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“The Sexual Problem”: Men, Reproduction, and Eugenics in Modern Chile, 1900-1940

By

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Abstract

“The Sexual Problem”: Men, Reproduction, and Eugenics in Modern Chile, 1900-1940, investigates the emergence of a local eugenic movement in Chile and its impacts on the regulation of male sexuality during the first half of the twentieth century. It argues that Chilean sexual scientists and eugenicists were far more concerned with controlling men’s reproductive-hereditary lives than they were with women’s. As mortality rates in Chile reached global highs, Chilean sexual scientists and eugenicists distinctly viewed male sexuality as both the source of and the solution to Chile’s mounting demographic devastations. As such, they launched a number of programs and initiatives that specifically sought to enhance the reproductive capacity of Chilean men. In prioritizing male sexuality over female sexuality in my analysis of the Chilean eugenic movement, my dissertation makes novel connections between the history of eugenics and sexual difference in Latin America while also contributing to new literature on the global history of sexual science. Contrary to most other eugenic projects in the region and around the globe, the Chilean eugenic movement primarily addressed *sexual* rather than *racial* differences within the social body. In this regard, eugenics in Chile paid more attention to differences of sex and gender than it did to ethnic disparities among the Chilean populace. This scientific emphasis on sexual difference, in turn, opens new avenues of inquiry into the history of sex-based discrimination in modern Chile and Latin America.

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Introduction

LGBTQ Chileans often recall a singular feature of General Carlos Ibáñez del Campo and his first presidency (1927-1931): his ship. “El mito del barco de General Ibáñez” (the myth of General Ibáñez’s ship) as it is popularly known, has become a sort of urban legend within the Chilean gay community that evokes past persecution. It is said that Ibáñez rounded up numerous “homosexuals” in the port city of Valparaíso, took them out to sea, tied rocks around their ankles and threw them overboard to their deaths.¹ Although its veracity is uncertain, this popular legend speaks to the history of antigay attitudes and sex-based discriminatory practices in twentieth-century Chile. During Ibáñez’s first presidency, dominant belief held that “sodomy” or “homosexuality” was both a “sin against nature” and a clinical disease. The former attitude came from colonial theologians, while the latter came from twentieth-century doctors who added a scientific dimension to colonial conceptions of same-sex desire.

During the colonial period, ideas about sexuality and reproduction were inextricably linked to Catholicism. Throughout the early modern Iberian Atlantic world, the Catholic Church was deeply involved in the regulation of sexuality and its expression. Its aim, noted Asunción Lavrin, was to situate all actions that expressed sexuality within the teleological objective of eternal salvation.² Of the vast range of human sexual actions, the Church blessed few and condemned many. For the most part, the only sexual activity it deemed permissible was that which was satisfied within marriage and that led to the perpetuation of the human species. All other sexual

¹ Historians have not been able to confirm the veracity of this story, yet it is widely believed that Ibáñez employed this punishment, known as the *fondeamiento*, against political prisoners and subversives. See Francisco Campos, “Mitos Bicentenarios: El barco de Ibáñez con comunistas y homosexuales,” *Disorder Magazine*, September 2, 2010, <http://www.disorder.cl/2010/09/02/mitos-bicentenarios-el-barco-de-ibanez-con-comunistas-y-homosexuales/>

² Asunción Lavrin, “Introduction: The Scenario, the Actors, and the Issues,” in *Sexuality and Marriage in Colonial Latin America*, ed. Asunción Lavrin (Lincoln: University of Nebraska Press, 1989), 3.

actions were considered to be “unnatural” and “sinful” since they violated rather than reproduced God’s natural order. Recent scholarship on Spain’s regulation of “unnatural” sexual practices in colonial Latin America has shown that theologians, jurists, doctors, and natural philosophers obsessively invoked “notions of ‘Nature’ and the ‘unnatural’ to mark out difference on the bodies of others.”³ More than just intellectual constructs of the Church, contended Asunción Lavrin, conceptual superstructures such as “Nature” and the “unnatural” constituted “a reality for those who were brought up to believe in their validity.”⁴

By tracing how local doctors enacted changes to the conceptual superstructures of sexuality in modern Chile, this study examines how beliefs about sex, reproduction, and difference changed over time and shaped people’s reality during the first half of the twentieth century. Chilean physicians, by the end of the nineteenth century, began to challenge Catholic notions of sexuality and reproduction in favor of modern, scientific norms. Yet more than a complete break from the colonial Church, these medical efforts to regulate sex and reproduction similarly cast all actions that expressed sexuality within the biological objective of racial salvation. Like their colonial predecessors, modern Chilean physicians relied on the concept of “Nature” to delineate “healthy/normal” and “unhealthy/abnormal” forms of sexual activity. Consequently, doctors considered male-female vaginal sex to be the only truly “healthy/normal” act because it was the only one that “Nature” intended for human reproduction. All other acts—and the people who practiced them—were thus considered to be “unhealthy/abnormal.”

By the turn of the century, Chilean physicians and politicians began to fear that the “Chilean race” was on the verge of extinction. The uncontrolled spread of communicable diseases—such

³ Zeb Tortorici, “Introduction: Unnatural Bodies, Desires, and Devotions,” in *Sexuality and the Unnatural in Colonial Latin America*, ed. Zeb Tortorici (Oakland: University of California Press, 2016), 4.

⁴ Asunción Lavrin, “Introduction,” 7.

as smallpox, syphilis, cholera, typhus, and tuberculosis—coupled with high rates of infant mortality undermined Chile’s population growth. In an era when “to govern” was synonymous with “to populate” in Latin America—“gobnar es poblar”—Chile’s stunted population growth became a major problem for the young nation.⁵ While state leaders worked to entice European immigrants, particularly Germans, to settle and populate southern Chile, local physicians sought to augment the population through the more natural means of sexual reproduction. For them, the expansion of the Chilean race depended on the repression of “unhealthy” sexual behaviors and the free expression of “healthy” ones.

By the 1930s, these aims became the foundation of a local eugenic movement that sought to enhance the Chilean race by improving the reproductive capacity of Chilean men. Local physicians, since the turn of the century, had pointed to uncontrolled male sexuality as the cause of Chile’s high rates of sexually transmitted diseases and infant mortality. Rather than reproducing the race, they contended that Chilean men were perpetuating its “involuntary suicide.” Thus, under the banner of eugenics, the regulation of “unhealthy” male sexual behaviors and “unfit” men became conceived as strategy of racial salvation. In their efforts to save the Chilean race, local eugenicists made clear distinctions between “fit” types of men and “unfit” ones on the sole basis of their sexual behavior. In this way, Chilean eugenicists generated new conceptual superstructures of sexuality but, much like the colonial theologians, jurists, doctors, and natural philosophers before them, deployed them “to mark out differences on the bodies of others.”⁶ Twentieth-century eugenicists, consequently, not only reinforced the belief

⁵ Argentine political philosopher Juan Bautista Alberdi coined the phrase “gobnar es poblar” in his 1852 book *Bases y puntos de partida para la organización política de la República Argentina*. In general, the phrase encapsulated Latin American state leaders’ emphasis on attracting foreign immigrants as means of populating one’s country in the interest of national development.

⁶ Tortorici, “Introduction,” 4.

that homosexuality was “a sin against nature,” but also added an entirely new dimension to it as a clinical disease that endangered the race.

Towards a Local History of Chilean Eugenics

Comparative analyses and transnational approaches dominate both early and recent accounts of eugenics in Latin America. Nancy Leys Stepan’s “*The Hour of Eugenics*”: *Race, Gender, and Nation in Latin America* (1991) explicitly compares eugenic movements in Brazil, Argentina, and Mexico in order to implicitly juxtapose them with U.S. and European ones. At the heart of Stepan’s comparative analysis is the concept of racial difference. In each of her three cases studies, local eugenicists used the term “race” in reference to “particular portions of the human population, which they perceived as being divided into distinct and unequal ‘races.’”⁷ Given Brazil’s racially mixed population, Argentina’s predominantly white but ethnically diverse population of immigrants, and Mexico’s amalgamation of its various ethnic groups into a unified mestizo or “cosmic” race, eugenics, in each of these contexts, played a role in “structuring notions of inclusion and exclusion of various populations in the national body and in giving that body its ethnic identity.”⁸ For Stepan the terms of national inclusion/exclusion and the social differences that they generated were fundamentally racial/ethnic in nature. She noted that central to their articulation, however, were differences of sex and gender.

As a science of heredity, human reproduction constituted the “arena of play” for eugenic theories and social policies.⁹ Because hereditarily “unfit” or “dysgenic” traits could be transferred to future generations through sexual reproduction, the goal of most Latin American

⁷ Nancy Leys Stepan, “*The Hour of Eugenics*”: *Race, Gender, and Nation in Latin America* (Ithaca: Cornell University Press, 1991), 11.

⁸ Leys Stepan, “*The Hour of Eugenics*,” 18 .

⁹ Leys Stepan, “*The Hour of Eugenics*,” 12.

eugenic movements, Stepan contended, was to control the quality of that reproduction.¹⁰ In their efforts to do so, she revealed that Latin American eugenicists focused more on the management of women's reproductive-hereditary lives than they did on men's. In light of this she argued that "eugenic prescriptions and proscriptions...fell differentially on men and women."¹¹ Stepan's early focus on women's reproduction in Latin American eugenic movements helped to distinguish the "Latin" school of eugenic thought as one that tended to reject "negative" reproductive methods like sterilization in favor of more "pro-natalist" interventions such as the promotion of maternal and childcare.¹²

Building on Stepan's early work, recent studies of Latin American Eugenics have emphasized the shared "Latin" character of eugenic movements in France, Italy, Spain, Belgium, Portugal, Romania, Argentina, Mexico, Cuba, Brazil, Paraguay, and Chile.¹³ These countries' Roman cultural roots—be they the legacy of Roman civilization or Roman Catholicism—united them in a "spiritual Latin unity" that set them apart intellectually and culturally from Northern European countries and the United States. From this separation came distinct circuits of intellectual exchange particularly in the fields of sexology and eugenics.¹⁴ Focusing on Italy, Spain, and Argentina, Chiara Beccalossi showed that these countries' common intellectual and cultural factors facilitated transnational, multidirectional exchanges of sexual knowledge between Southern European and Latin American eugenicists during the interwar period. While

¹⁰ Leys Stepan, *The Hour of Eugenics*, 17.

¹¹ Leys Stepan, *The Hour of Eugenics*, 12.

¹² Chiara Beccalossi, "Latin Eugenics and Sexual Knowledge in Italy, Spain, and Argentina: International Networks across the Atlantic" in *A Global History of Sexual Science, 1880-1960*, eds. Veronika Fuechtner, Douglas E. Haynes, Ryan M. Jones (University of California Press, 2018), 305.

¹³ Beccalossi, "Latin Eugenics and Sexual Knowledge in Italy, Spain, and Argentina," 305.

¹⁴ Beccalossi, "Latin Eugenics and Sexual Knowledge in Italy, Spain, and Argentina," 306.

both Stepan and Beccalossi are attentive to the local factors that shaped the production and circulation of eugenic ideas in the national contexts that they study, their comparative and transnational approaches make for a limited reading of those factors and their impact on the reception, development, and implementation of eugenic theories and social policies in any one of their case studies.

In writing a history of Chile's eugenic movement, this study takes a strictly local rather than a comparative or transnational approach to the study of eugenics in Latin America. Unlike Stepan's case studies of Brazil, Argentina, and Mexico, race/ethnicity was not the most meaningful category of human difference for Chilean eugenicists. While racial/ethnic differences indeed factored into eugenic narratives in Chile, racial engineering was not the goal of the Chilean eugenic movement—it was demographic recovery. Consequently, differences of sex and gender, rather than race and ethnicity, were the subjects and the objects of Chilean eugenic theories and social policies. The reasons for this had much more to do with local historical conditions than with regional tendencies or transnational networks of sexual knowledge. Contrary to their Latin colleagues in both Europe and Latin America, Chilean eugenicists focused more on the management of men's reproductive-hereditary lives than they did on women's. In examining the local factors that led Chilean eugenicists to prioritize the regulation of men's reproduction over women's, this study shows that eugenics not only constructed sex and gender differences *between* men and women but *among* them as well.

Rethinking Sexual Difference in Latin America

In taking a local approach to the study of eugenics in Chile, this dissertation reinterprets the concept of sexual difference and its sociopolitical applications in Latin America. In feminist

theory, sexual difference has a multiplicity of meanings and usages.¹⁵ Feminist scholars of Latin America tend to employ the concept of sexual difference in relation to that of gender as a means of signaling the socially constructed character of male superiority and female inferiority.¹⁶ Nancy Leys Stepan, for example, contended that sexual differences in reproduction were used to deny women the vote, exclude them from certain types of work, and to treat them as legal minors. Such aspects of women's lives, she emphasized, were "political and normative, not biological and anatomical," and thus had nothing to do with women's distinct anatomy and physiology and everything to do with "the social and political roles taken to be appropriate."¹⁷ This study shifts attention away from sexual differences between men and women to examine how notions of male superiority and inferiority were constituted among them. By focusing on the ways in which medical and legal professionals used sexual behavior as a litmus to distinguish between "fit" and "unfit" types of men, I disclose how those categories came to define the limits of citizenship.

Histories of male sexuality and the nation in modern Latin America have shown that, under the banner of order and progress, sexually deviant men posed heightened threats to the national body. Scholars who have examined this phenomenon tend to equate male sexual deviance with homosexuality and thus have primarily focused on the ways in which homosexual men became

¹⁵ See Alison Stone, "Sexual Difference," in *The Oxford Handbook of Feminist Theory*, eds. Lisa Disch and Mary Hawkesworth (New York: Oxford University Press, 2016).

¹⁶ Some examples include: Susan K. Besse, *Restructuring Patriarchy: The Modernization of Gender Inequality in Brazil, 1914-1940* (Chapel Hill: University of North Carolina Press, 1996); Sueann Caulfield, *In Defense of Honor: Sexual Morality, Modernity, and Nation in Early-Twentieth-Century Brazil* (Durham: Duke University Press, 2000); Elizabeth Dore and Maxine Molyneux, *Hidden Histories of Gender and the State in Latin America* (Durham: Duke University Press, 2000); Asunción Lavrin, *Women, Feminism, and Social Change in Argentina, Chile, and Uruguay, 1890-1940* (Lincoln: University of Nebraska Press, 1995); Sandra McGee Deutsch, "Gender and Sociopolitical Change in Twentieth-Century Latin America," *HAHR* 71, No. 2 (May, 1991): pp. 259-306; Karin Alejandra Roseblatt, *Gendered Compromises: Political Cultures & the State in Chile, 1920-1950* (Chapel Hill: University of North Carolina Press, 2000); Elizabeth Hutchinson, *Labors Appropriate to Their Sex: Gender, Labor, and Politics in Urban Chile, 1900-1930* (Duke University Press, 2001).

¹⁷ Leys Stepan, "The Hour of Eugenics," 12.

cast as dangerous individuals who subverted the proper ordering of society.¹⁸ This dissertation broadens the scope of sexual deviance to show that homosexuality was not the only male sexual behavior perceived as problematic for the nation in Latin America. Rather, a spectrum of sexual practices and male sexual types were deemed socially threatening. While homosexuality and homosexual men were often cast as the most dangerous, just as potentially ominous for the nation were men whose behaviors that damaged the reproductive potency of the male citizenry. In examining the range of sexual behaviors and types of men that were deemed “deviant” in modern Chile this dissertation reevaluates the role of sexual difference in structuring the terms of inclusion and exclusion in the *male* social body and the nation.

Men, Reproduction, and the Nation

Historians of science and medicine have long emphasized the necessity of assessing local concerns in the formation of national scientific traditions. Writing in 1991 on the French sexological tradition, Robert A. Nye, argued that “the effort to isolate and examine closely one of the national strands of modern sexology.... encourage[s] us to consider more closely the practical *intentions* of sexologists, who were often committed to bending new knowledge to particular ends. And it [forces] us to take seriously the influences of social and cultural history in the shaping of theoretical developments in science and medicine.”¹⁹ This dissertation re-engages this early call and closely examines the intentions of Chilean sexologists and their commitment

¹⁸ See for example, James N. Green, “Doctoring the National Body: Gender, Race, Eugenics, and the “Invert” in Urban Brazil ca. 1920-1945,” in *Gender, Sexuality, and Power in Latin America since Independence*, eds. William E. French and Kathrine Elaine Bliss (Lanham: Rowman & Littlefield Publishers Inc., 2007) and Ryan M. Jones, “Mexican Sexology and Male Homosexuality: Genealogies and Global Contexts, 1860-1957” in *A Global History of Sexual Science, 1880-1960*, eds. Veronika Fuechtner, Douglas E. Haynes, Ryan M. Jones (University of California Press, 2018).

¹⁹ Robert A. Nye, “The History of Sexuality in Context: National Sexological Traditions,” *Science in Context* 4, no.2 (1991): 388. Nancy Leys Stepan makes a similar argument in “*The Hour of Eugenics*,” 10.

to deploying sexual knowledge for particular local and national ends. As mentioned above, recent trends in the field have tempered the depth of this local focus to accommodate more globally oriented perspectives. Previous work on national sexological traditions in countries like Brazil, Argentina, and Mexico have made it possible for historians to situate these countries' local scientific trends in global context, but this has not been the case for the Chilean sexological tradition.

Studies of Chilean sexual science are more recent and tend to privilege its global dimensions over its local and national ones.²⁰ Consequently, there are few—if any—in depth accounts of a national sexological tradition in Chile. This dissertation seeks to provide such an account. In line with this objective, it examines how Chilean sexual science developed in response to local concerns and issues pertaining to domestic sexual matters.²¹ Chief among these local concerns and issues was uncontrolled male sexuality. Beginning in the mid-nineteenth century, Chilean physicians and state leaders worried that the male citizenry would be overcome by venereal diseases. Statistical reports on the rates of venereal infections among service men in Valparaíso confirmed those fears in 1880 with the news that 60-70% of all military volunteers in the port city were syphilitic.²² By the 1910s, free clinics and treatment centers had sprung up around the country to treat the infected and to stop the spread of their afflictions. Through the operation of these local centers, Chilean physicians were able to glean more statistical data on the rates and

²⁰ See for example Kurt MacMillan, “Hormonal Bodies: Sex, Race, and Constitutional Medicine in the Iberian-Atlantic World, 1900-1950,” (Phd diss., University of California, Irvine, 2013) and Kurt MacMillan, “‘Forms So Attenuated That They Merge into Normality Itself’: Alexander Lipschütz, Gregorio Marañón, and Theories of Intersexuality in Chile, Circa 1930” in *A Global History of Sexual Science, 1880-1960*, eds. Veronika Fuechtner, Douglas E. Haynes, Ryan M. Jones (University of California Press, 2018).

²¹ Nye, “The History of Sexuality in Context,” 387.

²² These were the first official statistics ever recorded on the rates of venereal infections in Chile. They were commissioned by the Mayor of Valparaíso, Eulogio Altamirano. Alvaro Góngora Escobeda, *La Prostitución en Santiago, 1813-1931: Visión de las Elites* (Santiago: Editorial Universitaria, 1999), 57.

impacts of venereal diseases in Chile. An alarming takeaway from these clinics' reports was the discovery of a correlation between rates of syphilis in men and the country's rising rates of infant mortality.

In 1924, these local clinics expanded their operations from the municipal level to the national level via their cooperation with the newly established Ministry of Hygiene and Social Aid. The director of this Ministry's "Division of Social Hygiene," Dr. Waldemar E. Coutts, collected data on syphilitic pregnant women treated at the Division's clinic and found that of the 1,339 pregnancies that he recorded only 367 produced living children.²³ Rather than placing the blame for these "failed pregnancies" on these children's mothers, Coutts distinctly charged their fathers with this tragic loss of life. According to him, it was men's promiscuity and social recklessness that brought "venereal evils" into the home, contaminating the purity of their wives and the sanctity of the marriage bed.²⁴ Coutts' ideas about gender, sexuality, and reproduction sparked a eugenic movement in Chile that sought to closely regulate men's reproductive-hereditary lives as a means of ensuring the reproductive potency of the Chilean race.

During the 1930s, Coutts continued to develop his eugenic ideas in response to local concerns surrounding sexuality and reproduction and in conversation with other Latin American and European sexologists. Coinciding with Chilean physicians' fears about sexually transmitted diseases and infant mortality was a growing preoccupation with "the problem of sexual inversion" or "homosexuality." In Chilean medical and legal circles, most of the "clinical" insights about the etiology of and treatment for homosexuality came from the Spanish endocrinologist Gregorio Marañón's "theory of homosexuality as a state of intersexuality." In

²³ Of the remaining 972 pregnancies, 557 resulted in miscarriages, 123 were still births, and 292 died in infancy. W.E. Coutts, "Las Enfermedades Venéreas y El Matrimonio," *Serie C*, no.4 (1931), 14.

²⁴ Coutts, "Las Enfermedades Venéreas y El Matrimonio," 11.

brief, Marañón posited that homosexuality was caused by an internal hormonal imbalance that was provoked by external environmental circumstances. His theory popularized the belief that homosexuality was not only preventable it was reversible—up to a certain point. As Chile’s mortality rates set global highs, the reproductive contributions of every sexually mature man in Chile became a national necessity. Chilean eugenicists, therefore, considered “unproductive” male sexual behaviors—such as homosexuality—to be a criminal threat to the Chilean race and nation.

By 1940, a number of eugenic social policies and reform movements that targeted men’s reproductive-hereditary lives had surfaced in Chile. Among these were la Ley de Defensa de la Raza (the Law in Defense of the Race) and a movement to reform the Chilean prison system. Signed into law in August 1939, La Ley de Defensa de la Raza was a eugenic social policy that sought to fortify the male social body through physical exercise and recreational sports. The goal of the policy was to physically strengthen the bodies of working-class men which had been weakened by “unhealthy” distractions such as drinking, sexual promiscuity, and gambling. By channeling their energies into “healthy” entertainments such as sports and fitness, la Ley de Defensa de la Raza sought to minimize working class men’s potential for sexual and social deviance and to maximize their capacity to sire healthy, robust offspring. All in all, the law sought to create “fit” male citizens who were productive workers and fathers. Meanwhile, a growing prison reform movement sought to protect Chile’s “fit” men from its “unfit” ones within and beyond the confines of prison.

For Chilean jurists, homosexuality constituted a eugenic threat to imprisoned and free men alike. Borrowing heavily from Marañón’s theory of homosexuality as a state of intersexuality, as well as from the works of Latin American criminologists in Peru and Mexico, Chilean legal

professionals articulated a prison reform project that touted the conjugal visit as a cure-all for “the sexual problem of convicts.” Proponents of such reforms claimed that in denying imprisoned men their “biological right” to regular sexual satisfaction, prison administrators all but encouraged incarcerated men to acquire the sexually deviant habit of homosexuality. For many of them, this acquired habit became an ingrained one after prolonged years of incarceration. The “problem” with this, according to Chilean jurists, was that not only were these men unable to propagate the species going forward, they risked preventing other men from doing so as well. This was because, following their release from prison, local jurists believed that homosexual men preyed on “normal” men in society thereby contaminating their sexual health and fitness. In this way, Chilean jurists effectively cast queer men as threats to the male social body, solidifying the notion that they were separate from and not a part of it. At the same time they intensified concerns that the male citizenry would be overcome by homosexuality—a notion that stoked public fears and condemnations of queer men for decades to come.

