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Histories of Sexual Violence in Nineteenth and Twentieth Century Latin America: An Introduction

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Abstract. Objective/Context: This article explains why current events demand the exploration of histories of sexual violence, setting the four pieces that comprise this special issue in their broader historiographical and social context. Despite the important body of work that has been produced to date exploring issues related to gender and sexuality in this region during the nineteenth and twentieth century, sexual violence remains severely understudied. **Methodology:** Linking to protests against sexual and gender-based violence and harassment in Brazil and internationally since the mid-2010s, such as the global #MeToo campaign in 2017, the article reviews current scholarship on histories of sexual violence. **Originality:** This special issue represents a valuable collection of essays specifically devoted to the history of sexual violence in Latin America during the nineteenth and twentieth centuries. The article demonstrates why this is such a pressing issue for historians to consider in 2022 and contextualises the following contributions. **Conclusions:** There is an urgent need for further research into the histories of sexual violence across different Latin American countries in later modernity, especially since the issues highlighted by all four authors—particularly related to gender, racial, and class discrimination and stereotyping that harm victims—remain relevant to contemporary experiences.

Keywords: historiography, Latin America, rape, sexual violence, women.

Historias de violencia sexual en la América Latina de los siglos XIX y XX: una introducción

Resumen. Objetivo/Contexto: Este artículo explica por qué los acontecimientos actuales exigen la exploración de las historias de violencia sexual, situando los cuatro artículos que componen este *dossier* en su contexto historiográfico y social más amplio. A pesar del importante *corpus* que hasta la fecha ha explorado temas relacionados con el género y la sexualidad en la región en los siglos XIX y XX, la violencia sexual sigue siendo muy poco estudiada. **Metodología:** Vinculándose con las protestas contra la violencia y el acoso sexual y de género en Brasil y a nivel internacional desde mediados de la década de 2010, como la campaña

global #MeToo en 2017, el artículo revisa la erudición actual relacionada con las historias de violencia sexual. **Originalidad:** Este *dossier* representa una valiosa colección de ensayos, dedicada específicamente a la historia de la violencia sexual en América Latina durante los siglos XIX y XX. El artículo muestra por qué es este un tema tan urgente para la consideración de los historiadores en 2022 y contextualiza las contribuciones a continuación. **Conclusiones:** Hay una necesidad urgente de seguir investigando las historias de violencia sexual durante la modernidad tardía en los diferentes países de América Latina, especialmente porque los temas destacados por los cuatro autores —y en particular los relacionados con la discriminación y los estereotipos de género, raza y clase que perjudican a las víctimas— aún son relevantes en las experiencias contemporáneas.

Palabras clave: historiografía, Latinoamérica, mujeres, violación, violencia sexual.

Histórias de violência sexual na América Latina dos séculos XIX e XX: uma introdução

Resumo. Objetivo/Contexto: neste artigo, é explicado por que os acontecimentos atuais exigem a exploração das histórias de violência sexual, situando os quatro artigos que compõem este dossiê em seu contexto historiográfico e social mais amplo. Apesar do importante *corpus* que, até a data, vem explorando temas relacionados com o gênero e a sexualidade na região nos séculos XIX e XX, a violência sexual continua sendo pouco estudada. **Metodologia:** vinculando-se com os protestos contra a violência e assédio sexual e de gênero e o estupro no Brasil e no âmbito internacional desde meados da década de 2010, como a campanha global #MeToo em 2017, neste artigo, é revisada a erudição atual relacionada com as histórias de violência sexual. **Originalidade:** este dossiê representa uma valiosa compilação de ensaios, dedicada especificamente à história da violência sexual na América Latina durante os séculos XIX e XX. Além disso, mostra por que esse tema é tão urgente para a consideração dos historiadores em 2022 e contextualiza as contribuições a seguir. **Conclusões:** há uma necessidade urgente de continuar pesquisando sobre as histórias de violência sexual durante a modernidade tardia nos diferentes países da América Latina, especialmente porque os temas destacados pelos quatro autores —e, em particular, os relacionados com o preconceito e os estereótipos de gênero, raça e classe que prejudicam as vítimas— ainda são relevantes nas experiências contemporâneas.

