, and the Defender had ordered her release. Facing this situation, Fernández decided not to obey this order, claiming that the young woman was not at the Defender of Minors' disposal but rather at the investigating judge's disposal. Finally, the minor was handed over; however, due to the investigating judge's order, Fernández de Bruno was arrested, and an investigation was conducted (*Santa Fe* October 22, 1927). Consequently, the management of the institution was entrusted to a public servant of the Ministry of Government.

According to Guy (2001), until the end of the 19th century, the outcomes for accused minors varied widely because there were no specific control institutions to handle their cases. Outcomes included penitentiaries, reformatory institutes such as the CIW, children's homes administered by the Charitable Society, and even family homes. Whatever their destiny, the Public Defender of Minors selected and directed their location (Trueba 2007; Zapiola 2013). In the above case, Fernández de Bruno challenged the Defender by questioning his work and authority, requesting the investigating judge to make a decision concerning what the Defender had previously established.

The conflict between the director and the judicial authorities did not end there. A few days later, in an article published by *Santa Fe*, she was accused of being an accomplice to a prison prostitution network (*Santa Fe* October 28, 1927). The degree of support for such a strong accusation is unknown; this may have been a false allegation or the discovery of an illegal practice already known by agents of justice but publicly denounced due to the conflict that had emerged.

After a relatively short period, the newspaper made the conflict visible again. However, its position had changed entirely; now, it defended the former director and attacked the Defender of Minors, who was accused of hindering the director's hard work. The director had endeavored to make of every minor an educated, hardworking, and good woman, and had fought against the tendency to make the reformatory a 'storeroom of servants' (Caimari 2007). The prison regulations established that no minor could be located in domestic services as long as her good behavior and female domestic job hiring had been certified by a judge's order.

The press accusation against the Defender of Minors rested not only on obstructing the director's work but also on making domestic location the likely destiny of those minors and making of this a kind of private "business." In this respect, the newspaper reported, the Defender fostered the systematic removal of minors, arranged "the luck and destiny of the hopeless and either distributes them in family locations as if he was an agent of this business, or guides them in group to the Hospital of Charity or loses sight of some of them as it has happened with 12 missing ones, as 12 nymphs who have been sieged by a group of fauns" (*Santa Fe* December 4, 1927). The Hospital of Charity, argued the newspaper, lacked a director such as Fernández de Bruno who could put a stop to the Defender's excesses. According to the same newspaper, the investigation responded to the limits the headmistress imposed upon the corruption present in the system that transferred minors and distributed them as servants.

The conflicts reflected in the press demonstrated the tensions among state agents in charge of reforming minors and the social network that underlay their functions. The Defender's and the director's competences appeared to overlap and become confused; this was the result of several disputes that were settled in everyday practice and, many times, acquired public notoriety. By discrediting the Defender's request, the director called his function into question and imposed a limit upon his authority, deferring instead to the power of the investigating judge — who, finally, legitimized the Defender (i.e., another agent of justice). These conflicts are one expression of the complex process of state building and the implementation of several social exclusion attempts; the conflicts demonstrate a space of both agreement and disagreement between different social actors, in addition to different social meanings and political uses utilized by the institution (Pita 2012).

The crisis arose a few months before the authorization of the CIW building; this probably influenced the government's decision to transfer administration of the prison to the Good Shepherd, which already administered the women's prison of Rosario without major problems (or, at least, none known to the public). In this way, transferring the management of the reformatory prison to the Good Shepherd was not only due to the nuns' experience but also served to settle a prior conflict of interest between the administration of the old institution and the justice system. However, this decision was neither accepted without the Charitable Ladies' objections nor welcomed by public opinion. Once again, conflicts arose that attracted the attention of the press.

On March 7, 1928, *El Orden* reported that, once the new building was finished, the CIW would be delivered to the Sisters of the Good Shepherd; the paper pronounced itself vehemently against this because the government had not offered appropriate justification for such a transfer. The press claimed that the monastic administration exhibited greater morality, that there was an official inability to “rule houses of such nature,” and that not managing them directly was economically beneficial. *El Orden* suggested that the state had declared itself unable to administer female punishment and, thus, turned to “nuns whose real and effective superintendence exceeded civil power audit” (*El Orden* March 7, 1928). This quotation shows that, as held by Caimari, the delegation of prison administration to religious congregations was a response to a group of overlapping rationales, among which the strong influence of moralist discourses and the continuity of Catholic notions of guilt and punishment stand out (Caimari 2007). From the analyzed case emerge new elements that we consider inevitable in thinking about female punishment. Further, these elements contribute new perspectives relating to why women’s prisons were administered by the Good Shepherd: on the one hand, patriarchal logics exercised by the state during its consolidation process and, on the other, pragmatic elements that played a crucial role in state decisions.