In foregrounding the local and national concerns that shaped the development of Chilean sexual science, this study reveals that ideas about sexuality and reproduction constituted meaningful categories of human difference in twentieth-century Chile. Sexual scientists’ fears about sexually transmitted diseases, infant mortality, and population decline generated a local eugenic movement in Chile that sought to enhance the reproductive lives of Chilean men. In line with this objective, eugenicists portrayed men who were strong, healthy, and virile as the ideal male citizen. Not only was this type of man a productive worker, he was also a productive *father*. His reproductive labor, in this regard, duly benefited the economy and the race, which in turn fortified the national body. Men who were weak, diseased, and sterile, by contrast, made unproductive workers *and* fathers. As such they were “unfit” to reproduce the Chilean race and

nation. Rather than constituting racial/ethnic differences within the social body, this study concludes that Chilean eugenics primarily expressed sexual differences among the male population. The sociopolitical applications of those categories of difference, moreover, constituted notions of male superiority and inferiority in Chile that ultimately were based on the “productivity” of men’s sex lives.

Chapter Outline

“The Sexual Problem” is an intellectual history that maps out changes in ideas about sex, reproduction, and difference in modern Chile. It does so over the course of four chapters. Chapter One historically contextualizes the emergence of “the problem of procreation” in Chile. In the late nineteenth and early twentieth centuries, Biblical notions of marriage and procreation continued to dominate the intellectual and legal landscape of sexual regulation in Chile. While Biblical notions of sex and reproduction remained relevant to elite interests, they were growing increasingly problematic for the nation’s public health interests. Since 1880, sexually transmitted diseases disproportionately ravaged men’s reproductive health over women’s. Having witnessed firsthand the human suffering produced by this trend, Chilean physicians did not just seek to stop it, they sought to eradicate it all together. In their efforts to do so, they found that men’s ignorance about the biological functions of the reproductive system—which they believed to be a product of Biblical misconceptions of human sexuality—played a key role in the local transmission of venereal diseases. Between 1900 and 1916, a small group of Chilean physicians articulated a local sex reform project that was based on European sexology studies and that responded to the nation’s specific public health needs. Through an analysis of these physicians’ writings, I reveal that sex education emerged as a key initiative against the spread of “reproductive ignorance” among Chilean men. By 1927, this local sex reform project rose to

national heights to become the first ever state sanctioned sex education campaign in Chile. Through a close reading of the educational pamphlets that comprised this national campaign, I argue that Chilean sexual scientists recast Biblical understandings of sexuality and procreation in scientific language in order to orient all actions that expressed sexuality towards a new, biological objective: racial salvation.

Chapter Two pivots from the medical landscape of sexual regulation in modern Chile to examine developments in the legal landscape of it. Along with Chilean sexual scientists' new bio-evolutionary conceptions of sexuality and reproduction came new legal frameworks for its social regulation. Central to this new system of social control was "the doctrine of social defense." Based on the notion that the role of the state was to promote and defend the public good, the doctrine of social defense was a legal paradigm that reimagined the criminal justice system as a tool for preventing and rehabilitating individual citizens' "antisocial" behaviors. Passed in 1928, Law Number 4447, known as "the Law for the Protection of Minors," was one of the first measures in Chile to systematically incorporate the doctrine of social defense into the daily operations of the criminal justice system. While the initial applications of this doctrine were limited to the Juvenile Court of Santiago, its formal operation within that legal system constituted a watershed in the regulation of male sexual deviance in Chile. Included within the gamut of "antisocial acts" that the juvenile justice system was meant to prevent and correct were the sexually "deviant" behaviors of masturbation, sexual promiscuity, "sodomy," and "homosexuality." Using trial records from the regular criminal justice system as well as records from the multiple institutions that made up the new juvenile justice system—such as the *Juzgado de Menores de Santiago* and the *Casa de Menores de Santiago*—I show how Chilean medical

and legal professionals came to view male minors' sexual histories as both the cause of and the solution to a range of "antisocial" behaviors.

Chapter Three analyzes how preexisting ideas of Chilean sexual science coalesced into a eugenic movement in Chile that primarily sought to control the reproductive-hereditary lives of men. As the perceived cause of Chile's high rates of sexually transmitted diseases and infant mortality, Chilean men were not only in need of sexual disciplining, but of strategic reproductive fortification. While local physicians contemplated policies that would enhance the reproductive capacities of Chilean men, new theories about the etiology of homosexuality arrived from Spain. The 1929 publication of the Spanish endocrinologist Gregorio Marañón's article "Homosexuality as a State of Intersexuality" in Chile's most prominent medical journal significantly impacted the trajectory of Chile's nascent eugenic movement going forward. Prior to the publication of Marañón's article, there emerged a local current of sexual science that advocated for the decriminalization of sodomy and the de-stigmatization of homosexuality in Chilean society. Following the publication of Marañón's article, however, this school of thought was widely rejected as the "grand clinician of Iberian medicine's" conceptualization of homosexuality as a hormonal "abnormality" became widely embraced in Chilean medical and legal circles. In light of this, the chapter argues that of the range of "deviant" male sexual behaviors that Chilean sexual scientists and jurists sought to control, homosexuality increasingly stood out to eugenicists as the one that needed to be most closely regulated.

Chapter Four examines how local eugenic theories got translated into social policies and reform movements in mid-century Chile. La Ley de Defensa de la Raza, passed in 1939, was one of the first social policies in Chile to conceptualize its inputs and outputs in eugenic terms. Responding to the "inferior" physical condition of Chile's working-class men, President Pedro

Aguirre Cerda touted la Ley de Defensa de la Raza as “a sacred campaign for the fortification of the race.” Specifically, the law created community centers in working-class neighborhoods where men could spend their free time engaging in sports, physical education programs, and other “healthy” recreations. Its goal was to reduce men’s temptation to engage in “unhealthy” recreations such as drinking, gambling, and sexual promiscuity—activities which debilitated rather than enhanced men’s economic and sexual productivity. In a similar vein, a prison reform movement that emerged in 1937 sought to safeguard incarcerated men’s reproductive health both during and after their imprisonment. In articulating these reforms, Chilean legal professionals drew heavily on local eugenic theories that cast homosexuality and homosexual men as dangers to the sexual health and the social wellbeing of “normal” men. Through an analysis of these two eugenically informed initiatives, the chapter argues that Chilean eugenics, in addition to expressing sexual differences among men, generated a locally portable taxonomy of superior and inferior male types. With time, state leaders and other actors mobilized that taxonomy for outright exclusionary purposes—thereby intensifying discriminatory practices towards sexually “unproductive” men.

Chapter 1

The Problem of Procreation: Redefining Male Sexuality in Early Twentieth-Century Chile, 1900-1928

In his 1883 commentary on the Chilean Penal Code (1874), Robustiano Vera, a public prosecutor in the Criminal Court of Santiago, began his annotation of Article 365 by asking: “What is sodomy?”²⁵ The article in question stipulated that “whoever is found guilty of the crime of sodomy will suffer the penalty of [541 days to three years imprisonment].”²⁶ But what exactly did this crime entail? Vera went on to explain that sodomy consisted of “concubitus between people of the same sex or in an improper vessel.”²⁷ His use of the Latin “concubitus” and the phrase “improper vessel” underscore his Catholic conceptualization of both the act and the crime of sodomy. He further solidified this Catholic position by stating that the term’s origins were from a chapter of “Sacred History” in which God burned down the city of Sodom to punish its inhabitants for abandoning themselves to the practice of “this dreadfully shameful vice.”²⁸ In late nineteenth-century Chile, sodomy was still considered to be “a perverse vice” and many legal professionals like Robustiano Vera remained convinced that this individual sexual act posed a threat to the broader social collective. He thus emphasized how the practice of sodomy brought intellectual destruction, extreme degradation, and even premature death to all those who engaged in it—be it willingly or not. Given the corruptive power of this sexual offense, Vera believed that

²⁵ Robustiano Vera, *Código Penal de la República de Chile* (Santiago de Chile: Imprenta de P. Cadot, 1883), 561.

²⁶ Vera, *Código Penal de la República de Chile*, 561.

²⁷ Vera, *Código Penal de la República de Chile*, 561.

²⁸ Vera, *Código Penal de la República de Chile*, 561.

the punishment for it be “somewhat severe” in order to stifle its occurrence and to liberate Chilean society “from this plague cursed by God.”²⁹

Robustiano Vera’s 1883 commentary on sodomy and its criminalization in the 1874 Chilean Penal Code reveal much about the intellectual and legal landscape of sexual regulation in late nineteenth-century Chile. From the dawn of the Republic to the end of the twentieth century, Chile was known to have one of the most conservative and oppressive criminal law systems in the hemisphere.³⁰ As such, Chilean jurists’ decision to uphold the criminalization of sodomy in 1874, when most other Latin American jurists were decriminalizing it, is not all that surprising—neither is that fact that sodomy remained illegal in Chile until 1999. What is perhaps most striking about Vera’s commentary is the extent to which medieval Catholic doctrines of sexuality and procreation continued to shape Chilean perceptions of lawful and unlawful forms of sex. Despite notable, global advances in the field of sexual science, the predominantly conservative Chilean intelligentsia had not yet abandoned Biblical views of sexuality and procreation. Nor were they keen on doing so.

Since the colonial period, Catholic norms of marriage and sexuality helped to ensure that a handful of Chile’s most influential families retained their economic, social, and political power across centuries and generations.³¹ For most Chilean elites, to challenge the Church’s authority in the regulation of sexuality would be to undermine the very social structure upon which much of their own power rested. Chilean elites, needless to say, were perpetually uninterested in

²⁹ Vera, *Código Penal de la República de Chile*, 561.

³⁰ Lydia Brashear Tiede, “Chile’s Criminal Law Reform: Enhancing Defendants’ Rights and Citizen Security,” *Latin American Politics and Society* 54, no.3 (Fall 2012): 70.

³¹ For more on the kin-based power of Chilean elites see Nara B. Milanich, *Children of Fate: Childhood, Class, and the State in Chile, 1850-1930* (Durham: Duke University Press, 2009) and Maria Rosaria Stabili, *El Sentimiento Aristocrático: Elites Chileans Frente al Espejo (1860-1960)* (Santiago: Editorial Andrés Bello, 1996).

changing the status quo of sexual regulation in Chilean society. As the country's elites came to embrace a more liberal view of government by the end of the nineteenth century, they forced the Church to concede its control over marriage to the secular authority of the state. They did not, however, question its authority in the domain of sexuality and thus the Church retained much of its control over this particular social arena well into the twentieth century. This was because even within the bounds of secularized marriage, Catholic norms of sexuality and procreation remained vital to the preservation of Chilean elites' kin-based networks of power.

To that end, the Catholic virtue of chastity—for both men and women—was of particular importance to ensuring the legitimacy of elite offspring and the integrity of family bloodlines. Likewise, the designation of procreative intercourse within marriage as the only sexual act that was both morally and socially acceptable served to further reinforce this insular system of kin-based power. These hallmarks of the Catholic Church's standards on sexuality and procreation were deeply ingrained in Chilean culture, and given that they directly served elite interests, there simply was no need to ever challenge or question them. By the turn of the century, however, Chile's rapidly changing social, economic, and demographic landscape produced a critical rupture in the Church's long-established hold over the regulation of sexuality in Chile. A mounting public health crisis and fears over demographic decline prompted middle-class physicians to go toe to toe with the Church over the true meaning of sexuality and the real function of human reproduction.

This chapter investigates how Chilean medical professionals harnessed global ideas of sexual science to address local public health concerns and to advocate for radical state reform in early twentieth-century Chile. Beginning in the 1910s, a handful of physicians became increasingly concerned about the spread of sexually transmitted diseases and the rising rates of

infant mortality in Chile. From the outset, Chilean doctors believed that uncontrolled *male* sexuality was both the source of and the solution to this growing public health crisis. Chilean men, they argued, were wholly unaware of the reproductive system's biological functions and their ignorance of "the base of human life itself" was not just disgraceful, it was also deadly. To overcome Chilean men's "reproductive ignorance," this newly emergent, and extremely small, group of sexual scientists had to change the way Chilean men thought about and engaged in sex. They, therefore, embarked on an intellectual mission to reconceptualize local understandings of sexuality and reproduction. In order to succeed in this endeavor though, they first had to reckon with the intellectual influence of one of the country's oldest and most powerful social entities: the Catholic Church.

While the first generation of Chilean sexual scientists engaged in an intellectual effort to displace traditional, Biblical views of sexuality with modern, bio-evolutionary views of it, a second generation of Chilean physicians set out on a political mission to change the structural terms of its regulation. By the end of the 1920s Chilean sexual scientists realized that significant change in the regulation of sexuality in Chile would require enhancing the state's capacity to provide for the nation's public health needs. It was for this reason that several second-generation sexual scientists were not only practicing physicians, they were also public servants who held prominent positions within the Chilean state. As state agents, this second generation of sexual scientists was able to popularize the bio-evolutionary norms of sexuality and reproduction that they and their predecessors had been advancing since the turn of the century. Through an analysis of the writings and careers of these two generations of local sexual scientists, this chapter shows how Chilean physicians rendered Biblical understandings of sexuality culturally

impotent in the early twentieth century while making bio-evolutionary conceptions of it all the more potent in modern Chile.

Dr. Eduardo Moore and the Emergence of “the Sexual Question” in Chile

In a 1916 letter to an “esteemed friend and disciple,” Dr. Eduardo Moore, a professor of urology at the University of Chile, proclaimed “procreation, that is to say, the sexual question,” to be the most pressing problem facing “boys, teachers, fathers, and lawmakers,” in the present day.³² As a urologist, Moore was acutely aware of the dangers of unregulated prostitution and a growing syphilis epidemic that had partially resulted from it. Prostitution and syphilis were by no means novel phenomena in Chile and both had routinely plagued the population since the dawn of the republic.³³ The disastrous proportions they had reached by the second decade of the twentieth century, however, constituted an entirely new socio-medical reality for most Chileans. Like many other Latin American nations during this period, Chile was reeling from the impacts of rapid economic modernization and urbanization. In Santiago, the majority of the population lived in overcrowded tenements or “conventillos,” where poverty, sexual promiscuity, and disease were rampant. Beyond the city, a large population of transient, male laborers travelled between the mining districts, the countryside, and towns in a constant search of work.³⁴

The poverty, inequality, and rootlessness that resulted from economic modernization and urbanization in Chile quickly gave rise to a militant labor movement in the country’s cities,

³² Dr. Eduardo Moore, “Carta del Prof. Moore” in “El Problema Sexual: Breve Estudio de Sociología Médica” (Santiago: Imprenta Universitaria, 1916), 9.

³³ Catalina Labarca Rivas, “‘Todo lo que Usted Debe Saber sobre las Enfermedades Venéreas’: Las Primeras Campañas de Educación Sexual Estatales entre 1927 y 1938,” in *Por la Salud del Cuerpo: Historia y Políticas Sanitarias en Chile*, ed. María Soledad Zárate (Santiago: Ediciones Universidad Alberto Hurtado, 2008), 86.

³⁴ “Building a Modern Nation: Politics and the Social Question in the Nitrate Era,” in *The Chile Reader: History, Culture, Politics*, eds. Elizabeth Quay Hutchison, Thomas Miller Klubock, Nara B. Milanich, and Peter Winn (Durham: Duke University Press, 2014), 196.

ports, and mining districts.³⁵ As conflicts between workers and capital-owning elites grew increasingly violent across the country, discussions about how to address the “workers’ question,” more commonly referred to as the “social question,” came to dominate Chilean politics. For both Chilean reformers and the scholars who have studied them, the social question was among the most pressing national issues of the day. Far from a mere question of class and labor though, the social question was also a public health matter as it had just as much to do with workers’ unhealthy living conditions as it did with their exploitive working conditions. While scholars have addressed the public health dimensions of the social question in Chile, they have tended to view it from the perspective of labor activists and career politicians. But when viewed from the perspective of sexual scientists, the “social question” fundamentally becomes a “sexual question” since the social stakes of procreation far outweighed those of class conflict for the likes of local physicians such as Dr. Moore.

Indeed, debates about the regulation of prostitution were fundamental to the sexual question in Chile, but concerns about Chilean men’s overall reproductive health figured just as prominently. Since the 1880s, the reported numbers of syphilitic men in Chile had grown exponentially. The first official reports on the rates of venereal infections in Chile came after 1879 as volunteers who served in the War of the Pacific (1879-1883) were given medical exams upon enlisting.³⁶ The year after the war, the mayor and commanding general of arms of Valparaíso, Eulogio Altamirano, reported that he had to turn away hundreds of volunteers because their bodies displayed “the fatal mark of their own misfortune,” estimating that 60-70%

³⁵ “Building a Modern Nation,” 193.

³⁶ Alvaro Góngora Escobeda, *La Prostitución en Santiago, 1813-1931: Visión de las Elites* (Santiago: Editorial Universitaria, 1999), 57.

of all volunteers in the port city were infected with syphilis.³⁷ Statistics from Altamirano's annual mayor's report for 1879-1880 are more or less consistent with his estimations above and show that Valparaíso's General Hospital treated 611 soldiers and 114 sailors for syphilis, figures which accounted for "54.9% of all serious afflictions after rheumatism and consumption."³⁸ During that same period, the hospital treated 511 civilian men and 366 women for syphilis, respectively constituting 34.9% and 36.2% of all patients who required "prolonged treatment." Overall, the hospital had more cases of syphilis than it did smallpox, rheumatism, and consumption.³⁹

In April 1884, Altamirano's successor, Mayor Agustín de Torro Herrera ordered the Port Hygiene Board to compile a more exact statistical picture of venereal diseases in Valparaíso. The commission tasked with this quantitative investigation solicited sanitary reports from all ship captains, both foreign and national, in the port along with statistics from the city's medical care facilities and hospitals. In its final report, the commission found that, on average, 44.4% of all crew members and patients in Valparaíso were infected with a venereal disease (26.3% of which were syphilitic infections and 18.1% of which were non-syphilitic).⁴⁰ The commission emphasized that these figures were strictly representative of the male population and of "the masses comprising the lowest class of our society."⁴¹ Using this information and data from the 1882 *Statistical Synopsis of Chile*, the commission, went on to estimate that some 25.8% of the

³⁷ Góngora Escobeda, *La Prostitución en Santiago*, 57.

³⁸ Góngora Escobeda, *La Prostitución en Santiago*, 57.

³⁹ Góngora Escobeda, *La Prostitución en Santiago*, 57.

⁴⁰ Góngora Escobeda, *La Prostitución en Santiago*, 57-58.

⁴¹ Góngora Escobeda, *La Prostitución en Santiago*, 59.

100,000 inhabitants of Valparaíso suffered from “venereal evils.”⁴² The commission’s statistical findings constituted the first professionally measured numbers of venereal infections in Chile and were widely cited in government documents and official works going forward.

While historian Alvaro Góngora has shown that the commission’s numbers were almost entirely inaccurate, they nonetheless remain useful for understanding why local sexual scientists like Dr. Moore sought to safeguarding Chilean men’s reproductive health by the early twentieth century. Following the publication of the commission’s report, the military continued to measure rates of venereal infections among its recruits. During the first decades of the twentieth century, the military was the only credible entity that consistently recorded these statistics, and because the military’s recruits were all men, the figures they reported only accounted for venereal infections among a select portion of the male population.⁴³ As the only reliable source of this numeric information, doctors, politicians, and government officials all cited them liberally. Dr. Moore drew from them in a speech he gave at the Municipal Theater in Santiago in 1920. His presentation was part of a national assembly to combat the pervasive evils of alcoholism and venereal diseases in Chile for which the President of the Republic and the highest public health authorities were all in attendance.⁴⁴ In his speech, Moore declared that of all the nations affected by venereal evils, Chile regrettably held a distinguished place among them, having 75% of its maritime workforce infected with them.⁴⁵

⁴² Góngora Escobeda, *La Prostitución en Santiago*, 59.

⁴³ The Law of Obligatory Military Service, promulgated in 1900, permitted that new recruits be subjected to medical exams upon enlisting and at regular intervals throughout the duration of their service. For more on this Law see Góngora Escobeda, *La Prostitución en Santiago*, 57.

⁴⁴ Góngora Escobeda, *La Prostitución en Santiago*, 62.

⁴⁵ Eduardo Moore, “Discurso,” in *El Alcoholismo y las Enfermedades Sociales Juzgadas por el Presidente, la Iglesia y la Ciencia Médica y el Proletariado* (Santiago: Imprenta Universitaria, 1921) cited in Góngora Escobeda, *La Prostitución en Santiago*, 62-63.

With such significant portions of both the civilian and military populations infected with venereal diseases, Chilean physicians worried about the social implications of these unsettling sexual trends. Why were so many men falling victim to venereal evils in Chile and what could be done to stop them? For physicians like Dr. Moore these queries were at the heart of the sexual question in Chile and he spent much of his career trying to resolve them. Moore was initially exposed to the sexual question during a visit to Europe right before obtaining his clinical designation as a professor of urology.⁴⁶ It was there that he met Auguste Forel, a Swiss psychiatrist and sexologist who taught at universities in Zurich and Munich. One of Forel's major contributions to the field of sexual science was his 1905 work entitled *The Sexual Question*. In it, Forel discussed "everything that directly or indirectly had to do with sex," covering a range of topics from anatomy, hygiene, and sex education to divorce, sexual politics, and religion.⁴⁷

Moore was profoundly influenced by Forel's theories and modeled much of his own teachings at the University of Chile directly on ideas from *The Sexual Question*. In his very first urology class at the University of Chile in 1908, for example, Moore dedicated multiple lectures to the sexual question so as to discuss it at length with his students.⁴⁸ He fondly recalled how his students' enthusiasm filled the classroom each time he broached the subject. The topic grew so popular among the student body that he held special conferences on it for both medical students and workers. As interest in the sexual question grew, Moore developed an advanced program for the study of sexual science at the National Museum that was composed of two successive

⁴⁶ Dr. Eduardo Moore, *El Profesor Rodríguez Barros y Sus Conocimientos sobre el Sexo* (Santiago: Prensas de la Universidad de Chile, 1937), 15-16.

⁴⁷ Moore, *El Profesor Rodríguez Barros y Sus Conocimientos sobre el Sexo*, 13.

⁴⁸ Moore, *El Profesor Rodríguez Barros y Sus Conocimientos sobre el Sexo*, 16.

courses, each of which were three years long.⁴⁹ He went on to teach those courses at three other institutions including the Pedagogical Institute, the Abelardo Nuñez Normal School, and the Institute of Improvement. Forel's "magnificent and unparalleled work, *The Sexual Question*," guided the lessons and lectures Moore prepared for Chilean audiences.⁵⁰

But what was it about Forel's work that made it so alluring to Moore and so appealing to Chilean audiences? Prior to the publication of *The Sexual Question*, Moore noted that there were existing texts on venereal diseases, prostitution, homosexuality, and "sexual continence" but that these "unilateral" publications were mere chapters in a much larger study of the sexual life.⁵¹ Forel combined these separate themes into a single text and devoted new chapters to the science of sexual life. According to Moore, it was Forel who brought "the creative functions of life, love and the laws that govern them" more fully to light by investigating the physiological and psychological development of men and women from birth through puberty.⁵² In addition, Forel took on the social issues of "marital corruption" as well as pre-marital preparations for "the amorous life," two topics that had been largely neglected within the scientific community.⁵³ In this way, Moore argued, "*The Sexual Question* pulled back the veil of ignorance that covered the ever-curious spirit of youth... and opened the eyes of those who never should have been living in

⁴⁹ Moore, *El Profesor Rodríguez Barros y Sus Conocimientos sobre el Sexo*, 16.