Palavras-chave: América Latina, estupro, historiografia, mulheres, violência sexual, violação sexual.

On 20 October 2015, the first episode of a new Brazilian TV series, *Junior Masterchef*, was broadcast. Almost immediately, one of the contestants on this children's cooking competition —a 12-year-old girl— became the focus of numerous sexually-explicit and abusive messages and posts on social media.¹ In response, thousands of women and girls shared online their first experiences of sexual harassment: the hashtag #MeuPrimeiroAssedio (“#MyFirstHarrassment”) was used on Twitter over 82,000 times within 5 days, attracting international attention and launching a national debate over the ubiquity of sexual harassment, along with broader discussions

1 Anna Sophie Gross, “Explicit tweets to Junior MasterChef star in Brazil spark campaign against abuse,” *The Guardian*, November 11, 2015, <https://acortar.link/CiAp4g>. The television show was cancelled after a single season, and while this may have happened in any case, it would seem likely that the scale of the controversy encouraged producers not to pursue this programme further.

about sexual violence and how best to combat it.² The following month saw the landmark *Black Women's March against Racism and Violence and in Favor of Living Well* in Brasilia, a multifaceted protest against misogyny and racial discrimination bringing together 50,000 women to march through the capital city, an event which was the culmination of a year's work by Black feminists across Brazil to reach out to other Black women beyond established activist networks.³

These campaigns of the mid-2010s did, of course, not spring out of the ether: they built on (and tapped into) a long trajectory of feminist activism in Brazil, both historical and contemporary.⁴ This included vocal challenges to sexist tropes, victim-blaming and stereotyping about sexual harassment or rape, such as participation in the SlutWalk protest marches held in 2011 and 2012.⁵ This takeover of the streets and social networks by women in favor of freedom, with denunciations of abuse and describing the objectification and violence against their bodies, became known in the Brazilian media as the “Women's Spring” (Primavera das Mulheres). What was arguably a new tactic and direction, however, was the widespread engagement from 2015 onwards through social media platforms as a way to protest sexual harassment and abuse, including by women (and by some male allies) who were not necessarily involved in feminist activism beforehand, not only relating to specifically Brazilian instances but also participating in international debates over this subject. It has been suggested by feminist scholars that for “fourth wave” feminism in the new millennium, social media and digital activity are integral to the ways the contemporary women's movement has (and has continued) to develop and evolve.⁶ The success of this medium in forcing these difficult conversations about the prevalence of sexual harassment and sexual violence into an international spotlight, and necessitating responses—even from critics—underscores its significance. While it remains

2 Marcela Xavier, “The campaigners challenging misogyny and sexism in Brazil,” *The Guardian*, 15 December, 2015, <https://www.theguardian.com/global-development-professionals-network/2015/dec/03/sexism-misogyny-campaigners-brazil-social-media>.

3 Alvaro Jarrin and Kia Lilly Caldwell, “Beyond #MeToo, Brazilian women rise up against racism and sexism,” *The Conversation*, 12 January, 2018, <https://theconversation.com/beyond-metoo-brazilian-women-rise-up-against-racism-and-sexism-89117>.

4 See, for instance, June E. Hahner, *Emancipating the Female Sex: The Struggle for Women's Rights in Brazil, 1850–1940* (Durham, NC: Duke University Press, 1990); Sonia A. Alvarez, *Engendering Democracy in Brazil: Women's Movements in Transition Politics* (Princeton: Princeton University Press, 1990); Kia Lilly Caldwell, *Negras in Brazil: Re-envisioning Black Women, Citizenship, and the Politics of Identity* (New Brunswick, NJ: Rutgers University Press, 2007); Simone Bohn and Charmain Levy, “The Women's Movement in Brazil,” in *Twenty-First Century Feminisms. Women's Movements in Latin America and the Caribbea*, edited by Simone Bohn and Charmaine Levy (Montreal: McGill-Queens University Press, 2021), 202–229; Cristiano Rodrigues and Viviane Gonçalves Freitas, “Black Feminist Activism in Brazil: Political Discourse in Three Times” in *Twenty-First Century Feminisms*, 230–264; Laura França Martello, “Autonomist Feminisms in Brazil: Protest Politics and Feminist Self-Defence,” in *Twenty-First Century Feminisms*, 265–291.