In terms of more pragmatic aspects, we should consider that those institutions managed by the nuns were more economical and were used as a “breeding ground for domestic maids” — exactly as *Santa Fe* claimed. The institution not only functioned as a space where domestic chores were learned (e.g., cooking, cleaning, and ironing) but also served to generate free labor. We wish to highlight the relocation of those girls and women who demonstrated good behavior to placements as domestic servants in privileged families. It is no coincidence that this job was realized within the framework of compliance with punishment, as ordered by the justice system itself.

The lack of experts, which also formed a problem for other state institutions, was solved through religious administration. In systems of male punishment, experts had been being trained since the 1880s and 1890s; however, provincial states had not yet devoted themselves to the training of women, resorting instead to charitable associations and religious congregations. The training of specialized staff to oversee women’s prisons and reformatories was vital and had a significant impact on the Santa Fe public debate. For some time, while the transfer of the CIW to the Good Shepherd was under discussion, *El Orden* continued supporting the state’s capacity in the matter. It held that, no matter how many mistakes were made by secular administration — referring to Fernández de Bruno — there was no reason to declare it unsuccessful and delegate administration to a corporation, given that no state institution should be administered by individuals, despite the cost. If economic principles were followed, the penitentiary could be handed over to “some good priests or friars or some order willing to manage it.” The newspaper made it clear that it did not intend to be hostile to the church, but that it considered it crucial to report the government’s terrible mistake. The newspaper concluded that the CIW should appoint “people with a double capacity — administrative and tutelary — subjected to all the responsibilities of ordinary civil servants,” since women will host “Catholic or Mahometan women, all of them handed over to the government’s custody which should only respond to one criterion and function: to reeducate fallen women, whatever it takes” (*El Orden* March 7, 1928).

Six months after this debate began, *Santa Fe* joined *El Orden* in rejecting religious administration due to the redundancy of CIW invigilators. The *Santa Fe* was worried about this and cautioned regarding the lack of appreciation of their years serving the state. They were fired, without considering “their competence, good behavior, [and] maternal devotion toward the convicts,” having proved only their “charitable vocation.” The editors of *Santa Fe* immediately described the state of Santa Fe as a mere “continual trial” [“ensayo perenne”], as a constant attempt that ends in failure (*Santa Fe* August 30, 1928). This debate demonstrates that the administrative transfer of prison institutions to the Good Shepherd was not easily performed; many opposed it and expressed this. Giacomelli’s work on Azul women’s prison reinforces this hypothesis; she showed that, in the province of Buenos Aires, there were both correctional institutions managed by the Good Shepherd nuns and pavilions designed to house women in prisons (intended for men) that were regulated by the state, due to the tensions between the religious congregation and the state itself.

The pleas for professionalization and work stability were unsuccessful, and the agreement with the congregation was signed in January of 1929; the CIW delegation to the Good Shepherd and the functioning thereof was regulated by decree. Despite the resistance of some actors who defended secular administration of these areas, the transfer demonstrates the vital role of pragmatic elements in the decision, together with patriarchal rationales regarding female punishment. First, gender inequality was constitutive of modern criminality; in the attempt to modernize punishment, ancient gender notions — relating to sinful sexuality, morality, and female modesty — that were common in colonial society underlay and reinforced subordination to the modern patriarchal order (Calandria 2019). In Carol Pateman's (1995:11) words, the "modern" is built over an inscrutable sexual contract that existed prior to the emergence of the state. We do not mean that these notions were residual colonial forms; on the contrary, these rationales formed part of modern society's patriarchal order.