⁵⁰ Moore, *El Profesor Rodríguez Barros y Sus Conocimientos sobre el Sexo*, 16-17.

⁵¹ Moore, *El Profesor Rodríguez Barros y Sus Conocimientos sobre el Sexo*, 12-13.

⁵² Moore, *El Profesor Rodríguez Barros y Sus Conocimientos sobre el Sexo*, 13.

⁵³ Moore, *El Profesor Rodríguez Barros y Sus Conocimientos sobre el Sexo*, 13.

obscurity.”⁵⁴ In short, Forel vocalized everything about sex, love, and marriage that Catholic doctrine had previously silenced in Chile.

Rather than ignoring or hiding the realities of the sexual life, as was the dominant custom in Chile, Moore believed that the “science of life” should be discussed openly and without shame, in homes, schools, and the workplace. Doing so, he argued, would not only inform the public of “the creative functions of life and the important role for which they were destined,” but would also serve to combat a whole host of sexual evils such as pornography, masturbation, and syphilis.⁵⁵ Previously, Chilean “moralists” sought to prevent the spread of such evils by promoting abstinence—a strategy that had proven to be moot in both the past and present. The reason for this, Moore explained, was that “abstinence entailed discipline, which does not exist among the masses, nor in the majority of any population.” In addition, it required “the formation of an education and an elevated morality” which most people lacked entirely. He thus concluded that abstinence was an untenable cure-all for these sexual evils.⁵⁶ For Moore, the only way to effectively combat them was to become familiar with them—to learn of their ways so as to not fall victim to their cunning temptations.

While all sexual evils were a threat to Chilean men, the number one enemy among them was venereal disease. In the 1916 letter he wrote to his “esteemed friend,” Moore argued that, in the present day, the eradication of venereal diseases was far more important than establishing regulations on prostitution—and it was a much simpler task.⁵⁷ While the political battles over the fate of prostitution were “a colossal failure” in Chile, the battle against venereal diseases did not

⁵⁴ Moore, *El Profesor Rodríguez Barros y Sus Conocimientos sobre el Sexo*, 14.

⁵⁵ Moore, *El Profesor Rodríguez Barros y Sus Conocimientos sobre el Sexo*, 14.

⁵⁶ Moore, *El Profesor Rodríguez Barros y Sus Conocimientos sobre el Sexo*, 14.

⁵⁷ Dr. Eduardo Moore, “Carta del Prof. Moore,” 11.

have to meet the same end.⁵⁸ This was because, venereal diseases, unlike prostitution, could be contained through the simple means of education. Moore believed that educating the public about the biological meanings and social implications of the sexual life had the potential to slow the rates of venereal infections in Chile. For Moore, an educated public was a protected public, and the esteemed friend on the receiving end of his letter concurred. The letter's recipient, a young Salvador Necochea Illánés, was one of Moore's first mentees at the University of Chile. Necochea's student thesis elaborates on his advisor's belief that education was the answer to Chile's sexual question and shows how global ideas of sexual science were beginning to reshape local understandings of sexuality and procreation in Chile.

Salvador Necochea Illánés and "The Sexual Problem"

In his 1916 thesis, entitled "The Sexual Problem: A Brief Study of Medical Sociology," medical student Salvador Necochea Illánés began by explaining that "the sexual instinct in superior beings, normally constituted, is the natural or physiological stimulant that brings the sexes together in order to ensure the life of the species."⁵⁹ While this might seem rather straightforward, it was anything but self-evident to the average Chilean in 1916. In fact, it was such an alien concept that Necochea eased his readers into it by first explaining how this biological process also occurred in "inferior beings" such as unicellular organisms, plants, and animals.⁶⁰ Moving his discussion of the sexual instinct from that of inferior beings to superior beings, Necochea launched into a review of the male and female sex organs in order to establish "a natural and scientific base" for understanding the "nervous irradiations" that accompanied the

⁵⁸ Dr. Eduardo Moore, "Carta del Prof. Moore," 10.

⁵⁹ Salvador Necochea Illánés, "El Problema Sexual: Breve Estudio de Sociología Médica" (Santiago: Imprenta Universitaria, 1916), 13.

⁶⁰ Necochea, "El Problema Sexual," 14-18.

operation of these organs.⁶¹ To illustrate this, Necochea turned to the example of nursing newborns. He explained that upon birth, newborns felt the urgency of hunger and so nursed at their mother's breast thereby activating the organs of the digestive system. Likewise, he noted, a day will come when that same child will feel the urgency of procreation which is driven by the activation of his or her sexual organs.⁶²

Necochea emphasized that the instinct to eat and the instinct to procreate were both perfectly natural and directly linked to the function of their respective organ systems. Unlike the child's appetite for food, however, his or her appetite for sex was believed to be anything but natural. For centuries, Necochea argued, "philosophers and ascetics" had grossly misunderstood the human sexual appetite proclaiming that it either did not exist or that its only natural function was to create new life. Such understandings of the sexual appetite, he charged, were not only ignorant of the workings of nature, they were highly dangerous for both the individual and the collective.⁶³ Taking on the locally cherished virtue of chastity, Necochea reprimanded all those who preached it, declaring that, by constantly repressing the sexual appetite, chastity "corrupted the individual and killed the species."⁶⁴ For Necochea, chastity was "a symbol of impotence" while "sexual love" was the mark of human vitality.⁶⁵ The problem was that Chilean society placed far too much value on chastity and gave little to no worth to sexual love.

While Necochea opposed this devaluation of sexual love, he more or less understood its religious basis and cultural significance. Ideas about sexual science were still recent arrivals to

⁶¹ Necochea, "El Problema Sexual," 18.

⁶² Necochea, "El Problema Sexual," 25.

⁶³ Necochea, "El Problema Sexual," 29.

⁶⁴ Necochea, "El Problema Sexual," 29.

⁶⁵ Necochea, "El Problema Sexual," 29-30.

Chile—brought from Europe, in large part, by his own faculty advisor Dr. Eduardo Moore—and were utterly unknown outside of academic circles. The majority of the Chilean population was thus unaware of Auguste Forel’s assertion that “love, and all that relates to it, belongs to our soul, which is to say, to the activity of our great brains; but it is produced by a secondary irradiation of the sexual appetite.”⁶⁶ Rather than spiritual phenomena, sex and love were physiological and psychological processes of the body and mind. As such, Necochea believed that they should be governed by “the laws of human nature” and not by narrow civil and religious laws.⁶⁷ In a Catholic country like Chile, both Forel and Necochea’s assertions about the true nature of sex and love were not just unfathomable, they were unwelcome. Rather than standing by and simply accepting this status quo, Chilean sexual scientists like Moore and Necochea sought change it by teaching Chileans about the science of human sexuality and reproduction.

For both Moore and Necochea, it was important for the Chilean public came to understand the laws of sexual science so that life itself might continue for the Chilean race. Not only were rates of venereal infections alarmingly high among the male population in Chile, but so were instances of other deviant behaviors such as masturbation and “sexual inversion.” If most of Chile’s men were diseased and/or sexual deviants, then how would they ever manage to procreate? For local sexual scientists, uncontrolled male sexuality was an imminent threat to Chile’s national vitality—and yet, no one seemed to be doing anything about it. As a first step toward remedying these unproductive trends among Chilean men, Necochea sought to establish

⁶⁶ Necochea, “El Problema Sexual,” 29.

⁶⁷ Necochea, “El Problema Sexual,” 29-30.

new standards for human sexual behavior that were based on science and geared toward bringing the sexes together in the sacred union of “sexual love.”

For Necochea, proper male and female sexual conduct, as outlined by the biological precepts of nature, were demarcated by the physiological and psychological differences between men and women. Where the “physiological rights” of men entitled them to regular sexual satisfaction, the emotional needs of women merely permitted them amorous affection.⁶⁸ Subsequently, Necochea established these new standards for masculine and feminine sexual behaviors according to the physiological necessities of men and the affective desires of women. In regards to proper male sexual conduct, Necochea explained that men should not be expected to see the creation of a child as the sole purpose for engaging in intercourse with a woman. He pointed out that, “no man thinks... that each time he finds his sexual organs to be aroused, that the necessary consequence of an erection will be or should be a child.” On the contrary, men simply have a physiological “need to empty their seminal glands.”⁶⁹ Necochea conceded that there were indeed many occasions where a man did engage in sex and desired a child as the outcome, but he posited that “in the great majority of cases he copulat[ed] out of a necessity to relieve the persistence of an erection and nothing more.”⁷⁰ Ultimately, for Necochea the consummation of men’s carnal excitations, was a proper “function of sexual physiology that cannot nor should not ever be denied.”⁷¹

The same could not be said for women however. In fact, Necochea noted, physicians held divided opinions regarding the expression and satisfaction of the female sex drive were divided.

⁶⁸ Necochea, “El Problema Sexual,” 27.

⁶⁹ Necochea, “El Problema Sexual,” 27.

⁷⁰ Necochea, “El Problema Sexual,” 27.

⁷¹ Necochea, “El Problema Sexual,” 27.

While some experts were inclined “to believe that women [did] not entirely feel sexual necessities, others “assure[d] with infinite reasoning, that women [were] constituted with an undoubtable physical advantage for sexuality and that ultimately, they [were] no less sexual than men.”⁷² Necochea weighed in on the matter by arguing that women undoubtedly felt the necessities of their sexual urges but that such impulses were not ones of a physiological urgency—such as the need to empty seminal glands—rather, they were primarily affective needs for physical and emotional contact with a man. Consequently, women satiated their sexual inclinations in “the most emotional way: affection and caresses. They feel the necessity to kiss, to be kissed, to feel their body make contact with another’s body, and with this, they are sexually satisfied.” For Necochea, “the female sex drive boil[ed] down to this: being loved and caressed; all they want are lots of kisses and lots of hugs.”⁷³ Given this highly emotional nature of women’s sexual urges, Necochea believed that they had merged the phenomenon of “true love” with their sexual instinct.

Men, conversely, could, and did, separate true love from their sex drive. They could “kiss and caress their female, but in doing so, they [did] not completely satisfy their sexual instinct.” It was for this reason that even after a night of kissing and caressing the girl or woman that a man cared for, he still went “to satisfy his animal appetite with a prostitute or any other woman; one excites him and the other satisfies the animal part of his instinct.”⁷⁴ While Necochea acknowledged that some women did present heightened sexual tendencies, he pondered whether “this perhaps [was] a normal or abnormal manifestation.”⁷⁵ He noted that some authors would

⁷² Necochea, “El Problema Sexual,” 36-37.

⁷³ Necochea, “El Problema Sexual,” 42-43.

⁷⁴ Necochea, “El Problema Sexual,” 43.

⁷⁵ Necochea, “El Problema Sexual,” 43.

consider these women to be “sexual hyperesthetics” but that he could not nor would not engage the particulars of the matter. Instead, he proposed to evaluate women’s “sexualism” in two distinct periods: “before they have had sexual contact, [and] after a singular contact or a series of contacts.”⁷⁶ For the first case, he explained that women generally tended to enjoy flirting and provoking the male and that rarely did they feel the need to copulate. In the second case, though, he identified two different types of women: “those that do not feel the absolute need of the man and that still receive him with disgust—known as ‘cold women’—and other, more fiery women who kiss and caress the man with delight and enjoy just as he does, the sensual pleasure of sexual union.”⁷⁷ He surmised that the majority of women were of the “fiery” rather than the “cold” class suggesting that women did in fact enjoy sex when they had it but ultimately, they did not desire the act with the same frequency and physiological urgency that men did.

Necochea’s distinction between men and women’s “natural” sexual inclinations demonstrates how male Chilean doctors considered men’s sexual satisfaction to be an urgent physiological matter while they viewed women’s sexual satisfaction as a trivial emotional incident. In this way, Necochea established the male sex drive as an inherently scientific phenomenon that merited further professional study. The female sex drive, by contrast, was a much simpler matter that did not require scientific expertise to fully decipher and thus he diminished the urgency of further scientific studies on the matter. Inquiries into male sexuality, therefore, were significantly more extensive and dominated the agenda of Chilean sexual science for much of the first half of the twentieth century. In addition, doctors’ concerns about uncontrolled female sexuality paled in comparison to their anxieties over uncontrolled male sexuality. Given that men needed to

⁷⁶ Necochea, “El Problema Sexual,” 44.

⁷⁷ Necochea, “El Problema Sexual,” 44.

regularly satisfy their sexual urges through copulation and their romantic partners did not, they were far more likely to engage in prostitution and other sexually dangerous practices such as masturbation and sexual inversion.

Sexual scientists, in both Europe and Chile, considered masturbation and sexual inversion to be highly dangerous acts since both practices directly undermined the ultimate purpose of sexual love: the propagation of the species. Necochea, therefore, reviewed both practices at length so as to inform his audience of the origins and implications of these “unnatural” sexual behaviors. Beginning with masturbation, Necochea presented it as more of an acquired habit rather than an inherited genetic flaw, which can result from the precocious onset of sexual reflexes, the “hyper-excitation” of the sexual organs, or simply from following bad examples.⁷⁸ He admitted that “almost all men [were] onanists in the first years of their life but they [were] quickly freed from this disgusting habit when they [began] to satisfy themselves with a woman.”⁷⁹ If they did not liberate themselves from this vice, he warned, they risked becoming “effeminate cowards” who were so consumed by masturbation that they lacked “the natural masculine authority to speak to, seduce or awaken the love of a woman.”⁸⁰ They also suffered from physical symptoms such as frequent migraines, loss of appetite, and in some cases even memory loss.⁸¹

For Necochea, the clear danger of masturbation was that it made men unfit to procreate. It drove them away from women when nature intended the them to be brought together in sexual union. He therefore encouraged parents and teachers to speak to their children about the dangers

⁷⁸ Necochea, “El Problema Sexual,” 167.

⁷⁹ Necochea, “El Problema Sexual,” 167.

⁸⁰ Necochea, “El Problema Sexual,” 167.

⁸¹ Necochea, “El Problema Sexual,” 167.

that can result from acquiring this “disgusting habit.” Necochea promoted education as the key to ending “this filthy, dishonest, and dangerous vice that is fatal for the individual and for the species.”⁸² In addition, he proclaimed that all those who are suffering from the destructive habit of masturbation can “appeal to the doctor when the affliction advances and they can confess before the tribunal of science that they are victims of a secret vice that is dominating them, causing their mental and physical disorders.”⁸³ The doctor, in turn, should help them to understand how they have put themselves and their reproductive health at risk, slowly but surely ensuring that the individual eliminates this unnatural vice.

Sexual inversion, however, proved to be an exponentially greater threat to the propagation of the species than masturbation because it didn’t merely make men and women unfit to procreate with one another; it rendered sexual love un-procreative altogether. Drawing from European sexology studies, Necochea defined sexual inversion as a reversal of the sexual appetite to desire a person of the same sex rather than of the opposite sex. Importantly, he did not define it as an exclusively physical phenomenon whereby two people of the same sex engage in intercourse with one another, rather, he explained it to be an emotional phenomenon in addition to a physiological one. Thus, he also designated it as “homosexual love,” wherein a man falls in love with a man or a woman falls in love with a woman.⁸⁴ This emotional torsion of homosexual love proved to Necochea that the “invert” was a “pathological being, a sufferer of a psychic illness” and therefore should be treated as a sick person rather than as a sinner or a criminal. Their “unhealthy passions” consequently, should not be punished by public shaming or

⁸² Necochea, “El Problema Sexual,” 169.

⁸³ Necochea, “El Problema Sexual,” 168.

⁸⁴ Necochea, “El Problema Sexual,” 175.

imprisonment but rather by seclusion in an asylum. For while they may be victims of a pathological illness, it “does not mean that they cease to be despicable and repugnant.”⁸⁵ Not only was their repugnance punishable by removal from society, it was also highly gendered. Homosexual love between men was distinctly offensive from the despicability of sexual inversion among women. An assessment of these different conclusions that Necochea drew regarding the indecency of homosexual love among men versus women, moreover, traces out the connections that doctors were making between gender, sexuality, and national reproduction in the second decade of the twentieth century.

Necochea explained how the “perversion” of male homosexual love was far more pervasive than one would believe, describing in detail the behaviors and actions of men who fall in love with other men. He clarified how such men “do not reject the way of the woman even though they sexually spurn her,” rather, just like her “they love intensely and fervently; they write romantic love letters; they make eternal declarations of love; they feel profound jealousy for the friend of their lover; they even simulate amongst themselves the most curious and original scenes of marriage.”⁸⁶ Yet while some inverts caressed and kissed one another most of them did not fall in love as easily with other inverts as they did with “normal men.” It was these normal men, “above all, that attract[ed] the invert. He desire[d] to be their woman.”⁸⁷ But because normal men wholly rejected the invert—and they could denounce him to the courts if he ever made any advances towards him—“the homosexual [was] obligated to confer with other the homosexuals, constituting their own secret societies.”⁸⁸

⁸⁵ Necochea, “El Problema Sexual,” 175-176.

⁸⁶ Necochea, “El Problema Sexual,” 176.

⁸⁷ Necochea, “El Problema Sexual,” 176.

⁸⁸ Necochea, “El Problema Sexual,” 176.

Herein, laid the social indecency of the phenomenon of male homosexual love. According to Necochea, by inverting the object of the sexual appetite, male homosexual love converted the male into a female thereby subordinating a segment of the male population to the same masculine domination that subjugated women. This equation for a segment of the male population with the biologically and socially inferior sector of women risked destabilizing the patriarchal order of society. Adding insult to injury, male sexual inverts, according to Necochea, did not feel the need to grow their families by fathering their own children, rather they felt the need “to expand the family of homosexuals.”⁸⁹ If the main function of “natural sexual love,” then, was to join men and women together in sexual union to ensure the survival of the human species, then homosexual love among men was crudely counterproductive to that end which is what made it so “despicable and repugnant” for Necochea.

More telling of the threat that male sexual inversion posed to the vitality of the species, however, was Necochea’s commentary on female sexual inversion. While female homosexuality was “less apparent and less public than was the anomaly of male homosexuality,” it was no less offensive and threatening.⁹⁰ What Necochea found particularly despicable about female inverts was their rejection of their maternal destiny and the destruction of their sacred innocence and purity. He explained how the female invert knew how to charm and seduce her lover with far greater audacity than a man did. The lover under pursuit, in turn, was dragged into a “homosexual abyss” where she lost her better judgment and her virginity to the artificial touches and brutal homosexual practices of the invert that seduced her.⁹¹ Necochea lamented how the

⁸⁹ Necochea, “El Problema Sexual,” 177.

⁹⁰ Necochea, “El Problema Sexual,” 178.

⁹¹ Necochea, “El Problema Sexual,” 180.

poor victim who was previously destined to become a mother had now become a *desgraciada*, robbed of her opportunity to know love “by the disgusting and bloody touches of another woman.”⁹²

Women aggressively pursuing innocent female lovers was both “sad and embarrassing” for Necochea because “after all, woman is the favored depository... of the precious mystery of nature; the august priestess of the maternal rite; the envious guardian of that gem that is the life of the species!”⁹³ According to this logic, female homosexuality perverted this sacred mystery because it made some women feel and act like men, burning with the carnal desire of sexual conquest, while simultaneously depriving other women of their virginal innocence and holy maternity. Cast in this light, female sexual inversion threatened both men and women’s biological capacity to perpetuate the species. Because the female invert was superior to the “normal” male in her sexual conquests of women, she not only undermined men’s natural pursuit of women, but jeopardized their chances of reproducing altogether.

In these distinctive yet equally threatening ways, male and female sexual inversion conspired to undermine the natural function of human reproduction—the implications of which were deadly. With venereal diseases already ravaging the reproductive capacity of Chilean men, sexual scientists stressed the importance of limiting all other forms of sexual deviance that compromised the vitality of the Chilean race. Given what was at stake, the regulation of “natural” and “unnatural” sexual behaviors became an urgent matter of national survival for Necochea. Thus, he concluded this section of his thesis by proclaiming that it was the job of

⁹² Necochea, “El Problema Sexual,” 181.

⁹³ Necochea, “El Problema Sexual,” 180.

doctors “to lend a compassionate and saving hand” to Chilean sexual ethics.⁹⁴ His thesis, in this regard, is a testament to local physicians’ desire to redefine the terms sexual morality in modern Chile. Despite his implicit critiques of Biblical views of sexuality and procreation though, Necochea’s scientific views of them were not much different from the religious ones he sought to displace.

In the end, Medieval Catholic theologians and twentieth-century Chilean physicians both maintained that masturbation was disgraceful and that sex between two men or between two women was a violation of nature. In addition, both revered procreation as one of life’s most sacred mysteries, but where Catholic thinkers reserved intercourse for marriage, doctors encouraged men to engage in intercourse with women both before and after marriage so as to not disrupt the natural function of their sexual appetite. Ultimately then, twentieth-century doctors only partially reconceptualized the traditional, Catholic sexual values they had so vehemently denounced. What they produced, in turn, was a traditional, Catholic discourse of sexuality and procreation refurbished in the bio-evolutionary lexicon of human reproduction. As the sole regulators of these “new” bio-evolutionary standards of sexuality it was now their job to contain unnatural and unhealthy sexual behaviors—like masturbation, sexual inversion, and poor sexual hygiene—and to encourage the natural, healthy union of men and women to ensure the vitality of the Chilean race and nation.

Dr. Waldemar E. Coutts and the First National Sex Education Campaign in Chile

The origins and development of the first state sanctioned sex education campaign in Chile underscore how a second generation of Chilean sexual scientists came to mass-publicize the bio-evolutionary standards of sex and reproduction that their intellectual predecessors had

⁹⁴ Necochea, “El Problema Sexual,” 181.

just honed. In particular, the campaign demonstrates how ideas from the medical student Salvador Necochea Illanes' 1916 thesis came to be the national benchmark for natural and healthy sexual behaviors in Chile. Led by Dr. Waldemar E. Coutts, who was a student of Dr. Moore—Salvador Necochea Illanes' same faculty advisor—the campaign defined healthy versus unhealthy sexual behaviors according to the gendered, scientific criteria that Necochea presented in his thesis. In fact, in a number of published materials, Coutts repeats nearly verbatim the information and arguments that Necochea put forth in “The Sexual Problem.” As the director of a national sex education program, Coutts' citation of Necochea's ideas amplified these concepts throughout the country thereby transforming a seemingly obscure student research project into a canon of scientific sexual knowledge in Chile.