5 For the influence and context of the (originally Canadian) SlutWalk movement in Brazil intersecting with other feminist campaigns, see Jonas Madeiros and Fabiola Fanti, “Recent Changes in the Brazilian Feminist Movement: The Emergence of New Collective Actors,” in *Socio-Political Dynamics within the Crisis of the Left: Argentina and Brazil*, edited by Juan Pablo Ferrero, Ana Natalucci and Luciana Tatagiba (London: Rowman and Littlefield, 2019), 221–242.

6 On the broader context of fourth-wave feminism and digital activism, see especially Prudence Chamberlain, *The Feminist Fourth Wave: Affective Temporality* (Basingstoke: Palgrave Macmillan, 2017); Urszula M. Pruchniewska, “Everyday feminism in the digital era: Gender, the fourth wave, and social media affordances,” (Ph.D. diss., Temple University, 2019).

debatable the extent to which this online campaigning and discussion has actually changed broader attitudes towards and treatment of sexual harassment, abuse and gender-based violence in Brazil—just as has been the case in other countries, both within and beyond Latin America—it nonetheless marks a significant historical milestone in terms of generating public debate over these connected issues and their (un)acceptability.⁷ This, in turn, invites further reflection on how these same issues have been variously recognised, denied, and debated in the past. Such historical work can also remind us that an improved degree of public awareness or condemnation of sexual violence does not necessarily lead to more effective interventions, as Lisa Featherstone has recently shown through her research on the history of rape and child sexual abuse in Australia during the 1970s and 1980s.⁸

Historically and culturally distinct conditions have always mediated definitions of—and responses to—sexual violence. As Joanna Bourke has powerfully argued, “Any assumption that sexual violence is a universal experience insults the specificities of individual histories. Terror is always local.”⁹ Since 2017, the international reach of the #MeToo movement (a concept first developed by African-American activist Tarana Burke in 2006) has brought new and global attention to the widespread sexual harassment and assault of women, children, and men.¹⁰ Conversely, however, the successes of this movement have also been met by what have often been overtly misogynistic denials that such a continuum of sexual violence is a widespread and disturbingly “normalised” part of many women’s life experiences. Critiques of #MeToo argue that this awareness feeds into a pious and intolerant “cancel culture” or mob mentality that unfairly targets “innocent” people, primarily men.¹¹

In many societies and over substantial periods of time, sexual violence has also routinely been dismissed as not being of serious concern; and discussions (whether medical, legal, political, or cultural) on the topic have explicitly blamed and stigmatised the victims of such attacks, rather than condemning the perpetrators or seeking justice.¹² For example,

7 Heloisa Buarque de Almeida, “From shame to visibility: Hashtag Feminism and Sexual Violence in Brazil,” *Sexualidad, Salud y Sociedad* 33 (2019): 19-41, doi: 10.1590/1984-6487.sess.2019.33.02.a; Raquel Paiva, “#MeToo, feminism and femicide in Brazil,” *Interactions: Studies in Communication and Culture* 10, n.º 3 (November 2019): 241-255, doi https://doi.org/10.1386/isc.10.3.241_1

8 Lisa Featherstone, *Sexual Violence in Australia, 1970s-1980s: Rape and Child Abuse* (Cham: Palgrave Macmillan, 2021).

9 Joanna Bourke, *Disgrace: Global Reflections on Sexual Violence* (London: Reaktion Books, 2022), 3.

10 For key context, especially see Tarana Burke, *Unbound: My Story of Liberation and the Birth of the Me Too Movement* (London: Headline, 2021), and the collected essays by contributors in Giti Chandra and Irma Erlingsdóttir, eds. *The Routledge Handbook of the Politics of the #MeToo Movement* (Abingdon: Routledge, 2021).