Everything discussed so far leads us to consider a second element of female punishment and its relation to the running of the state: women's submission. As highlighted by MacKinnon (1995), civil society has been a space of domination and subordination par excellence for women because it has been left beyond the reach of legal guarantees and explicit state acts. Accordingly, we deem that the transfer of prison institutions to the Good Shepherd should be interpreted along this line of thought. By assigning female punishment to the management of a religious order, the state not only eradicated a problem but also reinforced female submission in an area without rights and guarantees. However, in doing so, several gray areas originated that combined religious administration and state intervention. Therefore, in the administration of female punishment, two logics — one of the state and the other of a religious nature — coexisted that, without being exempt from tensions and disputes, shared a perspective on women that responded to the patriarchal social model that they wished to impose.

These gray areas were part of the state machinery at the end of the 19th and beginning of the 20th centuries (Pita 2012). In the case of women's prisons, the state was in charge of funding such institutions or creating pavilions to house offenders within the prisons under its administration. However, this phenomenon was not limited solely to the town of Azul (Giacomelli 2018); other departmental prisons in the province of Buenos Aires also had pavilions destined to house women (Archivo Histórico y Museo SPB, 2014). Likewise, state intervention was not limited to funding and creating pavilions; it also interceded where it was deemed necessary, as demonstrated by an event at Santa Fe in which state forces stepped up to deactivate an inmates' riot. In this sense, the tensions between society and the state (regarding female imprisonment) were not only expressed in specific actions, such as the creation of women's wards in men's prisons or in the financing of institutions administered by the Good Shepherd; these relationships were also part of the same state apparatus that led to the formation of gray areas within female institutions of detention.

Immediately after the administrative transfer, a general inmates' uprising occurred that campaigned against the new director, citing her arbitrary decisions and lack of abilities — due to poor nutrition, ragged clothes, and lack of proper flooring and mattresses — and against moving to a new building. Opposition and complaints quickly transformed into a riot against the authorities in which approximately 35 armed women participated, with "sticks, pieces of glass, and other improvised weapons." The protest, which civil staff were unable to control, was repressed by approximately 20 soldiers, prison guards and several individuals who, according to the newspaper, spontaneously cooperated with the security forces (*El Orden* January 8, 1929). This situation shows that, despite religious administration, explicit state interventions sometimes occurred. Within these gray areas, a double movement was generated. On the one hand, women continued to inhabit a space outside the state's reach, in terms of their rights; on the other hand, the state executed its riot gear when necessary.

Finally, once the protest was repressed, the director was suspended and the administration was turned over to an assistant of the police headquarters. Some minors identified as "rebellious" were transferred to the *Depósito de Contraventores* (a jail for small offenses managed by the police) and different police stations in the city. The inmates' riot demonstrates that, far from being passive subjects, female inmates

opposed both the disastrous living conditions they were subjected to and being moved to a different building. A place unknown and possibly worse since it was difficult for them to believe that the government wanted to move them to a better place.

The interpretation of prisons as totalizing institutions and women as passive subjects responds to a patriarchal construction of female (in)action. However, studies such as those by Bosworth (1999) have debated such interpretations, revealing that most prison studies have propagated an understanding of incarceration based on an implicit, yet unexplored, notion of hegemonic masculinity (Connell 1997). Therefore, such studies have involuntarily valued a universalizing notion of agency and subjectivity that marginalizes or excludes women. The research undertaken by Bosworth showed that female prisoners did not exhibit only passive behavior, such as that encouraged by the institutions; rather, their practices and subjectivity were transgressive and were constantly negotiated, as demonstrated by the abovementioned riot at Santa Fe. In this way, the prisoners were continually reconstructing femininity.

Although it is difficult to explain why they rejected the latter, we may presume that it was related to a change in administration — the riot was predominantly provoked by material living conditions. It is possible to suppose that they had the conviction that those who govern do not want something good for them. Their experience was based on a continual worsening of their situation. Who could assure them that the new building would be better? As suggested by Bosworth (1999) and Coba Mejía (2004), within the subjugation entailed by the deprivation of one's liberty, there emerge a myriad of resistances where organization and bonding develop in everyday prison life; this casts doubt upon the social construction of such institutions as places where disciplined bodies reside. Therefore, this riot questions those patriarchal interpretations of women's prisons that assume women behaved passively and complied obediently with the imposed social order. Instead, it demonstrates that women challenged the idealization of passive and obedient femininity.