The year after Necochea published his thesis, local physicians teamed up with other scientific experts and reformist politicians to combat the spread of syphilis and gonorrhea in the name of public health. This collaboration was later institutionalized through the formation of the Liga Chilena de Higiene Social (Chilean League of Social Hygiene). In September of 1917, the founding members of the Chilean League drafted a “Declaration of Principles” which articulated the organization's central objective “to guard against, combat, and defeat social diseases and all those factors that degenerate and destroy the seeds of life.”⁹⁵ After issuing this Declaration, representatives of the League presented to the Chamber of Deputies their concerns “over the high incidence of venereal disease and the lack of any scientific organization to combat it.”⁹⁶ Members of the league urged the deputies to allocate funding in the 1918 budget for the creation of a national institution that would regulate the spread of sexually transmitted and other

⁹⁵ “Estatuos de la Liga Chilena de Higiene Social,” *Revista Médica de Chile*, vol. 49 no.1, 1921.

⁹⁶ Asunción Lavrin, *Women, Feminism, and Social Change in Argentina, Chile, and Uruguay 1890-1940*, (Lincoln: Univeristy of Nebraska Press, 1995), 138.

infectious diseases.⁹⁷ While the League's request for state sanctioned disease control was granted a year later via the promulgation of the 1918 Sanitary Code, it would take another seven years before the institutions and measures outlined in the Code became fully operational at the national level.

Meanwhile, the Chilean League labored to alleviate the human suffering caused by the spread of venereal diseases by opening free clinics to treat the afflicted and by educating those in good health on the ways in which they could protect their well-being. Regarding this latter strategy, the League's leader Dr. Carlos Fernández Peña, sought out the heads of major labor organizations such as the Federación Obrera Chilena (FOCH) to coordinate opportunities for workers to learn how to protect themselves from contracting sexually transmitted diseases.⁹⁸ Doctors from the League also informed workers on issues such as prostitution, hygiene, and basic notions of sexual physiology. To aid in these educational efforts, the League distributed 35,191 pamphlets, 13,296 flyers, and delivered forty-four lectures which some 19,600 people had attended by the end of 1924.⁹⁹ In this way, doctors and the League actively sought to intervene in the intimate lives of the Chilean working classes to promote healthy practices of sex and reproduction.

With the creation of the Ministry of Hygiene and Social Aid in 1924, a number of public health and sanitation organizations like the Chilean League expanded operations from the municipal level to the national level. The Division of Social Hygiene within this new ministry was the federal incarnation of these smaller, private-public health organizations. Under the

⁹⁷ Lavrin, *Women, Feminism, and Social Change*, 138.

⁹⁸ María Angélica Illanes, "*En el Nombre del Pueblo, del Estado y de la Ciencia*": *Historia de la Salud Pública Chile 1880/1970*, (Santiago: Gráfica Puerto Madero, 1993), 169.

⁹⁹ Lavrin, *Women, Feminism, and Social Change*, 139.

direction of Dr. Waldemar Coutts, the Division set in motion extensive efforts centered on preventing sexually transmitted diseases and introducing sexual education.¹⁰⁰ Coutts headed the Division from 1927 to 1938. One of his most notable accomplishments in this position was the publication and promotion of *La Serie C*, a collection of eight pamphlets—the majority of which he himself authored—that sought to educate the Chilean public on the science of sexuality and to impart healthy sexual habits that would curb the spread of diseases. Coutts’ *Serie C* initiative is considered to be one of the first state-sanctioned sex education campaigns in Chile. An analysis of the pamphlets that comprised this campaign reveals how local doctors sought to treat both the intellectual and structural conditions that facilitated the spread of “social diseases” in Chilean society. In that vein, Coutts attacked Biblical views of sexuality and procreation that perpetuated a collective ignorance about human sexuality among the Chilean masses. According to Coutts and his colleagues, it was precisely this culture of misunderstanding that was responsible for the rampant spread of sexually transmitted diseases and the reason why a national sex education campaign was both urgent and necessary. Additionally, the pamphlets demonstrate how, as an agent of the state, Coutts employed the binary of healthy/unhealthy sexuality to delineate the boundaries of Chilean nationality and citizenship. In this way, *La Serie C* served the state as one of many amplifiers for the promotion of the “healthy” Chilean citizen whose reproductive labors fortified the national body and ensured a prosperous national future.

The second pamphlet of *La Serie C*, entitled “Gonorrhea: Its Social Aspect,” attests to Coutts’ strategy of addressing the cultural silences and misunderstandings surrounding sex and reproduction to combat the spread of sexually transmitted diseases. Coutts opened this pamphlet

¹⁰⁰ Marcelo Sánchez Delgado, “Sexo, eugenesia y política: Waldemar Coutts (Chile, 1895-1959),” *Revista Histórica*, No. 25, vol.1 (2018), 111.

by highlighting the curious situation in which people can enthusiastically discuss the general topic of modern medicine at intimate gatherings or in family discussions but when it comes to the issue of sexually transmitted diseases the matter gets completely ignored “out of respect for the modesty of the audience.”¹⁰¹ For him, “this silence, [was] born of the false decency that society instills in us,” and it was the “largest contributing factor to the propagation of these illnesses.” He lamented how this “gag of false morality oppresses our lips, encloses us to the confines of discretion and prevents us from telling the truth, presenting [only] the facts as God intended them to be known.”¹⁰² Equally reprehensible was the fact that the function of reproduction and the act itself were still considered to be mysterious and incomprehensible subjects that only men of science should contend with. Public sentiments of social decency held a deep contempt for breaching the reality of such matters, and therefore, “obligated the general population to abstain from acquiring precise knowledge of sexual organs and the laws that govern them.”¹⁰³ Coutts contended that “these sentiments [were] unsuitable for the dignity of man and for the infinite perfection of Nature.”¹⁰⁴ He proposed instead that Nature “be studied and all her works and laws observed,” for “she did not provide [sexual] organs for them to be hidden away and their functions shrouded in mystery.”¹⁰⁵ On the contrary, Nature led humans to understand how the faithful fulfillment of her orders creates respect for and knowledge of “the essence of life itself.”¹⁰⁶

¹⁰¹ W.E. Coutts, “Gonorrhea: Su Aspecto Social,” *Serie C*, no. 2, (1931), 3.

¹⁰² Coutts, “Gonorrhea,” 4.

¹⁰³ Coutts, “Gonorrhea,” 4.

¹⁰⁴ Coutts, “Gonorrhea,” 4.

¹⁰⁵ Coutts, “Gonorrhea,” 4.

¹⁰⁶ Coutts, “Gonorrhea,” 4.

Coutts warned that if the Chilean people failed to learn the laws of the reproductive system and its diseases the country would suffer grave consequences. Similar to Necochea's approach, Coutts' first order of business in this initial pamphlet of *La Serie C* then, was to destigmatize the reproductive system all together, stating that it should inspire just as much interest, among medical professionals and the general public alike, as the other organ systems do.¹⁰⁷ He argued that of all the systems of the body, the reproductive system deserved every Chileans' concentration and attention because it was "a sacred duty that [fell] on all us men and women, to learn of those matters that affect us so intimately."¹⁰⁸ Sadly however, Chileans entirely neglected the reality of the reproductive organs and their diseases despite the fact that no other group of organs was more complexly implicated in nearly every problem of social transcendancy of the era.¹⁰⁹ Coutts proclaimed that it was for this very reason that "we should fight to dispossess ourselves of those degrading and infantile sentiments of disastrous decency that foster the ignorance of these matters and that are the real threat to our race."¹¹⁰ Having proclaimed this in the opening paragraphs of the pamphlet, Coutts then proceeded without restraint to discuss one of the most pervasive diseases of the sexual organs: gonorrhoea.

Subsequent pamphlets in the series sought to educate youth and their parents about the sexual organs, the reproductive system, and proper sexual practices that would stave off disease and produce healthy individuals and citizens of the nation. Pamphlet Number 6 entitled, "How Will I Tell My Children?," encouraged Chilean parents to impart "the truth" about sex and reproduction to their children in order to draw back the cultural silence shrouding the topic so

¹⁰⁷ Coutts, "Gonorrhoea," 5.

¹⁰⁸ Coutts, "Gonorrhoea," 5.

¹⁰⁹ Coutts, "Gonorrhoea," 5.

¹¹⁰ Coutts, "Gonorrhoea," 5.

that future generations of Chileans could lead responsible sex lives free of ignorance, shame, and disease. Coutts points out to the parents reading the pamphlet that, “with the experience of their years, they should not be unaware of the prejudicial errors that their parents lived,” such as considering those problems relating to reproduction to be immoral contemplations.¹¹¹ He thus advised his readers that it was time to put aside their prejudices and unfounded scruples so as to not subject their children to the consequences of their parents’ and grandparents’ “disastrous decency.”¹¹² Coutts warned that if they failed to cast aside this decorum, they would become accomplices to all the damages that would befall their children should they continued to indoctrinate them with the moral dogma of the past. Consequently, Coutts charged “the parents of today” with the tasks of “fighting for the abolition of these false concepts,” and “teaching our children truth and respect for sexual phenomena” so that the generations of tomorrow would be more frank, less prudish, and ultimately more honorable than the ones that preceded them.¹¹³

After advancing his case for Chilean parents’ active intervention in their children’s comprehension of sex and reproduction, Coutts provided guidelines for his readers on when, how, and what issues to bring up with their children as they physically and mentally matured into young adults. He advised fathers to take notice of when their sons begin to enter puberty so that they may begin to cultivate a closer relationship with him to gain his trust and confidence. In doing so, the father may then let his son know that “these changes are preparing him to fulfill the mandate of his species” while simultaneously cautioning him “that such a duty if exercised improperly will bring him serious health hazards.”¹¹⁴ Despite the potential risks, however, Coutts

¹¹¹ W.E. Coutts, “¿Cómo se lo diré a mis hijos?,” *La Serie C*, no. 6 (1931), 3.

¹¹² Coutts, “¿Cómo se lo diré a mis hijos?,” 3-4.

¹¹³ Coutts, “¿Cómo se lo diré a mis hijos?,” 7.

¹¹⁴ Coutts, “¿Cómo se lo diré a mis hijos?,” 9.

encouraged fathers not to advise their sons to abstain from performing this function, “for surely they will try to satisfy their sexual appetite behind your back,” but rather “they should encourage them to play sports, enjoy the outdoors, etc, so that they channel their energies towards a fortification of their bodies.”¹¹⁵ Coutts stressed the importance of fathers speaking directly to their sons about the dangers of masturbation and the venereal risks that came with intercourse because fathers were the first line of prophylactic defense against “venereal evils.” Therefore, they should “teach their sons to keep their genital organs clean, to wash them thoroughly after any intercourse and to communicate to them immediately if they have the slightest suspicion or fear they have been infected.”¹¹⁶

Coutts then explained how mothers should broach these subjects with their daughters. He designated the appearance of a girls’ first period as the starting point for which their mothers should begin to cultivate a closer relationship with them. Just like he advised for fathers and sons, he told mothers to explain to their daughters that they were “now apt to have children.”¹¹⁷ As a result, they now “must adhere to a corporal hygiene that permits their sexual organs to develop and comply freely with their function so that they may produce healthy and robust children.”¹¹⁸ Part of this “corporal hygiene” entailed the fierce condemnation of “food depravation or bodily tortures (corsets, rubber girdles, etc.) that do nothing but destroy their health and engage their internal organs with noticeable damage to their future life.”¹¹⁹ In advising their daughters against these practices, mothers should make them understand that “their

¹¹⁵ Coutts, “¿Cómo se lo diré a mis hijos?,” 9.

¹¹⁶ Coutts, “¿Cómo se lo diré a mis hijos?,” 9.

¹¹⁷ Coutts, “¿Cómo se lo diré a mis hijos?,” 10.

¹¹⁸ Coutts, “¿Cómo se lo diré a mis hijos?,” 10.

¹¹⁹ Coutts, “¿Cómo se lo diré a mis hijos?,” 10.

principal role in life, the role that most ennobles them, is to prepare themselves for motherhood... so that when they get married they can have children that will be [both] their pride and the pride of the nation.”¹²⁰ Coutts posited that a mother can and should do this for the general well-being of her daughter and for her own peace of mind. In fact, it was the duty of all fathers and mothers to orient the sexual education of their children towards a greater understanding, for both sexes, that their union was not only intended for procreation but for the creation of spiritual connections that would produce both lasting marriages and healthy future citizens.¹²¹

In this way, physicians and the state sought to disseminate clear expectations for “healthy” masculine and feminine sexual conduct in early twentieth-century Chile. In the *Serie C* pamphlets, Coutts reinforced these healthy expectations through fear tactics by painting “unhealthy” sexual behaviors as harbingers of misery and mortality for those who engaged in them. Chief among these unhealthy practices were masturbation and poor sexual hygiene. Coutts’ first pamphlet of *Serie C*, entitled “Masturbation and Its Dangers,” immediately intimidates readers by narrating the dismal fate of the young men who have fallen into the ever-constricting tentacles of this disgraceful habit.¹²² Coutts explains how masturbation, like all vices, preys upon “those young boys who are withdrawn and of an inferior physical aptitude,” for in them the habit takes a deeper root and destroys their will.¹²³ He then expounded a long list of physical and “spiritual” symptoms that result from developing a regular habit of masturbation.

¹²⁰Coutts, “¿Cómo se lo diré a mis hijos?,” 10.

¹²¹ As opposed to the marriage of two individuals who are uneducated on their biological reproductive duties and consequently enter into marriage “in a state of heightened eroticism (sexual heat)” which inevitably leads them to divorce. Coutts, “¿Cómo se lo diré a mis hijos?,” 11.

¹²² W.E. Coutts, “La masturbación y sus peligros,” *Serie C*, no.1 (1928), 4.

¹²³ Coutts, “La masturbación y sus peligros,” 4.

Most of these symptoms overlapped with those described by Necochea described in his 1916 thesis, but Coutts significantly played up the mortal dangers they posed to young men. In addition to suffering from physical afflictions—such as headaches, fatigue, buzzing ears, palpitations, nightmares, visual and memory disturbances, nervous exhaustion, and loss of appetite—young boys could “be placed at the gates of idiocy or of other grave mental perturbations,” where many resorted to suicide, “as a result of the their state of physical and spiritual misery.”¹²⁴ Coutts repeatedly emphasized that “masturbation in young men, increases their chances of death,” by “facilitating their degeneration with astonishing frequency,” in order to discourage them from developing the habit and to encourage parents to be vigilant of their sons’ behaviors.¹²⁵

Masturbation, moreover, not only posed a mortal threat to young boys, it also was an endangerment to the future of the Chilean race. Like Necochea, Coutts too pointed out how masturbation caused young men to shy away from the opposite sex because it produced in them an indifference towards women and a “fear of normal intercourse.”¹²⁶ The danger of this separation of the sexes and fear of intercourse was twofold. On the one hand it undermined the sacred goal of reproducing the species, and on the other, it opened “the possibility for [young boys] to generate abnormal passions (sexual inversion).”¹²⁷ Coutts and his colleagues considered both of these scenarios to be especially dangerous because, in light of the nation’s rising infant mortality rates, the biological goal of perpetuating the species was of the utmost importance for

¹²⁴ Coutts cites the U.S. Dr. Hagenbach’s study of 1,630 patients from a New York City asylum where he found that 120 of those patients attributed their mental instability to the practice of masturbation and that many of those 120 committed suicide as a result of their psychological disturbances. Coutts, “La masturbación y sus peligros,” 5.

¹²⁵ Coutts, “La masturbación y sus peligros,” 6.

¹²⁶ Coutts, “La masturbación y sus peligros,” 7.

¹²⁷ Coutts, “La masturbación y sus peligros,” 7.

the survival of the Chilean race. Coutts argued that by educating young men on “the laws of sex, they will come to learn their true value,” and in turn, “they will dedicate their activities to endeavors of self-perfection and to the quotidian fight for life.”¹²⁸ It was for this reason that the regulation of male sexuality was steadily becoming a distinct priority on Chilean physicians’ public health agenda.

In the third and fourth pamphlets of the series, Coutts speaks directly to young men regarding the maintenance of their sexual health and the biological obligations they owed to themselves, their future wives and children, and the nation. In “To Young Men,” he explained to his readers that “the basis of life and the reason for our existence is the conservation of the species... our present and future existence will be determined by the natural functions that dominate us.”¹²⁹ Therefore, it was of the utmost importance that they fulfill their sexual function without contracting a venereal infection so that they may produce healthy offspring to fortify rather than deteriorate the Chilean race. Both the young man’s and the Chilean race’s existence depended on his successful compliance with this biological obligation.¹³⁰ Coutts lamented how “in the great majority of cases,” young men could avoid venereal infection by developing simple hygiene habits but that more often than not they failed to implement these prophylactic measures out of sheer shame or ignorance. Thus, he described how they could protect their sexual health by applying prophylactic creams and other treatments to their genital region immediately after intercourse and that such treatments were available for free in the Section of Social Hygiene’s clinics.¹³¹ He emphasized that these practices could reduce, but not all together eliminate, the

¹²⁸ Coutts, “La masturbación y sus peligros,” 8.

¹²⁹ W.E. Coutts, “A los Jóvenes,” *Serie C*, no. 3 (1931), 3-4.

¹³⁰ Coutts, “A los Jóvenes,” 8.

¹³¹ Coutts, “A los Jóvenes,” 8.

risk of infection because despite such preventative measures one could still develop a venereal disease.¹³² It was especially important for young men to note that diseases like gonorrhea and syphilis often times did not present any physical symptoms until they had reached an advanced stage of infection. As soon as they noticed any unusual soars or secretions it was imperative that they seek immediate medical attention. Ultimately, the most important message that Coutts desired to communicate to his readers in this pamphlet was that they should not be afraid or ashamed to ask for advice on matters regarding their sexual health and hygiene because, in the end, the future of the Chilean race was dependent upon the preservation of young men's healthy reproductive capacities.

This onus of protecting one's sexual health, moreover, weighed heavier on the shoulders of those young men who were newlyweds or were soon to be married because they risked transmitting an infection to their wives. Cases in which a young man infected his wife with a venereal disease presented doctors with a set of "social problems that were very difficult to resolve."¹³³ For example, Coutts recounted a situation in which a man infected his wife with syphilis shortly after they were married. A while later, the woman experienced several miscarriages and had persistent pelvic pain. Despite her symptoms though, she "would never suspect, nor would she ever permit the thought to enter her mind that she was syphilitic," because her "good moral conduct," prevented her from even imagining that her own husband was capable of bringing "venereal evils" into her home.¹³⁴ According to Coutts, these scenarios, were especially cruel for women because they "unjustly cast the blame for the lack of children"

¹³² Coutts, "A los Jóvenes," 9.

¹³³ W.E. Coutts, "Las Enfermedades Venéreas y El Matrimonio," *Serie C*, no.4 (1931), 7.

¹³⁴ Coutts, "Las Enfermedades Venéreas y El Matrimonio," 11.

on her failed pregnancies.¹³⁵ Moreover, these scenarios endangered the human species because female sterilization, as Coutts warned, lead to “the involuntary suicide of the races.”¹³⁶ On the other hand, when syphilitic women carried their pregnancies to term, infant mortality often followed. Coutts and his colleagues from the Section of Social Hygiene collected data on syphilitic Chilean women and of the 1,339 pregnancies recorded for the women they polled, 557 resulted in miscarriages, 123 were still births, 292 died in infancy, and the number of living children to the date of the data collection was only 367.¹³⁷

In light of these alarming scenarios and statistics, Coutts proclaimed that “as social doctors, our primary role is to watch over the conservation of the race and in keeping with that, we must be inflexible when it comes to consenting to the marriage of anyone who has ever had a venereal disease.”¹³⁸ Physicians had long since sought to position themselves as the gatekeepers of marriage in order to curb the mortal consequences that venereal diseases unleashed on unsuspecting women and children. Coutts, like Necochea and their advisor Dr. Eduardo Moore, argued that the state should legally require two individuals seeking to get married to present medical certifications of a clean bill of health and a hygiene report as required documentation for procuring a marriage license.¹³⁹ Coutts cited a number of European countries and U.S. states that either proposed or implemented such legal measures and contended that similar laws in Chile

¹³⁵Coutts, “Las Enfermedades Venéreas y El Matrimonio,” 11.

¹³⁶ Coutts, “Las Enfermedades Venéreas y El Matrimonio,” 11.

¹³⁷ Coutts, “Las Enfermedades Venéreas y El Matrimonio,” 14.

¹³⁸ Coutts, “Las Enfermedades Venéreas y El Matrimonio,” 15.

¹³⁹ Coutts, “Las Enfermedades Venéreas y El Matrimonio,” 16.

would produce positive “moral effects” and would “fix the public’s attention on the reality” of venereal diseases so as to diminish the grave threat they posed to the Chilean race.¹⁴⁰

Conclusion

Ultimately, Coutt’s *Serie C* pamphlets and the sexual education campaign that he directed sought to change the way that ordinary Chileans thought about and practiced sex. Like Moore and Necochea, Coutts believed that the mortal threat of sexually transmitted diseases could be assuaged through education and the social vigilance of doctors. Coutts and his colleagues had long claimed that the Chilean people had been led astray by the Catholic Church and Biblical views of sexuality and procreation. The miseducation of the Chilean public that resulted from the Church’s inexpert handling of the norms of sexuality, moreover, was a direct threat to the vitality of the Chilean race. To ensure their precedence over the Church in the domain of sexuality, doctors actively promoted new bio-evolutionary standards of sex and reproduction that were based on global ideas of sexual science. In disseminating these new norms of sexuality and reproduction, local sexual scientists had effectively redefined the intellectual terms of sexual regulation in Chile and were hard at work to change the structural terms of its regulation. Chapter two reveals how their efforts in this latter process generated new state institutions and practices that intervened in the intimate lives of the Chilean citizenry in order to enforce these modern sexual norms.

¹⁴⁰ Coutts, “Las Enfermedades Venéreas y El Matrimonio,” 16.

Chapter 2

The Problem of “Irregular” Minors: Adolescent Sexuality in the Juvenile Court of Santiago, 1916-1930

“In a child’s environment,” wrote University of Chile professor of legal medicine and forensic psychiatry Samuel Gajardo C., “the home exercises a predominant and decisive influence” on his development “because it supplies him with the foundational elements of his personality.” Reflecting on Gajardo’s statement, Dr. Waldemar E. Coutts added, “the home is the anvil” and parents are “the hammers who are to mold the shapeless mass” entrusted to their care.¹⁴¹ In 1928, President Carlos Ibáñez del Campo appointed Gajardo to be Judge of the Juvenile Court of Santiago—the first ever juvenile justice system to be established in Chile. In his new capacity, Gajardo authored and over saw the passage of Law Number 4447 also known as the Law for the Protection of Minors (October 18, 1928) which stipulated that the Chilean state can and should intervene in all those “irregular situations” where minors had been deprived of their right to grow up in a healthy, moral environment. As his former colleague, Coutts lauded Gajardo’s role in articulating and arbitrating “a human Law, based on the perfect comprehension of... the biological reason for our existence.”¹⁴²

Prior to the implementation of Law 4447, the Chilean government outsourced child welfare services to religious charities who, as Coutts criticized, tended to the needs of distressed children by simply “providing them with bread and coins in the name of God.”¹⁴³ Additionally, adolescents who were accused of criminal activity were tried in the regular criminal courts, and

¹⁴¹ Waldemar E. Coutts, “Prologo,” in Samuel Gajardo C., *Los Derechos del Niño y la Tiranía del Ambiente* (Santiago: Imprenta Nacimiento, 1929), 9.