11 See exploration of these narratives in Simona Sharoni, “Speaking up in the Age of #MeToo and Persistent Patriarchy or what Can we Learn from an Elevator Incident about Anti-Feminist Backlash,” *Feminist Review* 120, n.º 1 (2018): 143-151, doi <https://doi.org/10.1057/s41305-018-012>; Susan Faludi, et al., “A Conversation with Susan Faludi on Backlash, Trumpism, and #MeToo,” *Signs* 45, n.º 2 (2020): 336-345, doi <https://doi.org/10.1086/704988>; Clotilde de Maricourt and Stephen R. Burrell, “#MeToo or #MenToo? Expressions of Backlash and Masculinity Politics in the #MeToo Era,” *Journal of Men’s Studies* 30, n.º 1 (2022): 49-69, doi <https://doi.org/10.1177/10608265211035794>.

12 Sociologist Heleieth Saffioti observed that the reactions of victims of gender-based violence can be wilfully misread by perpetrators and others as either “consent” or “inadequate resistance,” both of which are untrue. See Heleieth I.B. Saffioti, “Contribuições feministas para o estudo da violência de gênero,” *Cadernos Pagu*, 16 (2001): 115-136, doi <https://doi.org/10.1590/S0104-83332001000100007>

the British physician Alfred Swaine Taylor assured readers of his influential textbook on medical jurisprudence in 1865 that false allegations of rape were often “wilfully and designedly made”—a statement that had little to do with any evidence of such false accusations coming before the courts, and everything to do with the myths surrounding sexual violence in Victorian England.¹³ These narratives emphasized the intrinsic untrustworthiness of all victims, further complicated by attitudes to gender, race, and class that, for instance, disturbingly argued that so-called “precocious” girls might be as much or a greater source of sexual danger as they were vulnerable to it.¹⁴ Similarly, the Brazilian medical examiner and psychiatrist Raimundo Nina Rodrigues claimed in the early twentieth century that the bodies of Black and mixed-race women and girls were more likely to be “mistaken” by the unwary physician as being victims of sexual violence.¹⁵ As the anthropologist and sociologist Mariza Corrêa has pointed out, Rodrigues’s claims helped establish him as an international authority in criminal justice matters and meant that Black victims of sexual assault faced even more substantial challenges in seeking redress through the Brazilian courts.¹⁶

Both the cases of Taylor and Rodrigues also demonstrate the constant concern with claiming the (female) body as a site of objective and neutral “truth” that could easily prove or disprove allegations of sexual violence, despite the fact (that?) such interpretations were marked by racial, gender, and class prejudice both in practice and in discourse. Particular contexts, such as war and conflict, or institutions such as slavery or imperialism, have also intersected with these ideas and have frequently been used by perpetrators to excuse sexual violence against subjugated

13 Alfred Swaine Taylor, *The Principles and Practice of Medical Jurisprudence* (London: J. Churchill and Sons, 1865), 989. On rape myths in nineteenth and twentieth-century England and Wales, see Kim Stevenson, “Unequivocal Victims: The Historical Mystification of the Female Complainant in Rape Cases,” *Feminist Legal Studies*, 8 (2000): 346-366, <https://doi.org/10.1023/A:1009270302602>; Joanna Bourke, *Rape: A History from 1860 to the Present Day* (London: Virago, 2007); Aliraza Javaid, “Male Rape Myths: Understanding and Explaining Social Attitudes Surrounding Male Rape,” *Masculinities and Social Change* 4, n.º 3 (2015): 270-294, doi:10.17583/MCS.2015.1579; Olivia Smith and Tina Skinner, “How Rape Myths Are Used and Challenged in Rape and Sexual Assault Trials,” *Social & Legal Studies* 26, n.º 4 (2017): 441-466, <https://doi.org/10.1177/0964663916680130>.