After the uprising, *El Orden* that had reported the handing over of the prison to the Good Shepherd vigorously defended it, arguing that experience taught that, "under a kindness regime and persuasive spiritual influence," it was possible to correct and reeducate women. The newspaper added that it was no coincidence that, "in all corners of the Earth," the Good Shepherd kept "most of the penitentiary institutions perfectly well-run and organized" (*El Orden* March 20, 1929).

The new CIW building was opened on May 2. The Bishop of Santa Fe, Monsignor Boneo, Governor Gómez Cello, and the town mayor were present, in addition to other local politicians. The Minister of Government and priest Rodríguez gave public speeches, but the Mother Superior did not. The only woman who was present at the meeting kept silent. Following this, the debate surrounding the secular administration of women's prisons in Santa Fe finally quieted for several decades. The new building, conceived of as "modern prison system," would be managed by the congregation for most of the 20th century, demonstrating a number of theoretical and pragmatic elements whose combination could explain the administrative transfer of women's prisons to the Sisters of the Good Shepherd.

Several years later, although the management problem appeared to have been solved in Santa Fe, debate around the secularization of female confinement spaces was reignited in the province of Buenos Aires, in the context of the 1935 transfer of the La Plata Prison for Women to Lisandro Olmos.

From "Prison" to "House": The Transfer of the La Plata Prison for Women

In the 1930s, the debate surrounding female penitentiary administration intensified in both the city and the province of Buenos Aires. From the national capital, the Patronage of Incarcerated and Released Women (*Patronato de Recluidas y Liberadas de la Capital*), created in 1933, became the central leader in the renovation of all women's prisons under the reformist principles that — theoretically — had led the project of modernizing male punishment thus far. The struggle between the *Patronato* and the congregation of the Good Shepherd over the secularization of female criminal seclusion demonstrated the

strength of religious administration. The Sisters systematically prevented the entrance of lawyers into the prison and rejected materials sent for the inmates' manual work and reading contests fostered by the *Patronato*.

These events contributed to increasing hostility between both institutions, which had already been infuriated by strong anticlerical ideas. According to the lawyers, women's confinement institutions should be run by civil staff or, at least, managed by civil authorities. In such cases, clergywomen could attend their jobs if they did not present opposition to initiatives promoted by specialists: a condition that seemed out of proportion in the context of the experience gathered so far. For the leaders of the *Patronato*, administration by the Good Shepherd represented a serious infringement of most essential criminal principles because they, on the one hand, avoided the individualization of punishment and, on the other, subjected the inmates to useless religious discourses in terms of sin and forgiveness that were dissociated from the context of criminality (Caimari 2007). The intellectual and work training offered by the Sisters was monotonous and limited, and worsened by the lack of spaces designed for such purposes.

In most of the country, at least in the big cities, the "modernization" of male prisons had been based on the refurbishment of significant buildings; therefore, if actors wished to improve women's prisons, buildings specially designed for such functions should be built. However, dreams of modernization collapsed in 1935, when the government of Buenos Aires province effected the relocation of the women's prison: from 46 Street in La Plata to the building where the Hospital for Tuberculosis of the National Post was located (in the town of Olmos). The building was unused due to the humidity typical of the area, which was inappropriate for tuberculosis treatment.

The building, situated on a plot of 31 hectares, was acquired by the provincial government in 1932. Then, it was expanded for its new function as a prison facility. More than half a million in national currency was invested — the largest sum in the country's history of female imprisonment. The building had three floors and was presented as an appropriate space to house the female criminal population of Buenos Aires "for the next 50 years" (*El Día* June 4, 1935). From the provincial administration's view, it was a big improvement from "the old building, which was in bad conditions and inappropriate, in every sense, for such function," referring to the prison on 46 Street. Further, it was located in the middle of the provincial capital (*Revista Penal y Penitenciaria* 1936: 344).

The new women's prison, termed by the press a "model prison," had more than 4,600 m² distributed over three floors. The ground floor contained a spacious dining hall — very rare in male prisons — a room for workshops, and two others for schooling. The "bedrooms," as the Sisters called the collective cells, were situated on the first and second floors and contained 40 beds. There was also an individual cell for isolated prisoners and a "bedroom" for those inmates with children younger than one year old. Both floors had personal hygiene items, a nursery, and a dentist's office.