¹⁴² Coutts, “Prologo,” 11.

¹⁴³ Coutts, “Prologo,” 7.

if convicted, were sent to privately operated correctional houses or to prisons for adult criminals. Following the passage of the Law of Protection for Minors, however, care for Santiago's abandoned and delinquent children became a responsibility of the state.¹⁴⁴ Under the direction of medical and legal professionals who possessed scientific expertise on the biological and social development of children, child welfare services no longer consisted of hand-outs of food and money that were intended to improve children's material well-being. Rather, such services now sought to cultivate in each individual child a healthy mind and body as well as a refined moral consciousness in order to improve their mental, physical, and social well-being.¹⁴⁵ For this generation of reform-minded progressives, efforts to ensure the holistic wellness of "irregular" minors, moreover, went far beyond the traditional task of providing benevolent care to those children who needed it most. Instead, child welfare now served intertwined goals of crime prevention and national progress.

When it came to criminal delinquency, Chilean legal reformers shared Chilean sexual scientists' belief that protecting youths from certain corruptions during adolescence would save them from a future of deviance—be it social or sexual. Ideally, a child's parents would serve as the first line of defense against any deviant behaviors in adolescence. But when a child was abandoned or when his parents or guardians failed to provide a healthy home life for him, he was left vulnerable to social and biological corruptions that not only threatened his own individual well-being, but also the safety of the broader social collective. Judge Gajardo believed that if the state could make itself aware of "all those cases in which unfavorable circumstances

¹⁴⁴ Historian Nara Milanich has shown that despite this new, activist role of the state in child welfare, private charity institutions were more enduring than Coutts and Gajardo made them out to be and continued to operate alongside secular, state institutions throughout the twentieth century. See Nara B. Milanich, *Children of Fate: Childhood, Class, and the State in Chile, 1850-1930* (Durham: Duke University Press, 2009).

¹⁴⁵ Coutts, "Prólogo," 8.

compromised the future of minors,” then it could not only save them from a life of crime but it could defend the public from any “antisocial acts” they might potentially commit.¹⁴⁶ This particular approach to juvenile justice and welfare signaled a major break with the traditional paradigm of crime and punishment that had characterized Chile’s criminal justice system since the early republic. It also signaled a novel relationship between the Chilean state and civil society in which the state was both the grantor and protector of social rights.

Within this new configuration of state/society relations, the primary function of both government and the criminal justice system was to promote and defend the public good. Known as the doctrine of “social defense,” this modern approach to criminal justice and civil governance was distinctly informed by scientific truths rather than religious traditions.¹⁴⁷ According to this scientific legal doctrine, criminal acts were considered to be acts that violated the good of the social community and hence were termed “antisocial acts.” Instead of merely imposing disciplinary measures on the individuals who violated the public good, the doctrine of social defense stipulated violators be rehabilitated and “re-adapted” to society so as to ensure they did not repeat their antisocial behaviors in the future. All sentencing, moreover, should serve to rectify rather than reprimand an individual’s antisocial behavior so that upon its fulfillment the individual might safely re-enter society as a productive member of it.¹⁴⁸

When it came to acts of sexual deviance such as masturbation, sodomy, and sexual promiscuity, Chilean legal professionals, taking cues from local sexual scientists, considered them to be just as harmful to the public good as were crimes of theft and violence. Since the turn

¹⁴⁶ Samuel Gajardo C., *Los Derechos del Niño y la Tiranía del Ambiente* (Santiago: Imprenta Nacimiento, 1929), 15.

¹⁴⁷ Samuel Gajardo, “La Pena, Obligación Jurídica,” *Boletín de la Dirección General de Protección de Menores* 1, no.1 (July 1929): 5.

¹⁴⁸ Samuel Gajardo, “La Pena, Obligación Jurídica,” 6-7.

of the century, uncontrolled male sexuality had become a matter of national salvation for Chilean physicians and legal reformers alike. Local sexual scientists such as Dr. Eduardo Moore, Salvador Necochea Illánés, and Dr. Waldemar E. Coutts all emphasized how sexual deviance not only degraded the individual who practiced it but directly undermined the vitality of the “Chilean race.”¹⁴⁹ In their minds, masturbation, “sexual inversion,” and poor sexual hygiene were all highly dangerous practices because they rendered men diseased, impotent, and/or unfit to procreate. In other words, they made Chilean men *unproductive* members of society. With Chile’s crude death rate among the highest in Latin America and its infant mortality rate among the highest in the world, all threats to men’s sexual productivity were considered to be utterly criminal.¹⁵⁰

This chapter shows how Chilean ideas of sexual science expanded beyond local medical circles to become operative in state policies and institutions that sought to regulate the intimate behaviors of the male citizenry. It does so through an analysis of adolescent sodomy cases before and after the promulgation of Law 4447. Before its passage, adolescents who appeared in court as either perpetrators or victims of the crime of sodomy were not subjected to scrutiny based on behavioral tendencies. After its passage, however, medical and legal professionals working in the *Juzgado de Menores* and the *Casa de Menores*—two new state institutions created by Law 4447—viewed boys’ “sexual histories” as *the* key to discerning some of their more perplexing behavioral patterns. Physicians working in the *Casa de Menores*, for example, argued that “alterations of the sexual instinct” that ultimately drove a number of their adolescent patients to

¹⁴⁹ The careers and writings of these three sexual scientists are discussed at length in chapter one.

¹⁵⁰ In 1928, Chile’s crude death rate (per 1,000 people) was 24.7 while its infant mortality rate (per 1,000 people) for 1928 was 212. Statistics on Chile’s mortality rates are from Dr. Salvador Allende G., *La Realidad Medico-Social Chilena* (Santiago: Ministerio de Salubridad, 1939), 21; 81.

engage in criminal behavior. And in such cases, the only way to rectify their “antisocial” actions was to rehabilitate their “sexual instinct.” In this way, the Law of Protection for Minors created new structural terms for the regulation of male sexuality in Chile that were based on sexual science and deeply intertwined with notions of social rights and national progress.

Unprotected Justice: Discerning the Case of Adolescent Sodomy in the Criminal Courts

As mentioned in chapter one, Chilean jurists were some of the only Latin American legal reformers in the late nineteenth century to uphold the criminalization of sodomy in their “modern” penal code. In the late nineteenth century, when most other Latin American jurists saw the criminalization of sodomy as an anti-modern relic of Catholic colonialism, Chilean legal professionals saw it as a necessary protection for the health and safety of the broader social community. As such, anyone who was found guilty of this sexual crime was sentenced with “the penalty of 541 days imprisonment.”¹⁵¹ Before the passage of Law 4447, minors who engaged in sodomitic activity were regularly tried and convicted of this sexual crime. The overwhelming majority of adolescent sodomy cases involved older men raping young boys—most often between the ages of five and eleven. A smaller number of cases involved boys raping other, younger boys, still others involved minors who willingly engaged in sodomy with teens and older men.¹⁵²

The concept of discernment as outlined in the 1874 Penal Code established that certain groups of people, such as the insane, the demented, and children under ten years of age, were exempt from criminal responsibility due to their lack of awareness of the significance of their

¹⁵¹ Robustiano Vera, *Código Penal de la República de Chile* (Santiago de Chile: Imprenta de P. Cadot, 1883), 561.

¹⁵² Of the 125 sodomy cases I reviewed for the years 1884-1928 only 65 of them involved minors (18 years of age or under). Of those 65 cases, 50 of them were cases of adult men raping male minors and 15 of them were cases where all parties involved were male minors. Only 6 of the 65 cases involved consensual relations or were not ruled as instances of rape.

actions.¹⁵³ Minors between the ages of eleven and eighteen could also be exempted of this responsibility but only on a case-by-case basis. Therefore, in sodomy cases where the accused was between ten and eighteen years old, legal professionals had to prove the existence of the crime and determine whether or not the offender had committed it with “discernment.”¹⁵⁴ Minors between the ages of eleven and eighteen could also be exempted of this responsibility but only on a case by case basis. This age range then, constituted a legal grey area, because, while such minors were old enough to comprehend their actions, several factors such as education, social awareness, and mental and physical health could compromise their ability to act of sound mind. In such instances, final authority rested with the judge.

When reading the crime of adolescent sodomy, determining whether or not the accused had acted with discernment proved an extremely ambivalent undertaking for the judges tasked with arbitrating these special cases. In some instances, it was quite clear that the accused had acted out their crimes with discernment but obtaining reliable proof was a convoluted feat. This was precisely the case with fourteen-year-old Romelio C. On the evening of January 16, 1916, police detained Romelio in a Santiago plaza on charges of vagrancy and sodomy.¹⁵⁵ Two men, Armando G. and Ricardo R., prompted Romelio’s arrest when they told police that Romelio regularly met with other males “to exercise acts of sodomy” with them. In response to this accusation, Romelio confirmed that he indeed frequently met up with other men and boys in a

¹⁵³ Mariana Carolina González Vicencio, “Menores en Situación Irregular: La Infancia que Desafió el Estado Chileno, 1929-1952” Undergraduate Thesis, Diego Portales University, Santiago Chile, 31.

¹⁵⁴ Of the 125 sodomy cases I collected for the years 1884-1928, the accused was between 10 and 18 years old in 18 cases. Of these 18 cases, only 4 involved minors consensually engaging in relations with adult men. In the remaining 14 cases all parties involved were minors.

¹⁵⁵ Archivo Nacional de Chile, Tercer Juzgado de Crimen de Santiago, Box 1334, Case #32, January 1916.

field near Maipú where they “exercised carnal acts with him.”¹⁵⁶ He also added that a man named Joaquin S. took him to his house on multiple occasions “and paid him one peso to sleep with him.”¹⁵⁷ Having confessed that he regularly engaged in acts of sodomy then, Romelio was taken to jail and remained incarcerated while his case went to trial.

When Romelio appeared before the judge, he explained that Armando and Ricardo had only denounced him as a sodomite because he had recently refused to sleep with them. He subsequently recounted how every day in the afternoon he would hang around the outskirts of Central Station where Joaquin, Armando, and Ricardo would invite him to practice sodomy with them. In order to convince him to participate, the men offered to pay him two or three pesos. Romelio accepted the money and accompanied them to a discrete location where they all engaged in the act of sodomy together. This happened about ten times, according to Romelio, and every time he accompanied them, he always acted as the passive one. The last time that they had invited him to engage in carnal acts, Romelio refused, and, according to him, “it was for this reason that they denounced me.”¹⁵⁸

In response to Romelio’s testimony, the judge, Señor Alfredo Rondanelli, ordered that he remain in police custody while the court solicited his birth records. In the meantime, Rondanelli ordered that the forensic doctor and the resident doctor at the jail both examine Romelio to determine his age and to inform the court as to whether or not he presented “signs or stigmas of active or passive pederasty.”¹⁵⁹ After examining Romelio, the two doctors reported to the judge that, based on his physical aspect, he was between twelve and fourteen years of age and that he

¹⁵⁶ Archivo Nacional de Chile, Tercer Juzgado de Crimen de Santiago, Box 1334, Case #32, January 1916, p.1.

¹⁵⁷ Archivo Nacional de Chile, Tercer Juzgado de Crimen de Santiago, Box 1334, Case #32, January 1916, p.1.

¹⁵⁸ Archivo Nacional de Chile, Tercer Juzgado de Crimen de Santiago, Box 1334, Case #32, January 1916, p.2.

¹⁵⁹ Archivo Nacional de Chile, Tercer Juzgado de Crimen de Santiago, Box 1334, Case #32, January 1916, p.2-3.

was both an active and a passive pederast. The doctors had found that Romelio's anus was "completely dilated and infundibular in shape" and that "the natural skin folds of this organ were non-existent."¹⁶⁰ Based on these bodily signs, they concluded that he was "a very advanced passive pederast." They also mentioned that Romelio presented "signs that he was an active pederast," but provided no additional information on the matter because the signs were not as pronounced as "the lesions in his anus" that confirmed his passive pederasty.¹⁶¹ Upon receiving this information the judge ordered that Romelio remain prisoner while investigators gathered more information on the facts of the case.¹⁶²

In order to corroborate Romelio's initial statement, investigators requested the detention of Armando, Ricardo, and Joaquin so as to solicit their verbal and bodily testimonies for additional evidence. After detectives repeatedly failed to locate the three men, however, investigators were left only with the information from Romelio's testimony and medical report to draw their conclusions. The judge subsequently declared the investigation closed and requested an additional medical report on Romelio to determine whether or not he acted with discernment. Because Romelio had admitted to committing acts of sodomy in his testimony, and the medical report confirmed his "passive pederasty" all that was needed now to convict and sentence him was confirmation that he was of sound mind when he engaged in these carnal acts. Thus, the resident doctor from the correctional house, where Romelio was now being detained, along with

¹⁶⁰ Archivo Nacional de Chile, Tercer Juzgado de Crimen de Santiago, Box 1334, Case #32, January 1916, p.4. Infundibular meant that the anal cavity was funnel-shaped suggesting that penetration had occurred one or more times causing this deformation.

¹⁶¹ Archivo Nacional de Chile, Tercer Juzgado de Crimen de Santiago, Box 1334, Case #32, January 1916, p.4.

¹⁶² Archivo Nacional de Chile, Tercer Juzgado de Crimen de Santiago, Box 1334, Case #32, January 1916, p.5.

a forensic doctor jointly conducted a second medical examination of the minor in order to ascertain if he had committed his crimes with discernment or not.

The two doctors essentially reiterated the same information from the first medical report stating that Romelio was around fifteen years of age and that he “presented all the characteristic signs of passive sodomitic habits.”¹⁶³ At the end of their report they added that Romelio had regularly practiced this vice for the past two years and that he plainly confessed to committing this crime with frequency. This concluding statement, however, was not a clear enough proclamation that Romelio committed these acts with discernment, so the judge ordered an additional forensic doctor conduct a third medical exam to assess the boy’s mental faculties. In one short sentence Dr. Sabino Muñoz responded to the judge’s request stating that he had professionally examined the boy and determined that Romelio had acted with discernment.¹⁶⁴ It was only after having received this statement from Dr. Muñoz, that Romelio’s case could then proceeded forward for sentencing.

The prosecutor declared Romelio guilty of the crime of sodomy and requested that he be sentenced to 60 days in prison because he was under sixteen years of age. In response to this proposed sentence, Romelio, through his lawyer, expressed that he was in agreement with the punishment and did not wish to petition for a sentence reduction by providing evidentiary support of his “irreproachable character.”¹⁶⁵ He simply wanted to be summoned for immediate sentencing. Upon reviewing the circumstances of the case, however, Judge Alfredo Rondanelli, found the prosecutor’s proposed 60-day prison sentence to be insufficient. Considering that

¹⁶³ Archivo Nacional de Chile, Tercer Juzgado de Crimen de Santiago, Box 1334, Case #32, January 1916, p.14.

¹⁶⁴ Archivo Nacional de Chile, Tercer Juzgado de Crimen de Santiago, Box 1334, Case #32, January 1916, p.15.

¹⁶⁵ Archivo Nacional de Chile, Tercer Juzgado de Crimen de Santiago, Box 1334, Case #32, January 1916, p.16.

Romelio had confessed to engaging in acts of sodomy on at least ten separate occasions, that he was older than ten years of age but less than sixteen, and that he committed the same crime repeatedly with discernment, Judge Rondanelli sentenced Romelio to suffer the increased penalty of 180 days in prison.

Just as the ambiguities in “the judgment of discernment” could work against a minor accused of sodomy, they could also work in his favor. The case of fifteen-year-old Julio M. shows the different tactics that he, along with his lawyers, used to exploit these ambiguities in order to dismiss the charges against him. On the night of February 10, 1920, Ana D. went to the Santiago police claiming that Julio abducted and raped her four-year-old son Juan M. When Julio was brought before the judge to give his testimony, he plainly admitted to taking Juan to a secluded place “where he committed the sodomitic act with him.”¹⁶⁶ He quickly added, however, that he “did not understand how he could have committed such a crime.”¹⁶⁷ Whether this claim was true or not, as well as whether or not Julio was prompted to declare it in his testimony, remains unclear. Nonetheless, it is glaringly apparent that by proclaiming an ignorance of his own actions, Julio was queuing up a “lack of discernment” defense strategy to evade a conviction.

This approach proved immediately effective because, although Judge Rondanelli had declared Julio “prisoner for the crime of sodomy,” he was never actually taken to prison. After hearing Julio’s confession, Rondanelli proclaimed that there were sufficient “presumptions of guilt against him” to warrant his imprisonment. However, because Julio had claimed that he did not understand why he had done what he did, he was to be held at the Correctional House instead

¹⁶⁶ Archivo Nacional de Chile, Tercer Juzgado de Crimen de Santiago, Box 1455, Case #22, February 1920, p.2.

¹⁶⁷ Archivo Nacional de Chile, Tercer Juzgado de Crimen de Santiago, Box 1455, Case #22, February 1920, p.2.

of in jail.¹⁶⁸ In the meantime Rondanelli requested Julio's birth certificate to verify that he was under sixteen years of age and thereby subject to the judgment of discernment. If Julio was confirmed to be under sixteen, then the doctor on staff at the Correctional House would examine Julio in order to determine whether or not he carried out his crime with discernment.¹⁶⁹ After outlining the measures that were to be taken towards Julio, the judge then called for the four-year-old victim, Juan M., to hear his testimony. Juan verified his mother's initial statement that she had given to the police and added that "the person who raped me was Julio M. [He] took me by force and I screamed because my anus hurt so badly[,] nobody came [to help me] because we were all alone."¹⁷⁰ In response to this, Rondanelli ordered that the forensic doctor perform a medical exam on Juan to see if he "presented signs of having committed the crime of sodomy."¹⁷¹

While the judge awaited the outstanding information that he had requested on the two boys, the defense petitioned for Julio's release from the Correctional House on bail of custody. Two character witnesses attested that Julio's "conduct had always been irreproachable" and that he was "an obedient child of very good character."¹⁷² This information substantiated Julio's request for bail, and a week later, Judge Rondanelli granted him his freedom from the Correctional House. Following his release, the judge had finally received all the necessary pieces of evidence to decide the case and thus declared the summary investigation closed. The first piece of pivotal data came from the medical report that Judge Rondanelli had ordered on four

¹⁶⁸ Archivo Nacional de Chile, Tercer Juzgado de Crimen de Santiago, Box 1455, Case #22, February 1920, p.3.

¹⁶⁹ Archivo Nacional de Chile, Tercer Juzgado de Crimen de Santiago, Box 1455, Case #22, February 1920, p.3.

¹⁷⁰ Archivo Nacional de Chile, Tercer Juzgado de Crimen de Santiago, Box 1455, Case #22, February 1920, p.5.

¹⁷¹ Archivo Nacional de Chile, Tercer Juzgado de Crimen de Santiago, Box 1455, Case #22, February 1920, p.5.

¹⁷² Archivo Nacional de Chile, Tercer Juzgado de Crimen de Santiago, Box 1455, Case #22, February 1920, p.5.

year old Juan. In it, the forensic doctor Sabino Muñoz informed the judge that Juan presented lesions in his anus, “indicating that sodomitic acts had been committed” upon his person.¹⁷³ With this insight, Dr. Muñoz established the necessary proof of the crime’s existence. Given this confirmation and in light of his previous confession, then, Julio could now undoubtedly be considered the author of the crime. The second piece of crucial evidence came from the director of the Correctional House and its staff forensic doctor. The two reported that Julio “did not have the necessary discernment to understand punishable actions and their resulting responsibility.”¹⁷⁴ With this final piece of key evidence then, the judge had obtained sufficient information to send Julio’s case forward for sentencing.

Given Julio’s irreproachable character, his initial confession to committing the crime, and the corroboration of his lack of discernment, the Promotor Fiscal (municipal prosecutor) was “of the opinion that [the case be] definitively dismissed.”¹⁷⁵ In his final decision, Judge Rondanelli upheld the prosecutor’s proposed sentence and the case against Julio for the crime of sodomy was dropped. Rondanelli explained that, in accordance with Article 10 section 3 of the Penal Code, Julio was exempt from criminal responsibility because he had acted without discernment.¹⁷⁶ He cited the medical report from the officials at the Correctional House as proof of Julio’s inability to comprehend his actions which, in turn, established him as a non-prosecutable subject. Julio’s initial claim, therefore, that he did not understand how he could have committed such a crime ultimately became a decisive proclamation in the proceedings against him. For it was based on that sole assertion that the judge dismissed the case, Julio

¹⁷³ Archivo Nacional de Chile, Tercer Juzgado de Crimen de Santiago, Box 1455, Case #22, February 1920, p.8.

¹⁷⁴ Archivo Nacional de Chile, Tercer Juzgado de Crimen de Santiago, Box 1455, Case #22, February 1920, p.14.

¹⁷⁵ Archivo Nacional de Chile, Tercer Juzgado de Crimen de Santiago, Box 1455, Case #22, February 1920, p.16

¹⁷⁶ Archivo Nacional de Chile, Tercer Juzgado de Crimen de Santiago, Box 1455, Case #22, February 1920, p.17.

evaded a criminal conviction, and the four-year-old victim Juan and his mother Ana were deprived of the justice they had sought in denouncing Julio in the first place.

Fourteen-year-old Romelio C. and fifteen-year-old Julio M.'s cases are significant because, not only do they illuminate the legal procedures that regulated illicit adolescent sexuality before the Law of Protection, they also show the limits of the crime and punishment model in rectifying the growing problem of sexual deviance among the male citizenry. At the time of Romelio and Julio's cases, which took place respectively in 1916 and 1920, ideas of Chilean sexual science had not yet impacted the legal culture of sodomy prosecutions. Medical and legal professionals were equipped with a predominantly juridical language and framework for assessing illicit adolescent sexuality. Forensic doctors used classifications such as "active sodomite" and "passive pederast," breaking them down into degrees of "very advanced" or "not as advanced" in order to account for the sexual activity of adolescents who were accused of, or fell victim to, the crime of sodomy. Additionally, medical and legal professionals did not seek to correct or prevent the boys from practicing this illicit sexual habit. Rather, they simply sought to punish them when they were found guilty of it.

In this regard, the crime and punishment configuration of illicit male adolescent sexuality was only equipped to deal with minors accused specifically of the crime of sodomy. The system paid little to no attention to the victims of this crime—who often were also minors—and it was utterly unequipped to deal with other forms of sexual deviance such as masturbation, poor sexual hygiene, and sexual inversion. The 1928 Law for the Protection of Minors changed both the medical and the legal treatment that the victims and perpetrators of adolescent sodomy each received. As proponents of Chilean ideas of sexual science, the architects of this new approach to juvenile justice established a direct link between sexual practice and social deviance. Following

the promulgation of the Minors Law then, “the sexual problem of irregular minors,” as it came to be known, became a highly consequential biological and social issue that the state, for the first time ever, was now structurally equipped to handle.