14 Louise A. Jackson, *Child Sexual Abuse in Victorian England* (London: Routledge, 2000); Victoria Bates, *Sexual Forensics in Victorian and Edwardian England: Age, Crime and Consent in the Courts* (Basingstoke: Palgrave Macmillan, 2015); Kim Stevenson, “‘Children of a Very Tender Age Have Vicious Propensities’: Child Witness Testimonies in Cases of Sexual Abuse,” *Law, Crime and History* 7 (2017): 75-97; Laura Lammasniemi, “‘Precocious Girls’: Age of Consent, Class and Family in Late Nineteenth-Century England,” *Law and History Review* 38, n.º 1 (2020): 241-66.

15 Raimundo Nina Rodrigues, *Manual de Autópsia Médico-legal* (Salvador: Reis & Comp., 1901).

16 Mariza Corrêa, “Sobre a invenção da mulata,” *Cadernos Pagu*, 6-7 (1996): 35-50.

peoples or enslaved women and men.¹⁷ The impact and legacy of this stigmatisation and erasure of sexual violence have also often required historians to read archival sources against the grain or to listen carefully for what remains unsaid in oral history testimony and interviews.

In short, the study of sexual violence necessitates bearing in mind the intersecting realities, actors, discourses, practices, prejudices, and contradictions that, in different historical and geographical contexts, have aided in promoting it and, at the same time, normalised it or even condemned it. The ways that sexual violence has been understood, accepted, tolerated, contested, or rejected by perpetrators, victims, or commentators have also depended on specific cultural frameworks. Reading the —often scarce, ambiguous, or implicit—evidence (textual, verbal, corporeal, or visual) of sexual violence and its responses has frequently posited a challenge for historians, who have needed to refine their methodological and theoretical tools to address and study this phenomenon.¹⁸ For instance, the Holocaust historian Anna Hájková has advocated for using the term “sexual barter” as a more accurate and nuanced descriptor for instances in which people during World War Two engaged in sex in return for food or other scarce resources with soldiers or camp guards and officials—something that they would not have done under peacetime conditions and where references to these encounters as “consent” would not be appropriate, but reframing this as “barter” attempts to acknowledge and respect what agency they could utilize at the time.¹⁹ Similarly, as Michelly Eustáquia do Carmo and Francini Lube Guizardi have demonstrated in their work on contemporary health and social policy, it can also be useful for scholars to consider the extent to which the potentially nebulous concept of vulnerability, specifically, impacts on lived experience and risk.²⁰

Each of the articles in this special issue of *Historia Crítica* focuses on an aspect of historical sexual violence in Latin America across a time period ranging between 1830 and 1976, and examines case studies taken from Chile, Mexico, and Peru. There is an increasing body of important

17 See for instance Mary Louise Roberts, *What Soldiers Do: Sex and the American GI in World War II France* (Chicago: University of Chicago Press, 2013); Jelke Boesten, *Sexual Violence during War and Peace: Gender, Power, and Post-Conflict Justice in Peru* (Basingstoke: Palgrave Macmillan, 2014); Nayanika Mookherjee, *The Spectral Wound: Sexual Violence, Public Memories, and the Bangladesh War of 1971* (Durham, NC: Duke University Press, 2015); Marisa J. Fuentes, *Dispossessed Lives: Enslaved Women, Violence, and the Archive* (Philadelphia: University of Pennsylvania Press, 2016); Lamonte Aidoo, *Slavery Unseen: Sex, Power, and Violence in Brazilian History* (Durham, NC: Duke University Press, 2018); Elise Féron, *Wartime Sexual Violence against Men: Masculinities and Power in Conflict Zones* (New York: Rowman and Littlefield, 2018); Rachel A. Feinstein, *When Rape was Legal: The Untold History of Sexual Violence during Slavery* (New York: Routledge, 2018); Julie Peakman, *Licentious Worlds: Sex and Exploitation in Global Empires* (London: Reaktion Books, 2019); Thomas A. Foster, *Rethinking Rufus: Sexual Violations of Enslaved Men* (Athens, GA: University of Georgia Press, 2019).

18 On the potential ambiguity of sources see for example Elissa Mailänder, “Making Sense of a Rape Photograph: Sexual Violence as Social Performance on the Eastern Front, 1939–1944,” *Journal of the History of Sexuality* 26, n.º 3 (2017): 489–520, doi muse.jhu.edu/article/669877.