When the transfer occurred, the penitentiary administration in Buenos Aires praised the Good Shepherd's work as follows: "the effort made by the congregation running [the prison] is praiseworthy, only thanks to its devotion and effort it is possible for the institution to be filled for the purpose it was created, considering the relative and precarious means" (*Revista Penal y Penitenciaria* 1936: 344). The press also applauded the clergywomen's and the government's work in improving the situation of sentenced and prosecuted women. The possibility of providing the prison with civil administration or management was not discussed.

The leaders of the *Patronato*, who had already expressed their disagreement with retaining religious administration, requested the prestigious lawyer, Telma Reca, to propose a reorganization of women's prisons in the province, which would include the replacement of the congregation with secular management. To Reca, who presented her report in 1936, the aims of any confinement institution could not be realized by clergywomen, regardless of their willingness. The objectives proposed by Reca included the classification of convicts, the individualization of treatment, the implementation of a progressive

system, and the prisoners' reformation and social rehabilitation. According to her, all personnel should be women, with the exception of some posts such as doorman, guard, and gardener (Reca 1936). However, Reca's project was not put into practice; neither was a new women's prison built.⁵

Several days after it was opened, the Minister of Government and Justice, Vicente Solano Lima, made a key recommendation to Rodolfo Moreno and Eusebio Gómez — two prestigious criminal lawyers in charge of recording the Code of Criminal Procedures and Penitentiary Regime in the province. It was that they should not include the term "prison" in the name of the institution because it would not accurately represent the secluded minors' situation. Solano Lima requested that the institution be named after María Antonia de la Paz (1730–1799), a distinguished creole lady who performed actions at the service of the highest Christian charity: the redemption of criminal and perverted women, through persuasion and love (*El Día* June 2, 1935). A native of Santiago del Estero, the lady had traveled on foot through the provinces of the country and Buenos Aires until she reached the capital with the purpose of moralizing the people. For this purpose, she built new buildings for spiritual exercise, destined to host lost women sent by civil authorities for their reformation and moral improvement.

In June 1935, several days after the new building opened, the press again praised religious action, affirming that any negative results at La Plata prison had been due to overcrowding and discomfort. The poor building conditions had distorted the Sisters of the Good Shepherd's selfless efforts; the lack of room for workshops and schools, and fields for trees and gardens, made it impossible to achieve their intentions of improvement via work and teaching. Similarly, the press considered it commendable that the executive power had changed the prison name to "María Antonia de la Paz House of Education." The naming decision was finally made by a committee, among whose members were Moreno and Gómez, and whose work was complemented by the Sisters of the Good Shepherd (*El Día* June 4, 1935).

Before the House was opened, it was inspected by authorities of the executive and judicial powers, the Mother Superior, and the Sisters of the Good Shepherd. The very same day, in La Plata, law school students met to present the findings of the project "The foundations and bases of the patronage of incarcerated and released women of Buenos Aires province." The project editors were students: Lilia Luna Amoedo, Beatriz Luque, and Aida Bitbol. Although they tried to organize adequately before the prison's opening, they were not able to participate in its administration.

Finally, on July 12, 1935, the María Antonia de la Paz House of Education was occupied by the first female contingent transferred from the prison on 46 Street. However, the opening of the brand-new building went unnoticed by the press. The main headlines and most of the newspaper contents were occupied by other current news. This news included Carlos Gardel's passing in Colombia, the rejection of the female vote in Buenos Aires, Paz's conference between Bolivia and Paraguay in Buenos Aires, the philosopher Krishnamurti's visit to Buenos Aires, and Enzo Bordabehere's assassination in the Argentinian senate.

It was the *Patronato* that suggested the name "María Antonia de la Paz House of Education" to replace "Women's Penitentiary and Prison." Gómez and Moreno accepted the proposal because, although the institute accommodated condemned women, one "strength is to admit that without exaggerating on a determined criminal school, education is the essence of the punishment" (*El Día* June 4, 1935). The name "House" was linked to María Antonia de la Paz, as suggested by Minister Solano Lima. The authors of the first regulations at Olmos House ratified the religious argument over the institution administration. However, although the congregation's efficient management of the institution was not denied, they added that "a technical intervention that would reassure, with wise decision, the observance of scientific principles" was crucial. Therefore, they suggested creating the post of Inspector of Women's Prisons; this individual would advise the religious director (*Patronato de Recluidas y Liberadas* 1936: 17).