New Approaches to Juvenile Justice and Welfare in Law No. 4447

Before the Law of Protection went into effect, Catholic charities and wealthy elites almost exclusively controlled the operation of child welfare services in Chile. Meanwhile, as shown in the section above, the highly conservative judiciary dealt with instances of juvenile delinquency through the limited capacities of the regular criminal justice system. The private operations of child welfare and the conservatively traditional handling of juvenile justice were both emblematic of social politics during the Parliamentary Republic era in Chile (1891-1925).¹⁷⁷ Following Chile’s civil war in 1891, where military forces loyal to Congress emerged victorious over forces loyal to President José Manuel Balmaceda, a new system of government dominated by landowning elites and a conservative legislature took power in Chile.¹⁷⁸ Known as the Parliamentary Republic, this overwhelmingly elite and conservative government was largely ambivalent to the poverty, disease, and inequality that characterized much of Chilean society during this period. Social reform was limited and the state provided little to no welfare services for the diseased and impoverished masses who were in desperate need of them.

In the state’s absence, middle-class physicians provided basic health services to poor, working-class Chileans through independent clinics while legal professionals got to work on

¹⁷⁷ For more on the elite management of child welfare as well as the history of family law in Chile see Nara B. Milanich, *Children of Fate: Childhood, Class, and the State in Chile, 1850-1930* (Durham: Duke University Press, 2009).

¹⁷⁸ “Building a Modern Nation: Politics and the Social Question in the Nitrate Era,” in *The Chile Reader: History, Culture, Politics*, eds. Elizabeth Quay Hutchison, Thomas Miller Klubock, Nara B. Milanich, and Peter Winn (Durham: Duke University Press, 2014), 196.

devising modern legal reforms that reflected scientific breakthroughs in criminology. Without the support of the state, however, middle-class professionals and reformers were powerless to enact the sweeping structural changes necessary for the improvement of Chile's dire social conditions. In 1927, the military strongman General Carlos Ibáñez del Campo forcefully assumed the presidency in order to unilaterally implement the necessary political and administrative changes that would end the era of social crisis and usher in a period of national progress. Under Ibáñez, university educated technicians and professionals staffed growing ministries and public agencies that were previously occupied by elites and managed through political patronage.¹⁷⁹ With a number of middle-class technicians and professionals in place at the helm of the state, there was a concerted effort to ameliorate the social suffering of the Chilean people through several new state policies, institutions, and services.

The Law of Protection for Minors was one such initiative that sought to compensate for the Parliamentary Republic's failure to provide social assistance for some of the country's most vulnerable citizens: children. Providing protection for abandoned and delinquent children, however, was not simply a gesture of the state's goodwill towards this highly vulnerable population—it was a strategic measure of crime prevention and national progress. The architects of the Law of Protection strategically linked the “moral formation of new generations” to national progress by claiming that minors who grew up in healthy, ethical environments were less likely to develop delinquent behaviors. To provide for irregular minors' biological and moral needs in the present day, they argued, was to preemptively resolve the social problem of criminality for future generations of Chileans. Medical and legal professionals shared the belief that “habitual delinquency in adults” could be eradicated by “attacking it at the source” in male

¹⁷⁹ Brian Loveman, *Chile: The Legacy of Hispanic Capitalism* (New York: Oxford University Press, 2001), 184.

adolescents, and they touted this preemptive strategy as “the most advantageous factor in the fight against crime.”¹⁸⁰ As such, it necessitated several new legal measures and state institutions to “meditatively develop, in all its means, the preventative action that informs and inspires it.”¹⁸¹ With the promulgation of Law 4447, four new government institutions came into being that enabled the state to provide protection and care for a new category of vulnerable citizens: “irregular minors.”

The foremost of these newly established institutions was the Dirección General de Protección de Menores (General Directorate of Protection for Minors) which was a special section within the Ministry of Justice that oversaw all national matters pertaining to the defense of Chile’s children. The central aim of this institution was “to attend to the personal care and the moral, intellectual, and professional education of all those underaged minors that [found] themselves in an irregular situation.”¹⁸² In accordance with this objective, the first article of Law 4447 stipulated that “the General Directorate will try with all the means at its disposal to become aware of all those cases in which unfavorable circumstances compromise the future of minors, with the aim of effectively protecting them through any means of prevention, reeducation or assistance that the Law authorizes.”¹⁸³ Such means, however, varied depending on whether the “unfavorable circumstances” were generated by abandonment, delinquent inclinations, or both.

¹⁸⁰ Editor’s Note, *El Boletín de la Dirección General de Protección de Menores*, vol. 1, no.1 (Jul. 1929), 3.

The first reformatory institutions created by Law 4447 only took in male adolescents. Years later the law sanctioned the creation of similar institutions for female adolescents but the emphasis on crime prevention was not as prevalent in the philosophy of female social re-education and re-adaptation as it was for males.

¹⁸¹ Editor’s Note, *El Boletín de la Dirección General de Protección de Menores*, vol. 1, no.1 (Jul. 1929), 3.

¹⁸² Samuel Gajardo C., *Los Derechos del Niño y la Tiranía del Ambiente (Divulgación de la Ley 4447)*, (Santiago: Imprenta Nacimiento, 1929), 15.

¹⁸³ “Texto de la Ley 4,447,” in Samuel Gajardo C., *Los Derechos del Niño y la Tiranía del Ambiente (Divulgación de la Ley 4447)*, (Santiago: Imprenta Nacimiento, 1929), 155.

To determine the origins of such circumstances and to prescribe the proper measures for their prevention required the coordinated efforts of a variety of professional experts and several additional institutions.

In order to process and assess all these cases of “compromised futures” that the General Directorate was to make itself aware of, Law 4447 established the *Juzgado de Menores de Santiago* (Santiago Court of Minors) as well as the *Casa de Menores de Santiago* (Santiago House of Minors). The *Juzgado de Menores* was the first state institution in Chile that dealt exclusively with matters of child welfare and juvenile justice. Unlike the other tribunals of the Chilean republic, this institution was both an administrative as well as a judicial one. The judge of this court was Samuel Gajardo C., a former professor from the Department of Juridical and Social Sciences at the University of Chile. Keeping in spirit with the *Juzgado de Menores*’ “dual administrative and judicial mission,” Gajardo proclaimed that when “a minor who has committed a crime or who finds himself abandoned or in moral or material danger” appeared before him, it did not “constitute a trial,” but rather, a mere “procedure of investigation.”¹⁸⁴ The aim of this investigation was to accumulate all the necessary information “for determining the true nature of the situation in which [the minor] finds himself, in order to adopt the respective measures of prevention that [will] remove him from danger.”¹⁸⁵ The final ruling on the case then, was “not a juridical sentence,” but “a simple measure of protection.” In this vein, Gajardo did not consider himself to be a jurist, but rather cast himself as a benevolent family father who was looking out for the child’s best interest.¹⁸⁶

¹⁸⁴ Samuel Gajardo C., *Los Derechos del Niño y la Tiranía del Ambiente (Divulgación de la Ley 4447)*, (Santiago: Imprenta Nacimiento, 1929), 94.

¹⁸⁵ Samuel Gajardo C., *Los Derechos del Niño*, 94-95.

¹⁸⁶ Samuel Gajardo C., *Los Derechos del Niño*, 95.

To aid the Judge of Minors in performing this new paternal role, Law 4447 established the *Casa de Menores* as a secondary institution whose central aim was to assist the *Juzgado* in its investigative proceedings. The *Casa de Menores* functioned as a sort of halfway house that received those male adolescents who, “for whatever reasons specified in the Law [of Protection,] must appear before the Judge of Minors of Santiago.”¹⁸⁷ The summoned boys were to remain in the *Casa* “for as long as was necessary to carry out [their] individual observation and the judgment of [their] case.”¹⁸⁸ This “individual observation” of each minor entailed a series of medical, psychological, pedagogical, and social examinations that detailed the physical, mental, and moral state of each boy that passed through the *Casa*. A number of different professionals performed these examinations all of which took place within an independent division of the *Casa* called the Observation Section.

According to Dr. Hugo Lea-Plaza, Director of the General Direction of Protection for Minors, the Observation Section was the “central nucleus of the organic structure of the *Casa de Menores*.”¹⁸⁹ The Observation Section’s staff of professionals was tasked with collectively producing an in depth biological and social study for each youth who passed through the Section. The resident social worker, who was always female, oversaw a report that recounted the minor’s family and social history. She gathered as many details as possible regarding the health and social status of the minor’s parents and siblings, as well as on the overall social environment in which the minor was raised. The psychologist’s investigation of the minor sought to determine

¹⁸⁷ Gajardo, *Los Derechos del Niño*, 86.

When it first opened the Casa de Menores only received boys, it did not take in any female adolescents. It wasn’t until January 1, 1930, that the Casa de Menores created a separate section to receive and process girls’ cases.

¹⁸⁸ Samuel Gajardo C., *Los Derechos del Niño y la Tiranía del Ambiente*, 31.

¹⁸⁹ Dr. Hugo Lea-Plaza, “La Section de Observación de la casa de Menores de Santiago,” in *Boletín de la Dirección General de Protección de Menores*, vol.1, no.1 (July 1929), 11.

his mental age and to assess the state of his cognitive abilities. Upon completing these diagnostics, the psychologist could then sketch out the minor's psychological profile, giving a clear sense as to the nature of his personality.¹⁹⁰ The medical investigation elucidated the minor's personal and family medical history while also determining the status of his physical development. Finally, the resident teacher administered a diagnostic exam to determine which circuit of coursework best suited the minor's educational capacities. Together these different reports constituted a "bio-social" corps of information, called the General Report, that was presented to the Judge of Minors as a part of the child's "procedure of investigation." This collectively produced information was intended to assist the Judge in assessing the child's capacity for delinquency as well as his propensity for good moral behavior so that he could accurately discern the unique measures of protection that each boy required.

Such measures of protection were tailored to the particulars of each child's irregular situation, but in general, the judge determined the proper protections for each minor based on two decisive states: abandonment and delinquency. Judge Gajardo considered a child to be abandoned when, "for the negligence or incapacity of his parents or guardians, he lacked the spiritual or material elements" necessary for his "normal" development.¹⁹¹ To remedy cases of abandonment then, it was necessary to ensure that the child had both a sufficient moral education as well as the material necessities for his healthy mental and physical maturation. Depending on the degree of the child's state of abandonment—i.e. the extent to which life on the streets or in a broken home had corrupted his moral consciousness and/or transformed him into a delinquent—the Judge designated a specific period of time for which the boy was to be enrolled in a special

¹⁹⁰ Lea-Plaza, "La Section de Observación," 12.

¹⁹¹ Gajardo, *Los Derechos del Niño*, 47.

educational or reformatory establishment. To that end, “Law [4447] created in the Province of Santiago, a reformatory school of industrial and agricultural character for male children... called the Alcibíades Vicencio Elementary Technical Institute.”¹⁹² Gajardo emphasized that the Institute was not of a penal nature, but rather an educational one. It was “a school of social readaptation,” that provided curricular and moral education in a family environment.¹⁹³ Such an institution, moreover, was not only designated for the “moral re-education” and “social re-adaptation” of abandoned children but for delinquent boys as well.

Gajardo considered delinquents to be those minors who committed “antisocial acts.” He argued that when an adolescent commits such an act, one must search for the reasons that drove him to do it, so that the corruptive influences, be they “physiological or mental deficiencies, abandonment, [or] bad examples set by people around him” may be completely eradicated from the child’s life. He posited that rather than imposing a criminal sentence on adolescents, it was healthier “to kindly penetrate [their] consciousness...making them reflect on their error, to instill in them a love for virtue, [and] to make them understand human dignity.”¹⁹⁴ Contrary to the traditional conception of crime and punishment enshrined in the Chilean Penal Code of 1874, this modern approach to juvenile justice was not an aggressive insult to the minor that had committed a crime, instead, it was the noble and uplifting word of the Judge that functioned as gentle “paternal advice.” For Gajardo the idea that fulfilling a criminal sentence restored judicial order was a “metaphysical fiction” that re-established nothing. In the end, the damage rendered as result of the crime remained the same, whether the culprit served out a sentence or not. The

¹⁹² Gajardo, *Los Derechos del Niño*, 57.

¹⁹³ Gajardo, *Los Derechos del Niño*, 57.

¹⁹⁴ Gajardo, “La Pena, Obligación Jurídica,” 6.

criminal action could not be rescinded and what was done was done. What was more important for the greater social good, then, was not the punishment of the crime but rather, “the security of knowing that the delinquent would not relapse and observe anti-social conduct in the future.”¹⁹⁵ Furthermore, Gajardo contended, secluding an adolescent criminal away in a prison cell was detrimental to the development of “the psychological personality of the child” because the family and moral society constituted the only appropriate environments for the formation of his personality.¹⁹⁶

The measures of protection that the judge could administer to minors who perpetrated anti-social acts varied depending on the extent to which his personality had been corrupted by his social environment. In cases where boys had only committed a minor offense, they could often be returned to the vigilance of their parents or guardians or placed in foster care so long as they did not exhibit any “deep-rooted wickedness” that could potentially harm society.¹⁹⁷ The next degree of preventative intervention that the Judge could administer was the provisional observation of the minor’s conduct in the home via regular visits from a social worker. This particular measure was administered to those youths who had also committed minor offenses but whose conduct was necessary to closely monitor in order to determine whether or not his transgression was accidental or stemmed from an ingrained habit that needed to be corrected.¹⁹⁸ The social worker’s task in such cases was to become acquainted with the child’s conduct, education, the environment in which he lived, and the degree of moral guidance he received from his primary guardians so as to ascertain whether the minor could improve his behavior within the present

¹⁹⁵ Gajardo, “La Pena, Obligación Jurídica,” 7.

¹⁹⁶ Gajardo, “La Pena, Obligación Jurídica,” 8.

¹⁹⁷ Samuel Gajardo C., *Los Derechos del Niño*, 55.

¹⁹⁸ Samuel Gajardo C., *Los Derechos del Niño*, 56.

environment or if he needed to be extracted from it. Children who needed to be removed from their current environment in order to extricate the precarious tendencies that had taken root in their personalities, were transferred to the Alcibíades Vicencio Elementary Technical Institute where their placement in a hyper-vigilant family environment would ensure their moral re-education and social re-adaptation.

In such cases, it was necessary to deprive the minor of his freedom and to reintroduce him into a healthy environment where he could be transformed from a social threat into a useful tool for national progress. In order to create this surrogate family environment, Law 4447 equipped the Alcibíades Vicencio Elementary Technical Institute with several *Casas Hogares* (Home Houses) which were run by married couples and furnished with all the features and amenities of a typical family home. Before being placed in one of the *Casas Hogares*, however, boys first entered into the *Casa de Ingreso* (Entry House) for an indefinite amount of time during which officials from the General Direction of Minors evaluated them. Once the General Direction approved a boy's placement in a *Casa Hogar*, he was then transferred into a "modest, hygienic, and morally healthy" residence that, ultimately, would instill in him the moral and social values necessary for his social re-adaptation.¹⁹⁹ Gajardo argued that the home and family living offered "irreplaceable values for the social education of the individual," which "the cold environment of a reformatory" or prison cell was wholly incapable of providing. A healthy family life, on the other hand, was the only "social reality" capable of transforming delinquent youths' "pernicious habits and indomitable character."²⁰⁰

¹⁹⁹ Samuel Gajardo C., *Los Derechos del Niño*, 59.

²⁰⁰ Samuel Gajardo C., *Los Derechos del Niño*, 59.

Ultimately, this modern framework for juvenile justice and welfare that Gajardo and his colleagues outlined in their various writings on the Law of Protection for Minors looked quite different in practice than it did in theory. Nonetheless, their idealized conceptions of Law 4447 and its applications highlight important changes in state-society relations that were taking shape in Chile during the late 1920s. First and foremost, the architects of these new parameters of juvenile justice and welfare strategically transformed the Chilean state from an ambivalent observer of social suffering into an active participant in its eradication. In the case of child welfare, it was now the duty of the state to provide children with the moral and material means for their normative “bio-social” development in all instances where the nuclear family had failed to do so. Likewise, in the case of juvenile delinquency, the state was now charged with providing measures of prevention, reeducation, and assistance, to all those youths who were prone to or who had acquired antisocial behaviors as a result of environmental corruptions. In both capacities the role of the state was that of an active provider for minors’ developmental needs—a role that was utterly unprecedented under Chile’s Parliamentary Republic. Beyond these abstract conceptions of the law’s ideal operation, however, was the social reality of abandonment and delinquency in Santiago—which medical and legal professionals quickly learned was far different from what they had initially anticipated.

The Social Reality of Adolescent Sexuality and “the Sexual Problem of Irregular Minors”

On January 1, 1929, the *Casa de Menores* opened its doors, initiating its regular function as a space of protection and observation for Santiago’s abandoned and delinquent children. By October of that same year, the *Casa* took in daily between fifteen and twenty boys between the

ages of nine and nineteen.²⁰¹ These new internees came from all types of social backgrounds, their experiences as diverse and unique as the fingerprint records collected from them upon their arrival at the *Casa*. Some arrived filthy, in nothing but tatters for clothing, destitute from a life of vagrancy. Others turned up in adequate material conditions but their incorrigible character led their parents or guardians to bring them before the *Juzgado de Menores*. In this case, the Juzgado appeared as a last resort for children “unfit for the home” or whose guardians “felt they were incapable of setting [him] on the right path.”²⁰² Each and every minor who was interned in the *Casa*, regardless of the diverse circumstances that had brought him there, all shared in common a personality that the Judge of Minors had deemed “worthy of greater study.” All of them, in some way or another, “had suffered various and significant modifications of their customs, habits, sociability, religious ideas, etc.” and therefore warranted the scrutiny of professional experts to help alleviate the damaging effects of these alterations.²⁰³

Working as the chief doctor of the Observation Section in the *Casa de Menores*, Dr. Enrique Gabler discovered an alarming social pattern that he believed to be the cause of many of the behavioral idiosyncrasies that a great number of the institution’s internees exhibited. Gabler was surprised to find that many of the minors he examined were generally in good health. They were far more resistant to “the deplorable hygienic conditions” in which many of them lived and they were far less receptive to contagious diseases than he had anticipated.²⁰⁴ When it came to sexually transmitted diseases though, Gabler was shocked to find that there was an alarmingly

²⁰¹ Dr. Enrique Gabler, “Consideraciones generales sobre los internados de la Casa de Menores,” in *Boletín de la Dirección General de Protección de Menores*, vol.1, no.2 (October 1929), 93.

²⁰² Gabler, “Consideraciones generales,” 93.

²⁰³ Gabler, “Consideraciones generales,” 94.

²⁰⁴ Gabler, “Consideraciones generales,” 95-96.

high number of acquired—as opposed to inherited—cases of syphilis among his young patients. He also noticed that the overwhelming majority of said cases occurred in boys who were abandoned. Gabler attributed this surprising phenomenon to the sexual precociousness of abandoned adolescents whose vagrant lifestyles completely deprived them of their youthful innocence and “virginal purity.”²⁰⁵ For Gabler this unforeseen sexual problem among Chile’s male youths was of enormous transcendence and it alone justified the dictation of Law 4447. He even went as far as to claim that “the sexual problem of irregular minors” was the source of all other problems of social transcendence currently plaguing the country and its leaders.²⁰⁶

By January 1930, one full year after the *Casa de Menores* had commenced its regular operations, Gabler was convinced of the morally corruptive influence that “alterations of the sexual instinct” had on irregular minors.²⁰⁷ He subsequently composed a commentary on the data and facts that he had gathered from his young patients throughout the year in order to support his assertion about the correlation between alterations of the sexual instinct and social deviance. Gabler, for the most part, gathered this data through tactful interrogations of his patients’ sexual histories. This was both a delicate and difficult task given that adolescent boys often responded to Gabler’s inquiry into their sexual pasts with either obstinate resistance or utter silence. Thus, he strove first to gain his patients’ confidence “by convincing them that there [was] nothing shameful in accounts of sexual history.”²⁰⁸ Next, he attempted to pull back the veil of modesty, be it genuine or false, to allow his patient to confess his habits of masturbation, “normal” sexual

²⁰⁵ Gabler, “Consideraciones generales,” 96.

²⁰⁶ Gabler, “Consideraciones generales,” 96.

²⁰⁷ Enrique Gabler, “El Problema Sexual de los Menores Irregulares,” in *Boletín de la Dirección General de Protección de Menores*, vol.1, no.3 (January 1930), 263.

²⁰⁸ Gabler, “El Problema Sexual de los Menores Irregulares,” 263.

relations, or even sexually illicit acts such as “homosexuality.” When these interrogation methods failed to induce a sexual confession, the boy in question was subjected to a medical exam that gave “special importance to the state of the genitals and the anus.”²⁰⁹ According to Gabler, such corporal emphases shed much light on a boy’s sexual past by providing undeniable proof of his sexual activities, and in turn, obligating him to make a detailed confession of his true sexual history.

Records from the *Casa de Menores* contained in the case files from the *Juzgado de Menores* did not document the specific details of the sexual confessions that doctors such as Gabler solicited from the young internees. However, the *informe medico* (medical report)—which comprised a portion of the larger “bio-social” corps of information known as the General Report—contained terminological signposts that gave some indications towards the finer details that the doctor had solicited from his patient’s sexual interrogation. Take, for example, the *informe medico* on seventeen-year-old Alberto V, who had voluntarily presented himself at the *Casa* because he was left starving after losing both his mother and his job.²¹⁰ Upon his arrival at the *Casa*, he was sent to the Observation Section where, per standard protocol, he was subjected to a series of mental and physical examinations. His subsequent *informe medico* disclosed his sexual habits in the following terms: “He no longer masturbates. Discrete heterosexual relations. Occasional active homosexual for money. Negates passive homosexuality, even though his anus is infundibular in shape.”²¹¹ It is impossible to know the details of the sexual confession that Alberto presented to the doctor who examined him, but one can imagine how this sexual

²⁰⁹ Gabler, “El Problema Sexual de los Menores Irregulares,” 263.

²¹⁰ Juzgado de Menores de Santiago, expediente #17893, November 1931.

²¹¹ Juzgado de Menores de Santiago, expediente #17893, November 1931.

interrogation might have played out. After having learned that Alberto had engaged in active homosexuality for money, the doctor would have inquired as to whether the young man had also engaged in passive homosexuality. Alberto, having negatively responded to this inquiry would have then been subjected to an anal exam to see if his bodily testimony corroborated his verbal proclamations. In Alberto's case, his body betrayed his words and the physician made a terse note of this inconsistency in his report.

These curt annotations of boys' sexual habits contained in the *informe medicos* from the *Casa de Menores* become even more revealing when measured against the findings of Dr. Enrique Gabler's report on "the sexual problem of irregular minors." Gabler had discovered that habits such as masturbation, sexual inversion, and precocious sexual activity were common practices amongst the abandoned and delinquent youth he personally examined in the Observation Section. In invasively inquiring about these habits, he gained intimate insight into the social reality of adolescent sexuality in Santiago's streets and jail cells. In particular, Gabler learned from the successfully solicited sexual confessions of his patients that a great number of vagrant boys had either committed or fallen victim to acts of sexual inversion.²¹² In the majority of these cases, young boys were taken by force by adults or older boys who raped them as they lay sleeping in the street. They were also raped in drunken states, after an older man or boy had deliberately given them alcohol in order to take advantage of their inebriated incapacities. In cases where the boys resisted the sexual advances, the rapes often turned violent and Gabler found intense scarring of the anus along with numerous other scars on the boys' bodies.²¹³ For the cases in which vagrant boys willingly engaged in sexual inversion, however, Gabler posited

²¹² Gabler, "El Problema Sexual de los Menores Irregulares," 264.