19 Anna Hájková, “Sexual Barter in Times of Genocide: Negotiating the Sexual Economy of the Theresienstadt Ghetto,” *Signs* 38, n.º 3 (2013): 503–533, <https://doi.org/10.1086/668607>; Anna Hájková, “Between Love and Coercion: Queer Desire, Sexual Barter and the Holocaust,” *German History* 39, n.º 1 (2021): 112–133, <https://doi.org/10.1093/gerhis/ghaa047>.

20 Michelly Eustáquia do Carmo and Francini Lube Guizardi, “O conceito de vulnerabilidade e seus sentidos para as políticas públicas de saúde e assistência social,” *Cadernos de Saúde Pública* 34, n.º 3 (2018): 6–7, doi <https://doi.org/10.1590/0102-311X00101417>.

work by social scientists in fields such as politics, law, sociology, anthropology and psychology exploring issues of sexual and gender-based violence across contemporary Latin America.²¹ However, despite the wealth of both established and ongoing research that has been carried out into the histories of gender and sexuality in the Latin American context during the nineteenth and twentieth centuries,²² relatively little historiography to date has focused specifically on

21 See, for example, Mary C. Ellsberg, "Sexual violence against women and girls: recent findings from Latin America and the Caribbean," in *Sex Without Consent: Young People in Developing Countries*, edited by Shireen J. Jejeebhoy, Iqbal Shah and Shyam Thapa (London: Zed Books, 2005), 49-58; Michele L. Leiby, "Wartime Sexual Violence in Guatemala and Peru," *International Studies Quarterly* 53, n.º 2 (2009): 445-468, <https://doi.org/10.1111/j.1468-2478.2009.00541.x>; Boesten, *Sexual Violence during War and Peace*; Gloria González-López, *Family Secrets/Secretos de familia: Stories of Incest and Sexual Violence in Mexico* (New York: New York University Press, 2015); Conny Roggeband, "Ending Violence against Women in Latin America: Feminist Norm Setting in a Multilevel Context," *Politics & Gender* 12, n.º 1 (2016): 143-67, doi <https://doi.org/10.1017/S1743923X15000604>; Pascha Bueno-Hansen, "The Emerging LGBTI Rights Challenge to Transitional Justice in Latin America," *International Journal of Transitional Justice* 12, n.º 1 (2018) 126-145, <https://doi.org/10.1093/ijtj/ijx031>; Almeida, "From shame to visibility"; Ximena Casas, "They Are Girls, Not Mothers: The Violence of Forcing Motherhood on Young Girls in Latin America," *Health and Human Rights* 21, n.º 2 (2019): 157-167; Gwen Kash, "Always on the defensive: The effects of transit sexual assault on travel behavior and experience in Colombia and Bolivia," *Journal of Transport & Health* 13, (2019): 234-246, <https://doi.org/10.1016/j.jth.2019.04.004>; Michele Lanham, et al., "'We're Going to Leave You for Last, Because of How You Are': Transgender Women's Experiences of Gender-Based Violence in Healthcare, Education, and Police Encounters in Latin America and the Caribbean," *Violence and Gender* 6, n.º 1 (2019): 37-46, <http://doi.org/10.1089/vio.2018.0015>; Ellen C. Murphy, et al., "Intimate Partner Violence Against Transgender Women: Prevalence and Correlates in Lima, Peru (2016-2018)," *AIDS and Behavior*, 24 (2020): 1743-1751; Claudia Paiva Carvalho, "Transitional Justice and Sexual Crimes in Latin America: Argentina, Brazil and Chile in Comparative Perspective" in *Comparing Transitions to Democracy. Law and Justice in South America and Europe*, edited by Cristiano Paixão and Massimo Meccarelli (Cham: Springer, 2021), 87-109; Laura P. Saldarriaga, "Sexist Stereotypes and Prejudice in the Latin American Context, and Their Relation to Sexual Violence," (Ph.D. diss., Universität Bielefeld, 2022); Hada Soria-Escalante, et al., "'We All Get Raped': Sexual Violence Against Latin American Women in Migratory Transit in Mexico," *Violence Against Women* 28, n.º 5 (2022):1259-1281, <https://doi.org/10.1177/10778012211013>; Wania Pasinato and Thiago Pierobom de Ávila, "Criminalization of femicide in Latin America: Challenges of legal conceptualization," *Current Sociology*, Online First (2022), <https://doi.org/10.1177/00113921221090252>.