Six months later, according to the survey conducted on January 1, 1936, approximately 50 women inhabited Olmos House (20 sentenced and 30 prosecuted). Annual movement was regular, and a slight increase was registered by the 1937 survey: the House accommodated 54 women (22 sentenced and

32 prosecuted). The population replacement was significant because, of the 20 sentenced women present in 1936, 15 were admitted and 13 were released (11 on probation, one who was given a reprieve and one who completed their sentence). Of those who were prosecuted in 1936, none remained in 1937 — throughout the year, 58 entered and 56 exited the prison. As in male prisons, behavior classification was predominantly positive: of 21 classified women, nine exhibited “exemplar” behavior, four “very good,” eight “good,” one “regular,” and none “bad” or “disastrous.” The only permanent civil staff in the House were the prison guard detachment who offered surveillance services outdoors, comprising one sergeant, two corporals, and 11 soldiers. Internal surveillance was conducted by the clergywomen (*Ministerio de Gobierno* 1937: 206). According to data gathered during a visit by the Minister of Government and Justice, the former hospital refurbishments had not been sufficient; a series of “shortcomings” was identified and verified, and he ordered both building repair and expansion in March 1937. His report expressed that the institution lacked sewers, medical instruments, and tools for the inmates’ tasks.

In October 1937, Minister Roberto J. Noble determined that the minors’ section, which was located in a separate wing of the former hospital, should move under the control of the superintendence of the General Direction of Children’s Protection (GDCP). Via the provincial Act no. 4,547, the GDCP began exercising superintendence over all the institutions of abandoned minors’ reformation with the purpose of coordinating official and private action and the better utilization of the funds. The Sisters were not pushed outside the prison of Olmos; however, the minors’ section — which had depended previously on the General Direction of Penitentiary Institutions — moved under the control of the GDCP. From this time, the Sisters would remain under the administrative control of the GDCP.

Some years later, in the 1940s, the Chilean criminalist Felicitas Klimpel resumed the line of research initiated by Reca and published a plan for another project to reorganize women’s prisons, including removing religious tutelage. In her initial analysis, she insisted that almost no women’s prison on the continent had been built for the purpose of religious tutelage. In addition to the inappropriate location, she highlighted the cohabitation of charged and processed women, the presence of minors presence — with or without penal charges — and, particularly significantly, the religious administration. To Klimpel, the Good Shepherd’s intervention had delayed the establishment of “scientific regulation, pedagogical treatment and inmates’ classification” (1947: 56). She also identified issues such as the lack of workshops and secular technical and teaching staff, and the deliberate interference in medical, social, and judicial state services. According to Klimpel, the key flaws of the clergywomen’s treatment stemmed from their lack of knowledge of the convicts and the wrongdoings they had committed: “the factors that motivated them, their environment and their personality.” Klimpel argued that the clergywomen departed from “the basis that every criminal was a sinner and that they were all the same. By teaching them to pray and carry out some manual tasks, they believe they fulfill splendidly a work of regeneration of the fallen women” (Klimpel 1947: 56). Nevertheless, she concluded that the only solution was to deliver convicts into the care of experts. To this end, she suggested creating a new modern building, establishing a court of discipline and a system of punishments and rewards, providing rooms in which to perform industrial work, and installing civil invigilators. Crucially, she did not request anything beyond emulating what was typically implemented in male “model prisons.” However, according to Débora D’Antonio, Klimpel’s proposal (much like Reca’s) did not entail a total departure from the tradition of female confinement and its association with religion and “gender re-socialization.” Both proposals continued to highlight the “spiritual reconstruction” and re-socialization of the family nucleus, in a similar vein to the work performed by the clergywomen (D’Antonio 2016). Finally, in terms of new buildings (as in Santa Fe) or transfers (as in Buenos Aires), the administration continued in the Good Shepherd’s hands until the 1970s.