²¹³ Gabler, "El Problema Sexual de los Menores Irregulares," 264.

that it was the corruptive social environment in which they lived that drove them to commit this immoral sexual act.

Because these young vagrants lacked the moral structure and strict vigilance of the nuclear family, Gabler suggested they were highly vulnerable to “the influence of erotic or pornographic conversations, reading materials, and films.”²¹⁴ A number of Gabler’s patients had confessed to committing immoral sexual acts after experiences such as seeing an erotic film at the theater, hearing about older boys’ sexual conquests—which they frequently boasted to attentive crowds of fellow street kids—or seeing obscene illustrations in pornographic novels and magazines, which according to Gabler, should never have been in circulation in the first place.²¹⁵ He also discovered that places like train stations during the harsh winter months became environments in which immoral sexual acts were rampant. Abandoned and vagrant children gathered in large numbers in these sheltered spaces where they huddled closely together to take refuge from the rigors of the cold winter nights. According to Gabler, several of his patients had told him how the intimate contact with other children excited their senses and as a result, on multiple occasions, they collectively engaged in practices of sodomy, masturbation, and even “normal relations” whenever there were females present.²¹⁶ Gabler argued that such environments of overcrowding and sexual promiscuity, were “all too common amongst our lower classes” and provoked devastating bio-social catastrophes for Chile’s abandoned and vagrant children.²¹⁷

In regard to delinquent youths, Gabler discovered that it was also common for them to engage in acts of sexual inversion but he noted that they did so under very different

²¹⁴ Gabler, “El Problema Sexual de los Menores Irregulares,” 264.

²¹⁵ Gabler, “El Problema Sexual de los Menores Irregulares,” 264.

²¹⁶ Gabler, “El Problema Sexual de los Menores Irregulares,” 264.

²¹⁷ Gabler, “El Problema Sexual de los Menores Irregulares,” 264.

circumstances. Many young men who were detained at the orders of the regular criminal courts were violently forced to commit these illicit acts while they were held in police custody.²¹⁸ Gabler explained that before the passage of Law 4447, delinquent minors were held in the same cells as adults and frequently became the sexual prey of the latter. With the passage of Law 4447, however, minors were to be detained in the *Casa de Menores* or in separate holding cells for adolescents that were closely monitored.²¹⁹ Given young delinquents' helplessness to prevent these sexual attacks in unmonitored jail cells, Gabler only considered them to be "occasional sexual inverts."²²⁰ Most did not engage in the act beyond the prison holding cells and thus he did not deem their sexual instinct to have been permanently altered by the experience.

Taken together, Gabler's findings on the social reality of adolescent sexuality in Santiago render vague *informe medicos* like Alberto V.'s more legible despite the brusque terminology that doctors from the *Casa* used to document their patients' habits. In his final diagnosis of Alberto, for example, the doctor identified him as an "occasional homosexual."²²¹ Like Gabler's classification of delinquent boys as "occasional sexual inverts," Alberto's diagnosis as an "occasional homosexual" was due to the fact that he had engaged in sexual inversion out of necessity and not out of desire. Alberto was orphaned and homeless and did what he could to survive life on Santiago's streets. Doctors from the *Casa* frequently employed the term

²¹⁸ Gabler, "El Problema Sexual de los Menores Irregulares," 265.

²¹⁹ Gabler, "El Problema Sexual de los Menores Irregulares," 265.

He celebrated the fact that in the *Casa de Menores* they had been able to completely "avoid the realization of acts of sodomy due to the excessive vigilance practiced" in this institution.

²²⁰ Gabler, "El Problema Sexual de los Menores Irregulares," 265.

²²¹ Juzgado de Menores de Santiago, expediente #17893, November 1931.

“occasional” to specify that environmental or situational circumstances—rather than an inverted sexual appetite—had driven the patient to engage in homosexual acts.

By contrast, in the case of twelve year old Rodolfo G., doctors concluded that his “morally and materially unfavorable environment” had conditioned the “occasional” degree of his homosexuality.²²² The doctor who examined Rodolfo documented his sexual habits in the following terms: “He masturbates. Female homosexual, forced and induced on two occasions... Occasional homosexuality.”²²³ The *informe medico*, says nothing more about Rodolfo’s sexuality beyond these few sparse phrases, however, in light of Gabler’s commentary on the “sexual problem of irregular minors” and based on other information from his case, it is possible to elucidate his sexual history and the logic behind the medical professional’s designation of him as an “occasional homosexual.” Rodolfo was detained by the police for theft who then brought him to the *Casa de Menores* to initiate his trial proceedings. Rodolfo’s father had died before he was born, and his mother had passed away in child birth six months prior to Rodolfo’s detainment. Growing up, Rodolfo’s stepfather was a drunk who beat him, his siblings, and his mother, causing Rodolfo to frequently abandon his home when he was just ten years old. Away from the supervision of his mother and surrounded by other young vagrants, Rodolfo began to practice delinquency by breaking into homes and stealing purses and wallets. After his mother died, Rodolfo’s stepfather expelled him from his house leaving him completely homeless and vulnerable to the harsh conditions of life on the streets.²²⁴

²²² Juzgado de Menores de Santiago, expediente #9937, July 1930.

²²³ Juzgado de Menores de Santiago, expediente #9937, July 1930, p. 9.

²²⁴ Juzgado de Menores de Santiago, expediente #9937, July 1930, p.12-13.

Such conditions are most likely what induced Rodolfo to be forced to act as a “female homosexual” on two occasions. While Rodolfo’s case file does not contain the details of these two sexual encounters, it is likely that the scenarios in which they came to pass were similar to those instances of rape recounted by Gabler in his report. Since these encounters had been provoked by Rodolfo’s “unfavorable” social environment and they had only transpired twice, each time by force, the doctor diagnosed his homosexuality as “occasional.” This moniker signaled that his foray into the practice of sexual inversion was incidental and could be prevented from further occurrence by rescuing him from the corruptive environment that caused it. In light of his occasional homosexuality and his tendency of theft, Rodolfo was deemed deserving of “the support of the State to save him from the perpetual delinquency at which he has arrived.”²²⁵ The Judge of Minors, Samuel Gajardo, consequently ordered that Rodolfo be entrusted into the care of his grandmother, María M., and subjected to the vigilance of the General Direction of Protection for Minors via regular visits from a social worker.²²⁶ This provisional measure of protection was intended to determine whether or not Rodolfo’s delinquent tendencies would diminish upon his placement in the morally healthier environment of his grandmother’s home or if they stemmed from ingrained behaviors that required even greater corrective intervention.

In the event that his relocation did not resolve his antisocial tendencies, Rodolfo would need to be “reeducated” and “re-adapted” to society. His moral and social reeducation, as outlined in Law 4447, would take place within one of the *Casas Hogares* at the Alcibíades Vicencio Elementary Technical Institute where his “pernicious habits” could be extirpated and replaced with a “love of virtue and a renewed understanding of human dignity.” If these

²²⁵ Juzgado de Menores de Santiago, expediente #9937, July 1930, p.14.

²²⁶ Juzgado de Menores de Santiago, expediente #9937, July 1930, p.18.

measures of reeducation and re-adaptation proved successful, Rodolfo would emerge as a productive member of society who contributed to rather than detracted from Chile's national progress. It is difficult to know whether any minor's case, let alone Rodolfo's, actually yielded these idyllic outcomes. Nonetheless, the team of professionals working across the Law of Protection's institutional infrastructure were confident that their measures of prevention, reeducation, and re-adaptation were indeed successful because they were informed by science.

By the early twentieth century, research from Europe in the fields of sexual science and criminology demonstrated that the external factor of the environment can and did affect an individual's sexual and criminal disposition. By taking on corruptive environmental influences, the reformers who advocated and oversaw the Law of Protection for Minors worked to neutralize both sexual and social deviance among adolescent males. Before the passage of Law 4447, the details of male minors' full sexual histories had little to no value in the courtroom nor were they believed to be indicators of an individual's propensity for delinquent behavior. That all changed with the opening of the *Juzgado de Menores* and the *Casa de Menores* in Santiago. These new state institutions, and the professionals they employed, increasingly viewed male sexual deviance, in all its forms, as a potential threat to the social community. As a result, the intimate behaviors of a portion of the male citizenry became subjected to the vigilance of the state. As the overseer of minors' bio-social development, the General Directorate of Protection for Minors and all the institutions beneath its jurisdiction, were obligated to both record minors' sexual histories and, when necessary, rectify them so that going forward their sexual pasts might not compromise their reproductive futures.

Conclusion

The promulgation of the Law of Protection for Minors on October 18, 1928 marked a decisive shift from the crime and punishment model of juvenile justice and traditional forms of child welfare towards a more modern, scientific framing of them. Known as the doctrine of “social defense,” this new paradigm of juvenile justice and welfare was both preventative and corrective in its nature and sought to eradicate crime in Chile through early intervention in adolescents. The implementation of this new system, moreover, generated a number of new state institutions that were staffed by middle-class professionals and scientific experts. Under their direction, global ideas of sexual science and criminology became the benchmarks for treating sexual and social deviance among male adolescents in Santiago. Following the successful operation of the *Juzgado de Menores de Santiago*, the General Directorate of Protection for Minors began to open juvenile justice and welfare systems in other provinces of the Republic. Likewise, the doctrine of social defense began to inform adult criminal and prison reform initiatives during the 1930s. Chapter three looks at how preexisting ideas of Chilean sexual science and criminology fed into a local eugenic discourse that was disproportionately focused on controlling male sexuality in its growing effort to enhance the Chilean “race.”

Chapter 3

Degenerative Desire: The Problem of Homosexuality in Chilean Eugenics, 1928-1938

Reflecting on the legal and social treatment of “inverts” in Chile, Salvador Necochea Illánés wrote in 1916 that men who desired other men “were sick and should be treated as sick people.” The police and the press, he argued, did not have the authority to deal with these men because their rightful punishment was “neither prison nor public humiliation...it was the asylum.”²²⁷ Necochea’s assertion that sexual inversion was a medical condition requiring the treatment of medical professionals marked a radical departure from Chilean cultural and legal norms. Since the colonial period, men who desired other men were known as “sodomites” and the act of “sodomy” was considered not only a sin, but also a crime. As such male same-sex desire and its regulation customarily fell under the jurisdiction of religion and the law. Necochea’s suggestion that “sexual inversion” and “inverts” should be subject to the exclusive authority of science and medicine was both culturally controversial and operationally disruptive. Since sodomy was illegal in Chile, the courts were tasked with treating this “pathological condition” even though they lacked the scientific expertise to do so.

Under this status quo, conservative jurists chastised sodomites for their “offensive” conduct without any regard for the underlying medical conditions that prompted their legal offense in the first place. When it came to the matter of regulating male same-sex desire then, conservative jurists and sexual scientists were clearly at odds with one another. However, given sodomy’s longstanding criminalization in Chile, it was local jurists and not sexual scientists who ultimately had the institutional means and the cultural authority to regulate it. Despite their many

²²⁷ Salvador Necochea Illánés, “El Problema Sexual: Breve Estudio de Sociología Médica,” (Imprenta Universitaria: Santiago, 1916), 176.

calls for the decriminalization of sodomy in Chile, sexual scientists were never able to dismantle this local framework for contemplating male same-sex desire. As a result, they learned to work both with and against legal and cultural understandings of sodomy in their attempts to define and regulate male same-sex desire in modern Chile.

The medico-legal treatment of male adolescent sexuality represented one area where sexual scientists gained considerable traction with this push-pull strategy. As shown in chapter two, the Minors Law and subsequent creation a juvenile justice and welfare system merged ideas from Chilean sexual science with the new legal doctrine of social defense in order to undermine the preexisting crime and punishment model of adolescent sodomy in Santiago. This merger of sexual science and jurisprudence, in turn, generated new procedures of intervention into the intimate lives of those male minors who found themselves in an “irregular situation.” Medical and legal professionals working in the *Juzgado de Menores* and the *Casa de Menores* of Santiago did not simply chastise male minors for engaging in sodomy and other forms of sexual deviance, rather they moved to correct their sexual aberrance through moral education and social “readaptation” to help ensure their biological and social productivity. Beyond the realm of juvenile justice and welfare, however, sexual scientists were far more limited in their capacity to intervene in the intimate lives of men over eighteen years old. Within the regular criminal justice system, the crime and punishment paradigm continued to dominate prosecutions of sodomy among adult males.

Unlike the case of adolescent sodomy in the new juvenile justice system, sexual scientists could not count on the regular criminal justice system to help them resolve “the problem of sexual inversion” in adult Chilean men. For some local sexual scientists, the first step in resolving this problem was to abolish the sodomy law altogether. Still others saw environmental

reform as the best avenue to address it. With the arrival of eugenics in Chile, proponents of this latter school of thought won out over advocates of the former. As a result, shifting the matter of male same-sex desire and its regulation shifted from the realm of forensic medicine into the domain of national politics. As local sexual scientists became more active in global conversations about eugenics, Chilean ideas of sexual science grew less clinical and increasingly more political in their applications. In this regard, scientific ideas about “healthy” vs. “unhealthy” male sexual behaviors as well as “fit” vs. “unfit” types of men became markers of inclusion and exclusion in/from the Chilean national body.

This chapter shows how preexisting ideas of Chilean sexual science paved the way for a local eugenic movement in Chile that primarily targeted men’s reproductive capacities over women’s. This is not to state that proponents of Chilean eugenics and eugenicists were completely disinterested in women’s reproduction. Rather, it is to emphasize how longstanding fears about uncontrolled male sexuality made men’s reproduction a top priority on the Chilean eugenic agenda. Following the methodological path historian Nancy Leys Stepan charted in her seminal work, *The Hour of Eugenics: Race, Nation, and Gender in Latin America*, I consider Chilean eugenics to be “a science of heredity that was shaped by political, institutional, and cultural factors particular to the historical moment and place in which it appeared.”²²⁸ Through case studies of Brazil, Mexico, and Argentina in the early twentieth century, Stepan demonstrates how the legacies of African slavery, mestizaje, and massive European immigration informed the “political, institutional, and cultural factors.” As Stepan has shown, eugenics proved useful in

²²⁸ Nancy Leys Stepan, *The Hour of Eugenics: Race, Gender, and Nation in Latin America* (Ithaca: Cornell University Press, 1991), 10.

addressing these legacies because it offered “a new set of conceptions and political principals with which to express and constitute differences within the social body.”²²⁹

In Brazil, Mexico, and Argentina, these differences were predominantly ethnic in nature as the coexistence of African slaves and their descendants, recent European immigrants, and indigenous communities generated visible ethnic differences within each country’s populations. When eugenics appeared in the region, ethnicity was not a primary marker of difference in Chile, nor did the politics of race impact the nation in the same way as other Latin American countries. The impact of African slavery on the Chilean economy, politics, and society was relatively minor and the flow of European immigration to the country was more of a trickle than a torrent. Additionally, Chile’s indigenous population remained largely autonomous—as separate from but associated with the national body—until the end of the nineteenth century.²³⁰ What then did “race” come to signify in Chile’s movement for racial improvement?²³¹

Both Chilean sexual scientists and eugenicists customarily used the term “race” as a biological expression to denote the Chilean people as its own particular species of the human genus. As such, they distinctly used “the Chilean race” as a moniker to describe the whole of the Chilean population and not its parts. In the first decades of the twentieth century, medical conferences, congressional debates, and even presidential addresses a growing fear among elites that the Chilean race was on the verge of extinction. Given that Chile consistently had one of the highest infant mortality rates in the world and some of the highest general mortality rates in the

²²⁹ Leys Stepan, “*The Hour of Eugenics*,” 11.

²³⁰ While Chilean eugenicists did not use the term race in specific reference to the indigeneity of the Chilean population, it is important to note that other intellectuals and reformers did. Consequently, there were a number of state projects that sought to civilize/assimilate the Mapuches in Chile through the means of education but these projects were not eugenic in nature. For more on these projects see Romina Akemi Green Rioja, “To Govern is to Educate: Race, Education, and Colonization in La Araucanía, Chile (1883-1920)” PhD dissertation (University of California, Irvine, 2018).

²³¹ I’ve borrowed the essence of this question from Stepan. See Leys Stepan, “*The Hour of Eugenics*,” 8.

region between 1910 and 1937, the extinction of the Chilean race seemed imminent to members of the intelligentsia.²³² For Chilean eugenicists then, the politics of race had less to do with matters of ethnic difference and much more to do with national survival.

In their minds, the only way to prevent the extinction of the Chilean race was to ensure the propagation of the species. In working to resolve the demographic and public health crises that afflicted Chile in the first decades of the twentieth century, Chilean sexual scientists came to view uncontrolled male sexuality as the font of Chile's "racial degeneration." Rather than reproducing the race, Chilean men had been propagating its "involuntary suicide" and were in urgent need of sexual disciplining.²³³ Thus, eugenics appeared in Chile at the precise moment when concerns about uncontrolled male sexuality were at their zenith. Given these circumstances, Chilean eugenics primarily came to express and constitute differences within the *male* social body. Consequently, "unhealthy" sexual behaviors, such as sexual inversion, and men who were "unfit" to procreate, such as "constitutional homosexuals," became viewed not only as social outcasts, but also as threats to the Chilean nation.

Enrique Broghamer A. and "The Problem of Sexual Inversion" in Chile

In the late 1920s, sexual inversion, or "sodomy" as it was still commonly known, remained a shameful taboo that people simply refused to bring up in "decent" conversation. Chilean sexual scientists, on the other hand, had begun to discuss the topic of sexual inversion more freely and with greater frequency as they engaged in global conversations about the etiology and treatments for this "condition." While local, clinical studies of sexual inversion were few and far between in Chile, they were not completely unheard of during this period. Enrique Broghamer A.'s 1928

²³² Statistics on Chile's mortality rates are from Dr. Salvador Allende G., *La Realidad Medico-Social Chilena* (Santiago: Ministerio de Salubridad, 1939), 21; 81.

²³³ W.E. Coutts, "Las enfermedades venéreas y el matrimonio" *Serie C*, no. 4 (1931): 9.

student thesis “A Forensic Medical Study of Inverts,” was among the first—if not in fact the very first—clinical study of sexual inversion in Chile. Given that it was a qualifying student project rather than a formally funded professional endeavor, the extent of his clinical research was rather limited—his data set only included twenty cases of sexual inversion in Chilean men.²³⁴ Nonetheless, his student study provides an important local window into the scientific and cultural environment that surrounded sexual inversion in Chile in the late 1920s.

In the introduction of his thesis, Broghamer states that, when it came to sexual inversion—which he footnotes is a synonym for homosexuality—there is “a profound ignorance in our country” on the matter “especially amongst people who are thought to be cultured, such as doctors, lawyers, judges, etc.”²³⁵ In his conversation with such professionals, he noted that hardly any acknowledged encountering cases of homosexuality over the many years of their careers. If they did, the individual was overtly feminine and thus easily treated with a “derogatory joke or laugh.”²³⁶ Broghamer continued to explained that, in Chile, homosexual men “were not considered worthy [cases] of study” simply because most medical and legal professionals believed “investigations of this nature to be unpleasant or dirty” and generally not worth their time.²³⁷ As a result in the 1920s, the professional consensus on sexual inversion cast it as an abnormal inclination too offensive to seriously contemplate. He therefore urged his readers “to shed the prejudices rooted in their spirits” so that they may finally come to terms with the “bio-pathological” facts of homosexuality and get past “the old way of judging this problem”

²³⁴ Enrique Broghamer A., “Estudio Médico-legal sobre los Invertidos,” (Concepción: Litografía Nacional Luis Bittner, 1928), 45.

²³⁵ Broghamer A., “Estudio Médico-legal sobre los Invertidos,” 5.

²³⁶ Broghamer A., “Estudio Médico-legal sobre los Invertidos,” 5.

²³⁷ Broghamer A., “Estudio Médico-legal sobre los Invertidos,” 5.

with jokes and scorn. He argued that doing so, would “show an index of progress for [Chilean] forensic medicine, which today remains in diapers.”²³⁸

In comparison to other countries where discoveries in sexual science informed legal evolutions in the arbitration of homosexuality forward, Broghamer lamented Chile’s perpetual stagnancy on this issue.²³⁹ Despite the fact that, “the barbarous proceedings for judging this problem, rooted in ignorance and medieval superstition, had already had their day,” remnants of these antiquated standards continued to define legal as well as popular interpretations of this sexual condition.²⁴⁰ According to Broghamer, Chilean medical and legal professionals alike, had failed to consider this “delicate matter” from the “biological and pathological perspectives” that rightly correspond to its proper discernment. Thus, the central objective of his thesis was “to shine the light of modern science” on local cases of homosexuality, that for too long “had been contemptuously scorned,” both professionally and publicly, and that “now deserve a more exact consideration in [Chilean] criminal legislation and a more scientific criteria for their judgement.”²⁴¹ For Broghamer, the continued preservation of Chile’s sodomy law was an indication of the country’s legal and cultural backwardness regarding the issue of sexual inversion. His denouncement of these antiquated tendencies underscores how ideas of sexual science, and the degree to which they were incorporated into legal and popular practice, became important indices of a nation’s social progress.

Just like his contemporary, Dr. Waldemar E. Coutts, Broghamer viewed sexual science as the key to Chile’s national evolution. He therefore sought to institute new legal and cultural

²³⁸ Broghamer A., “Estudio Médico-legal sobre los Invertidos,” 4.

²³⁹ Broghamer A., “Estudio Médico-legal sobre los Invertidos,” 3.

²⁴⁰ Broghamer A., “Estudio Médico-legal sobre los Invertidos,” 3.

²⁴¹ Broghamer A., “Estudio Médico-legal sobre los Invertidos,” 3.

standards for interpreting sexual inversion that were based on the most recent findings of “the new science of sexology.”²⁴² In this regard, both Coutts and Broghamer appropriated global ideas of sexual science as a means of advancing Chile’s national progress. Despite their engagement with the same body of sexual science literature, though, the two developed very different interpretations of sexual inversion and its impacts on the national body. On the one hand, Coutts used the idea of sexual inversion as a foreboding example of what might happen to young men who ventured into sexual deviance or who spent too much time activating their brains over their brawn, as illustrated in the *Serie C* pamphlets. His conception of healthy versus unhealthy male sexual conduct in these pamphlets aimed to enhance the Chilean race and nation through the exclusion of weak, effeminate men from the national body and by prohibiting any sexual practices that did not lead to the production of healthy offspring. These ideas, in turn, implicitly reinforced cultural distastes and misunderstandings about the nature of sexual inversion and the circumstances and behaviors that lead to it. Broghamer, on the other hand, viewed such misconceptions of sexual inversion as a disgraceful failure to keep up with the most recent trends in sexual science that objectively evaluated this “bio-pathological” condition using sophisticated understanding rather than misinformed cultural judgments.