22 The literature on these subjects is vast, and so only a few brief examples of such work can be listed here, but see for instance James N. Green, *Beyond Carnival: Male Homosexuality in Twentieth-Century Brazil* (Chicago: University of Chicago Press, 1999); Valeria Manzano, *The Age of Youth in Argentina: Culture, Politics, and Sexuality from Perón to Videla* (Chapel Hill, NC: University of North Carolina Press, 2014); Nora E. Jaffary, *Reproduction and Its Discontents in Mexico: Childbirth and Contraception from 1750 to 1905* (Chapel Hill, NC: University of North Carolina Press, 2016); Erika Denise Edwards, *Hiding in Plain Sight: Black Women, the Law, and the Making of a White Argentine Republic* (Tuscaloosa, AL: University of Alabama Press, 2020); Ashley Elizabeth Kerr, *Sex, Skulls, and Citizens: Gender and Racial Science in Argentina (1860-1910)* (Nashville, TN: Vanderbilt University Press, 2020); Cassia Roth, *A Miscarriage of Justice: Women's Reproductive Lives and the Law in Early Twentieth-Century Brazil* (Stanford: Stanford University Press, 2020); Paulo Drinot, *The Sexual Question: A History of Prostitution in Peru, 1850s-1950s* (Cambridge: Cambridge University Press, 2020).

sexual violence in this region over the same period.²³ By focusing specifically on this issue, the authors of each article offer new insights into the histories of gender, sexuality, and violence in later modernity.

The first article, by Izaskun Álvarez Cuartero, examines surviving judicial files relating to rape and sexual assault in Yucatan that were tried between 1830 and 1875. As Cuartero shows, it is possible to trace distinct patterns emerging through these files in how such cases were understood and dealt with in the nineteenth century, one striking feature of which is that the majority of victims in this rural area were indigenous Mayan women and girls. Charting how sexual violence was approached by a criminal justice system that still relied extensively on colonial precedents in the decades following independence and prior to codification in 1871 (especially when far from cities), Cuartero demonstrates that concerns about honour—both that of the accused and that of the victim—were central to the court, and thus had a profound influence in shaping the outcome. As was the case in nineteenth-century England, where the nebulous concept of “respectability” played a similar role, the degree to which the men and women involved in the case were believed by the authorities and within their community to adhere to the expected behavioural norms and conventions for their gender, class, and ethnicity all impacted on proceedings.

The ratification of the Penal Code in 1871 presented new challenges and opportunities for lawyers in Mexico, and, as Pamela Loera illustrates in the second article of this special issue, one key avenue for exploring and debating these issues was the influential newspaper *El Foro*. Published between 1873 and 1899, the paper was not only cheap but widely accessible in a range of venues, offering those who wrote for it and its audience the chance to both develop and challenge understandings of how the new Code should be interpreted. Focusing on reportage of child sexual abuse cases, Loera notes that moments of disagreement on specific aspects of these cases and their prosecution also underline the tacit consensus about other elements, such as the correlation between supposed “modesty” or ignorance of sexual matters and “innocence” in the case of female victims. Such constructions were not only marked by class and gender but also ethnicity: Loera demonstrates here that indigenous girls were especially liable to be stereotyped as “uncivilized” or prone to making malicious allegations of abuse against “innocent” men—both of which were ideas that severely limited their chances of being believed by the courts or the press.