Conclusion

Our analysis of Santa Fe and Olmos in the 1920s and 1930s supports many conclusions already drawn in the study of women’s prisons in Argentina. In this respect, our inquiry intertwines diverse social actors: state agents, nuns, inmates, lawyers, and journalists. This allows us to examine the peculiar functioning of this kind of institution and a broader and more complex state machinery that both create and reproduced

gender inequalities and also avoided ways of working that were common in big cities and model prisons (e.g., the one in Buenos Aires). Meanwhile, we offer new elements that may be used to respond to the old question: why did the state delegate the administration of women's prisons to a religious order at a time when society was becoming more secularized?

Thus far, the answer has been linked to pragmatism — our study confirms this. A certain class pragmatism, which tended toward “the breeding of domestic maids,” had prevailed in different female confinement institutions for many years. In some cases, “punishment” did not cease upon leaving the institution; in some instances of “good behavior,” girls and women were placed in elite family homes to perform household chores without any compensation. Nevertheless, it is also possible to find some clues to these questions in the conformation of “gray areas” in the state. Accordingly, our study demonstrates that women's prisons were not free from state intervention, despite being run by the Sisters of the Good Shepherd. Rather, these prisons were in permanent interaction with the state and, from the first half of the century onward, their administration was an object of debate between state agents, intellectuals, and the first feminist lawyers in the country. In this way, far from being an isolated stronghold of state practice, women's prisons were gray areas — porous border spaces that belonged to state building.

This paper also contributes to regional studies of female punishment in terms of gender and the new historiography of the state. It shows how women's prisons worked under the diverse interventions of women, civil society, religious orders, and the state. One expression of this was the installation of pavilions for women in male prisons (Giacomelli 2018). However, we suggest that these spaces were not significantly different; rather, they shared forms of administration in common. In this way, and returning to the initial question of our research, the long-lasting religious administration can be linked to the maintenance of a constitutive patriarchal order embedded in the state rationale of the time. We suggest that the rationales of female punishment were not mere vices of colonial society; instead, they responded to a form of operation typical of the patriarchal order, which continued in the modern state. In this sense, our study makes a case for a non-male centered analysis — in other words, an exploration of the issue from a gender perspective that moves away from the comparison between male and female punishment and locates itself from a relational perspective to discover working logics in power relations and their connection with punishment. If observed from a perspective of straightforward comparison with male prisons, delegating female prison administration to a religious order could be understood as “anachronisms.” However, if an androcentric view of female punishment is avoided, we are more likely to view the situation clearly — and from a perspective that locates women at the center of the scene.

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¹ The Uruguayan Convent Law (*Ley de Conventos*) declared all convents to be without legal existence. It went into effect with the civil marriage law and was interpreted by the Catholic Church as a frontal attack. Crucifixes were removed from public hospitals and, in 1907, the divorce law was enacted, and all religious references were removed from the oaths of

parliamentarians. The 1917 Uruguayan Constitution finished separating the Church and the state (Da Costa 2009). Despite all this, only several years later, the Good Shepherd returned to Uruguay and resumed the administration of women's prisons until the end of the 20th century (Fessler 2017).

- ² The studies conducted by Frances Olsen and Carol Smart were influenced by Judith Butler's epistemological rupture regarding gender performativity in justice (2018).
- ³ The decades between 1930 and 1950 marked a turning point in the history of women's prisons in South America. During these two decades, university women promoted a notable opposition to the religious administration of women's prisons.
- ⁴ All citations have been translated from Spanish into English by the authors. We would like to thank to M.Sc. Juan Gabriel González (National Technological University-Tucumán Faculty) and Prof. Josefina Pucci (National University of Tucumán).
- ⁵ On the contrary, the very same year, through the Law of Public Works (*Ley de Obras Públicas*), the government of the province destined six million pesos to build four new male institutions. The year before the transfer, Buenos Aires governor, Federico Martínez de Hoz, made a brief but heated statement requesting not to call prisons "institutions", given that "the naming of institutions does not change their nature but serves an important role for the inmates' antecedent, since it is not the same for a minor to be released from a juvenile detention center or a workhouse than to be freed from a prison or penitentiary." He was forceful in requesting the prison administration at the Olmos House of Education to classify all inmates by age and legal status and create several sections with corresponding names because it was unacceptable "that a minor protected by unaccountability for being younger than 14 years old when the crime was committed had the same judicial denomination than an adult convicted to any sentence" (*Ministerio de Gobierno* 1935: 128).

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