The experiences of indigenous women, and how they navigated a court system in transition is the central theme of Laura Bunt-MacRury’s article, which examines sexual violence in Cuzco between 1924 and 1949. While the intention behind the new Penal Code of 1924 was reformist, part of the swathe of projects during the early twentieth century that were aimed at making Peru “modern,” Bunt-MacRury compellingly argues that this new focus on legal positivism could not compete with the powerful colonial and republican legacy that held only a woman or girl who had been a virgin

23 Exceptions include Rebecca Earle, “Rape and the Anxious Republic: Revolutionary Colombia, 1810-1830” in *Hidden Histories of Gender and the State in Latin America*, edited by Elizabeth Dore and Maxine Molyneux (Durham, NC: Duke University Press, 2000), 127-146; Pablo Piccato, “‘El Chalequero’ or the Mexican Jack the Ripper: The Meanings of Sexual Violence in Turn-of-the-Century Mexico City,” *Hispanic American Historical Review* 81, n.º 3-4 (2001): 623-654, <https://doi.org/10.1215/00182168-81-3-4-623>; Tatiana Savoia Landini, “Jurists, Police, Doctors, and Psychologists: Discussing Sexual Violence in Twentieth-Century Brazil,” in *Norbert Elias and Empirical Research*, edited by Tatiana Savoia Landini and François Dépelteau (New York: Palgrave Macmillan, 2014), 83-110. See also Lamonte Aidoo, *Slavery Unseen*, which explores this subject in detail between the sixteenth and early twentieth centuries.

at the time of her assault was a credible plaintiff. Since all women plaintiffs studied in cases of rape and sexual assault in Cuzco during this period were indigenous or *mestizas* and from working-class backgrounds with a strong local tradition of premarital cohabitation, this had profound implications for how such cases were dealt with. The continuing emphasis by Peruvian justices on virginity, “honour” and a conviction that younger victims were more likely to be believable (though this relative judicial sympathy was still never guaranteed), despite the reforms introduced by the Code, made it difficult for women to secure justice in cases of sexual transgression.

The final article in this special issue, by Jorge Pavez Ojeda, examines sexual violence in the torture centres of the Chilean dictatorship during the mid-1970s. The years 1974-1977 marked the zenith of attempts by the dictatorship to terrorise the population in order to secure its goals, and detainees were frequently subjected to sexual abuse. As this article shows, sexual violence was an integral element in state-sponsored sadism. Despite this, it was not until 2014 that the first lawsuits were filed against perpetrators that specifically referred to rape, and the first judicial ruling that condemned torture during the dictatorship as including “sexual harassment” was only made in late 2020. As Pavez Ojeda concludes, the length of time it has taken for survivors to gain redress, and the relatively high levels of ongoing support for some political figures who were closely associated with the dictatorship, can be considered as a failure of the transition to democracy since the 1990s.

Taken together, these articles open up new avenues of inquiry in modern Latin American history. They also sound a collective cautionary note about the dangers of overestimating “progress” (either as a rhetorical device or in practical reformist terms) in developing strategies to understand and combat sexual violence effectively. The fact that official statistics documenting the incidence of sexual assault in Brazil dropped during the global COVID-19 pandemic, for instance, reflects the greater difficulty for victims in lockdown in reporting the crime rather than an actual decrease in such violence.²⁴

Despite differences across time and space, many of the issues that were prevalent in sexual assault cases tried during the nineteenth and early twentieth century—victim-blaming, stereotyping, a belief in the unreliability of witnesses, racist and misogynistic attitudes (whether implicit or explicit), the difficulty of accurately determining rates of sexual violence, and conflicting views of how best to prevent and punish such crimes—remain just as relevant to the experiences of victims in 2022.

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24 Natália de Souza and Lara Martim Rodrigues, “Gender violence and feminist resistance in Latin America,” *International Feminist Journal of Politics* 24, n.º 1 (February 2022): 6. Indeed, it is likely that the conditions of the pandemic actually led to a dramatic increase in cases of violence against women, especially domestic violence and femicide. See Eliza Toledo, “O aumento da violência contra a mulher na pandemia de Covid-19: um problema histórico,” *Casa de Oswaldo Cruz*, April 28, 2020, https://coc.fiocruz.br/index.php/pt/todas-as-noticias/1781-o-aumento-da-violencia-contra-a-mulher-na-pandemia-de-covid-19-um-problema-historico.html#_ftn3.

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