Broghamer directly challenged Coutts’ claims about sexual inversion and “proper” male sexual conduct, by arguing that “in Chile people have the wrong impression that inverts or homosexuals do not exist” in our country given our “national pride in being a virile race.”²⁴³ He considered such reasoning to be erroneous, bluntly stating that “homosexuality has nothing to do with whether or not a race is more or less virile,” and citing the Greeks as an example of “an

²⁴² Broghamer A., “Estudio Médico-legal sobre los Invertidos,” 6.

²⁴³ Broghamer A., “Estudio Médico-legal sobre los Invertidos,” 6.

athletic race that was very fond of same-sex love” in illustration of his point.²⁴⁴ For Broghamer, it was misconceptions such as these that sustained Chile’s medical and legal malpractice towards sexual inversion and his thesis aimed to set the record straight on this “interesting problem of legal medicine.”²⁴⁵ This “problem” that he sought to reconcile, moreover, was the glaring discrepancy between the most recent scientific treatment of “homosexuals” and the preexisting legal conditions that they were subjected to as a result of their “inverted inclinations.” Broghamer noted that in other countries where “they dedicate special attention to this problem” sexologists had been able to develop biological and legal projections for its resolution.²⁴⁶ Chile, however, was far from any such developments given the extent of the misapprehensions about this sexual condition among professionals and the general public alike.

He, therefore, made it a point to discuss the findings of the most recent scientific investigations in sexual inversion, emphasizing how their discoveries directly challenged the established beliefs and practices surrounding homosexuality in Chile. To begin, Broghamer sketched out the dominant trends in studies of inversion since the 1850s, highlighting the intellectual figures that had the most impact on Chilean legal medicine and sexual science. Chief among these were Auguste Ambroise Tardieu and Richard von Krafft-Ebing. Tardieu’s work unilaterally defined the standard procedure for forensic medical examinations in Chilean sodomy cases, which had been effective since the end of the nineteenth century and remained so throughout much of the twentieth. Broghamer noted, however, that despite its prominent influence in Chile, the “scientific value” of Tardieu’s work was debatable, given that many of his

²⁴⁴ Broghamer A., “Estudio Médico-legal sobre los Invertidos,” 6.

²⁴⁵ Broghamer A., “Estudio Médico-legal sobre los Invertidos,” 6.

²⁴⁶ Broghamer A., “Estudio Médico-legal sobre los Invertidos,” 6.

theories were shown to be banal conjectures of pseudoscience. Nonetheless, a number of people continued to subscribe to his “unacceptable” conclusions, “despite the fact that today’s science had shown quite the opposite of what he asserted.”²⁴⁷

Meanwhile the work of Richard von Krafft-Ebing constituted one of the primary references for sexual inversion within the local circuit of Chilean sexual science. In Broghamer’s opinion, von Krafft-Ebing “should be considered a grand clinician of sexual inversion rather than a psychologist,” in light of his invaluable contributions to the field, most notably, his 1886 study that established the two major camps of homosexuality: acquired and congenital.²⁴⁸ By the end of the nineteenth century, his theories on acquired versus congenital inversion had become a global taxonomic guide for identifying different types of homosexuals and their behaviors. In early twentieth-century Chile, sexual scientists such as Salvador Necochea Illanes, Dr. Enrique Gabler H., and Dr. Waldemar E. Coutts relied heavily on von Krafft-Ebing’s 1886 taxonomy to interpret local cases of inversion. Broghamer noted that by 1901, however, von Krafft-Ebing himself had “abandoned this division” and proclaimed that “sexual inversion was always based on a congenital evolutionary disorder.”²⁴⁹ In light of this, and of more recent scientific discoveries, the distinctions that von Krafft-Ebing originally made between the two types of homosexuals were no longer considered to be entirely accurate. Nonetheless, his outdated theories from 1886 had taken on a life of their own in Chile over the last several decades—a trend of misappropriation that Broghamer sought to correct.

²⁴⁷ Broghamer A., “Estudio Médico-legal sobre los Invertidos,” 11.

²⁴⁸ Broghamer A., “Estudio Médico-legal sobre los Invertidos,” 11.

²⁴⁹ Broghamer A., “Estudio Médico-legal sobre los Invertidos,” 12.

The idea that some individuals were born inverters while others became inverters over time had a profound impact on Chilean sexual scientists' perceptions of male sexuality and its regulation. Von Krafft-Ebing's 1886 study had long since established the belief in Chile that "sexual inversion was a mental disease" or "a sign of functional degeneration" for which certain individuals had an "inherited psychoneurotic predisposition."²⁵⁰ As such, these "constitutional" homosexuals were very different from "occasional" homosexuals who had acquired habits of inversion but did not have an innate psycho-sexual inclination towards members of their same sex. This distinction between the two kinds of inverters was ubiquitous in Chilean sexual science and it established a dual set of standards for diagnosing and treating cases of sexual inversion in Chilean men. Those men who were diagnosed as "constitutional" or "congenital" homosexuals were thought to be diseased degenerates who could never lead a "normal" sex life. Furthermore, they were considered to be a danger to "normal" men because they risked contaminating the otherwise "healthy" sexual inclinations of their innocent prey. Chilean medical and legal professionals therefore isolated constitutional inverters in asylums and solitary prison cells in order to prevent them from further corrupting "normal" men.

"Acquired" sexual inversion or "occasional" homosexuals, however, were not regarded with the same level of fear and anxiety as were their "constitutional" counterparts. Chilean medical and legal professionals believed most cases of occasional homosexuality resulted from environmental influences that misdirected male youths into developing habits of sexual deviance. As learned behaviors, these habits could therefore be unlearned and cured through rehabilitation. In this regard, the occasional homosexual was not beyond redemption and Chilean medical and legal professionals created a number of social programs and educational campaigns for this very

²⁵⁰ Broghamer A., "Estudio Médico-legal sobre los Invertidos," 44.

purpose including the Casa de Menores' "social re-adaptation" program discussed in chapter two and Coutts' *Serie C* campaign discussed in chapter one. This dual formulation for treating sexual inversion in Chile had become entrenched in medical and legal practices by 1928 despite recent discoveries in sexual science that, according to Broghamer, had refuted these inaccurate characterizations of homosexuality. As mentioned previously, Von Krafft-Ebing went on to rescinded his initial claims that homosexuality was an inherited mental disorder clarifying in subsequent publications that "the reversed sexual inclination itself should not be considered a psychic degeneration nor a disease" of any sort.²⁵¹ Nonetheless, a great number of medical and legal professionals continued to treat this inverted inclination as if it were a dangerous, degenerative condition.

Broghamer implicitly critiqued this outdated tendency of Chilean sexual science with a brief review of the most recent studies that treated homosexuality as if it were "simply another sexual variety."²⁵² He began by citing the works of European sexual scientists such as Sigmund Freud, Ivan Bloch, Maguns Hirschfield, and Karl Ulrichs all of whom opposed "the theory of the degenerative nature" of homosexuality given their clinical observations of homosexual men who were just as morally and physically healthy as their heterosexual counterparts.²⁵³ Broghamer stated that these observations coincided with his own clinical research on the twenty cases of homosexuality he had observed over the last several years. "Of these [twenty] cases," he wrote, "only three suffered from neurasthenia," an emotional disturbance. Two of the three cases were foreigners who had recently moved to Chile, and Broghamer concluded that it was their "social

²⁵¹ Broghamer A., "Estudio Médico-legal sobre los Invertidos," 44.

²⁵² Broghamer A., "Estudio Médico-legal sobre los Invertidos," 44.

²⁵³ Broghamer A., "Estudio Médico-legal sobre los Invertidos," 44-45.

isolation” and not their sexual orientation that caused their mental suffering.²⁵⁴ His clinical findings, therefore, corroborated the assertions of the aforementioned European sexual scientists who considered homosexual men to be no different from heterosexual men in regards to their overall mental and physical health. Broghamer thus went on to ask his readers: if science has clearly shown that homosexuality is “neither a disease nor a mental degeneration,” then how are we to treat it going forward?²⁵⁵

In response to this question, he turned again to European sexual scientists who were conducting cutting edge experiments in the fields of anatomical pathology and endocrinology. Chief among these was the Austrian physiologist Eugen Steinach and his groundbreaking experiments on “the sex-specific endocrine function of the gonadal glands in both sexes” which he began conducting in 1912.²⁵⁶ Through one of these experiments, Steinach discovered that by transplanting an ovary into a male guinea pig that “the animal’s psychic behavior, following the necessary amount of time it took for the transplant to take root, was frankly hermaphroditic.”²⁵⁷ This led Steinach to conclude that the internal secretions of the ovary and the testicle inhibited one another when they were both present in the same body. Seeing this correlation between gonadal secretions and an individual’s psycho-sexual behavior, he then examined the testicle of a homosexual man and found that its “interstitial tissue contained large epithelial cells that did not appear to be ordinary cells of interstitial testicular tissue, but rather were more like the luteal cells of the ovary.” In light of this discovery, Steinach was “inclined to attribute [male]

²⁵⁴ Broghamer A., “Estudio Médico-legal sobre los Invertidos,” 45-46.

²⁵⁵ Broghamer A., “Estudio Médico-legal sobre los Invertidos,” 47.

²⁵⁶ Broghamer A., “Estudio Médico-legal sobre los Invertidos,” 47.

²⁵⁷ Broghamer A., “Estudio Médico-legal sobre los Invertidos,” 47.

homosexuality to the hormones produced by these [female] cells.”²⁵⁸ Broghamer went on to explain that in cases where a male individual presents such an “intersexual condition of the sexual glands” he may continue to display “normal somatic and psychological sexual conduct” as long as “the vitality of the masculine cells” does not decrease in relation to that of the female cells. When “the male sex hormones quantitatively prevail, then the activity of the cells that produce female sex hormones are inhibited.” If the vitality of the male cells were to decrease, however, or if they cease to perform their endocrine function “for whatever pathological reason,” then the female cells would in turn become activated, thereby inaugurating the production of female sex hormones within the male body. In this event, the individual would begin to display feminine somatic and psychological characteristics.²⁵⁹

Steinach’s experiments in anatomical pathology ushered in a new wave of sexual science that considered sexuality to be a hormonal phenomenon produced and regulated by the secretions of the endocrine system. According to this new school of thought, homosexuality was not an acquired disease, nor a sign of mental degeneration—it was an endocrine disorder. Broghamer believed that this revelation had major implications for both professional and popular treatments of sexual inversion in Chile. In 1928, Chilean physicians still preached sexual inversion to be a dangerous disease that risked the moral corruption of male youths and endangered the vitality of the Chilean race. In addition, countless legal professionals and everyday citizens considered men who had sex with other men to be criminals as their “unnatural” sexual inclinations violated the Chilean Penal Code and the laws of the Catholic Church. Broghamer, thus, believed that the first step in resolving “the problem of sexual inversion” in Chile was to reconsider what constituted a

²⁵⁸ Broghamer A., “Estudio Médico-legal sobre los Invertidos,” 47.

²⁵⁹ Broghamer A., “Estudio Médico-legal sobre los Invertidos,” 48.

“sexual crime” in the first place and to clarify the role of the state and the rights of Chilean men in relation to such crimes.

He began by stating that a man’s right to satisfy his sexual appetite figures among several of “his natural rights and corresponds to the physiological function of the male organism.”²⁶⁰ In order to satisfy this appetite, Broghamer explained, a man must search out “a suitable object that produces in him the necessary excitation for the discharge of his genital apparatus.” He pointed out that “normally, that object should be constituted by a woman” but that for some men “that object is constituted by a member of their own sex” rather than by a person of the opposite one.²⁶¹ In the former case, where a man solicits a woman as the object of his sexual satisfaction, the law will only intervene in that union if and when a violation of rights occurs. Such violations include the consummation of the sexual act without the woman’s consent or when the female is below the legal age for engaging in sexual activity.²⁶² In the latter case, when a man solicits another man as the object of his sexual satisfaction, the law could intervene in any such union since it was considered criminal in all instances and, per the terms of the Chilean Penal Code, punishable by a prison sentence of up to 541 days. Broghamer viewed the legal discrepancies between these two sexual preferences as a “ridiculous contradiction” that was both “arbitrary” and “unjust.”²⁶³

He argued that in order to evade such arbitrary judgments, it was necessary “to abide by the principal that criminal justice only has the right to intervene in cases that result in injury or that

²⁶⁰ Broghamer A., “Estudio Médico-legal sobre los Invertidos,” 87.

²⁶¹ Broghamer A., “Estudio Médico-legal sobre los Invertidos,” 87.

²⁶² Broghamer A., “Estudio Médico-legal sobre los Invertidos,” 87.

²⁶³ Broghamer A., “Estudio Médico-legal sobre los Invertidos,” 88.

run the risk of harming individuals or society.”²⁶⁴ According to this principal, if a man satisfies his sexual appetite with another man and no harm results from their union, then the law has no right to intervene in it. Broghamer lamented that in Chile, however, the law continued to prosecute “crimes of homosexuality” according to “traditions of religious mysticism and abuses of customary law” and therefore intervened in all cases of men engaging in sex with other men legally brought forth regardless of whether or not their union had incurred injury or harm to anyone.²⁶⁵ For Broghamer, it was precisely this “religious mysticism” that endowed “the law with the right to punish an act that was harmful to no one.”²⁶⁶ He went on to explain that Article 365 of the Chilean Penal Code—the article that formally criminalized sodomy—was based on the Biblical belief that sodomy risked the destruction of society by unleashing a plague of moral contamination amongst its members.²⁶⁷ This article was established in 1874 and was still operational in 1928, despite the fact that scientific research had long since proven homosexuality to pose no such perils to nations nor races.

Ultimately, the “problem of sexual inversion” for Broghamer was that, despite the most recent discoveries of sexual science—which had deemed it an endogenous disorder of the endocrine system—Chilean law, medicine, and society continued to misjudge it. He therefore asked his readers: “What does persecuting inverts even lead to? What purpose does it serve?” To which his response was “frankly none at all.” The true consequence of persecuting inverts, Broghamer wrote, was “the indelible stain” of shame and “social ostracism” that condemns innocent individuals simply for “being subjected to a natural inclination that is different from the

²⁶⁴ Broghamer A., “Estudio Médico-legal sobre los Invertidos,” 88.

²⁶⁵ Broghamer A., “Estudio Médico-legal sobre los Invertidos,” 92.

²⁶⁶ Broghamer A., “Estudio Médico-legal sobre los Invertidos,” 92.

²⁶⁷ Broghamer A., “Estudio Médico-legal sobre los Invertidos,” 93.

majority's."²⁶⁸ In other words, some men cannot help their natural sexual inclination towards other men any more than most men can help their natural sexual inclination towards women. Why then should they be considered criminals for it? Broghamer argued that the true criminal in this scenario was in fact, the state. In continuing to consider this endogenous phenomenon of anatomical pathology—"which has been recognized by science for a while now"—as something "criminal and viscous," the state was violating the "natural right of men" to satisfy their sexual appetites.²⁶⁹ In those cases where a man's "sexual satisfaction can only be realized against the will of its object" and/or through the use of violence then the state not only had the right but the duty to deny the fulfillment of his natural satisfaction.²⁷⁰ In all other cases, however, the state simply had no right to intervene in a man's private sexual affairs.

Broghamer subsequently concluded his thesis by contemplating the right to privacy in Chile. He pointed out how, "the satisfaction of the normal sexual impulse, even outside of wedlock, does not produce...indignation and is usually considered a purely private matter; on the other hand, the satisfaction of the homosexual impulse is considered, with or without reason, to be a matter of public domain."²⁷¹ This public dimension of homosexuality, Broghamer argued, was the result of the "punitive dispositions," taken towards it in countless historical and contemporary penal codes. He pointed out that such dispositions were futile in diminishing or impeding "crimes of homosexuality," and had proven to be harmful to the men they targeted since most homosexual acts "were generally committed in private, without scandal, without infringing on anyone's rights, without alarm and without harm to any third party," and therefore,

²⁶⁸ Broghamer A., "Estudio Médico-legal sobre los Invertidos," 94.

²⁶⁹ Broghamer A., "Estudio Médico-legal sobre los Invertidos," 94.

²⁷⁰ Broghamer A., "Estudio Médico-legal sobre los Invertidos," 94-95.

²⁷¹ Broghamer A., "Estudio Médico-legal sobre los Invertidos," 96.

most of the time, “went unnoticed by police and judicial authorities.”²⁷² Launching criminal investigations into benign cases such as these constituted a wrongful intrusion of privacy which scandalized the men involved, and ultimately resulted in permanent injury to their good name and social standing.²⁷³

Gregorio Marañón and “the Problem of Homosexuality” in Spain

Despite his efforts to advance professional and popular understandings about the “true” nature of homosexuality, Enrique Broghamer’s student thesis had little to no impact on treatments of sexual inversion in Chile. Sodomy remained illegal and most Chilean sexual scientists continued to view inverts as ominous predators who sought to devour “normal” men. They therefore sought to constrain the population of inverts so that the “normal” male population could flourish and perform their true biological duty of perpetuating the Chilean race. At the time, however, the only prescribed remedy for inversion was an early intervention in adolescent sexuality that corrected boys’ inverted inclinations before they became permanent sexual habits—such were the operative aims implicit in Coutts’ *Serie C* campaign and the *Casa de Menores*’ social re-adaptation program. By 1930, European sexual scientists had greatly expanded the clinical repertoire of corrective treatments for male homosexuality, which proved highly useful to Chilean sexual scientists who had become increasingly concerned with enhancing the reproductive capacity of Chilean men.

In Chile, the most influential of these corrective regimens was by far the one put forth by Gregorio Marañón, a Spanish physician who became a key interlocutor in Chile’s “Latin circuit”

²⁷² Broghamer A., “Estudio Médico-legal sobre los Invertidos,” 96.

²⁷³ Broghamer A., “Estudio Médico-legal sobre los Invertidos,” 96-97.

of sexual science in the 1930s and 40s.²⁷⁴ A renowned Spanish doctor and intellectual, Marañón's "clinical studies in endocrinology and his outspoken support for sex reform established him as an international scientific authority with pronounced influence in Latin America."²⁷⁵ In Chile, the medical community received Marañón and his work with gusto, dedicating the June 1929 issue of the *Revista Médica de Chile* to him and his "distinguished merits" as a clinician of Iberian medicine.²⁷⁶ The editors, moreover, issued this special dedication in preparation for Marañón's upcoming visit to Chile for which he had been invited to give several talks regarding his innovative research that "had positioned him alongside the most renowned endocrinologists in the world."²⁷⁷ Also included in this issue was an original article that Marañón authored specifically for this special feature and that he dedicated to the students of Chile.²⁷⁸ The article was entitled "Homosexuality as a State of Intersexuality" and it introduced in Chile a novel typology of homosexuality that was grounded in Marañón's own theory of intersexuality.

To begin, Marañón claimed that the inclusion of homosexuality among the various states of intersexuality signaled great progress "in the comprehension of this instinctual anomaly."²⁷⁹ Like Broghamer, he argued that the criminalization of homosexuality for much of human history was the product of religious dogma that savagely punished this sexual act with "the most atrocious

²⁷⁴ For more on Marañón's role in forging a Latin circuit of sexual science in Chile see Kurt MacMillan's "Forms So Attenuated That They Merge into Normality Itself: Alexander Lipschütz, Gregorio Marañón, and Theories of Intersexuality in Chile, circa 1930" in *A Global History of Sexual Science, 1880-1960*, eds. Veronika Feuchtner, Douglas E. Haynes, and Ryan M. Jones (University of California Press, 2018), 330-352.

²⁷⁵ MacMillan, "Forms So Attenuated," 331.

²⁷⁶ "Editorial Notes" in *Revista Médica de Chile* vol. 57, no.3 (June 1929), 409-410.

²⁷⁷ "Editorial Notes," 409.

²⁷⁸ Gregorio Marañón, "La Homosexualidad Como Estado Intersexual," in *Revista Médica de Chile* vol. 57, no.3 (June 1929), 413.

²⁷⁹ Marañón, "La Homosexualidad Como Estado Intersexual," 413.

sentences.” The persistence of such barbarous punitive notions in the modern world was not only scientifically senseless, but socially inhumane and “notoriously discriminatory given the atypical psychology of homosexuals.”²⁸⁰ In this regard, Marañón and Broghamer shared the exact same belief that “a man who seeks another man, or a woman who seeks another woman, are beings just as faithful to their instincts as are those who search out the opposite sex. The difference is that, in the first case, the instinct is distorted. And for that, only Nature is responsible.”²⁸¹ Aside from this consensus on an individual’s irresponsibility for his/her inverted sexual inclinations and their shared critiques of religiously informed legal practices, Broghamer and Marañón did not agree on much else. This was because Marañón believed that when it came to “the problem of homosexuality,” it was society’s job “to study the true origins of instinctual inversion in order to try and rectify it.”²⁸² For Marañón, society had a key role to play in resolving the problem of inversion. For Broghamer, however, society had little to do with its resolution precisely because it was an endogenous condition of anatomical pathology that could only be remedied through medical intervention. Accordingly, external environmental factors could not be responsible for preventing or reversing sexual inversion, because, as Steinach’s experiments had shown, it was clearly triggered by a series of internal, pathological phenomena that sexual scientists had yet to decipher.

Marañón, on the other hand, developed a very different interpretation of Steinach’s work which ultimately became the main conceptual frame for his theory of homosexuality as a state of intersexuality. For Marañón, Steinach’s experimental findings had established beyond all doubt,

²⁸⁰ Marañón, “La Homosexualidad Como Estado Intersexual,” 413-414.

²⁸¹ Marañón, “La Homosexualidad Como Estado Intersexual,” 415.

²⁸² Marañón, “La Homosexualidad Como Estado Intersexual,” 416.

that “homosexuality [was] a phenomenon conditioned by the bisexual state of the organism” in which “the functional distortion [was] much more intense than the anatomical.”²⁸³ In other words, homosexuality was a state of intersexuality in which the internal function of the reproductive glands rather than the external anatomy of the genitals displayed both male and female characteristics. According to Marañón, Steinach had provided “decisive proof of this bisexuality,” with his discovery of large epithelial cells in the interstitial tissue of a homosexual man’s testicle that resembled the luteal cells of the ovary.²⁸⁴ For Marañón, this intersexual state of the reproductive glands caused an alteration in the psycho-endocrine correlation of the libido which, in turn, led to its inversion. He went on to explain though, that the inversion of the libido was not the only marker of this “functional” state of intersexuality. On the contrary, for “a great number of homosexuals one may also discover...a significant parallel inversion of the somatic characteristics.”²⁸⁵ This was because the intersexual state of homosexuality generally did not coincide “with intense forms of organic inversion,” as was the case in hermaphroditism, “but rather with more discrete forms of it.”²⁸⁶

It was therefore necessary to find in the intersexual homosexual the small signs that betrayed his or her sexually atypical condition. Back in Spain, Marañón had conducted his own systematic study of “a considerable number of homosexuals” over several years, the results of which, he consolidated into a clinical guide for diagnosing this “abnormal” condition.²⁸⁷ In homosexual men, the external indicators of intersexuality that he had identified included: skeletal alterations

²⁸³ Marañón, “La Homosexualidad Como Estado Intersexual,” 416.

²⁸⁴ Marañón, “La Homosexualidad Como Estado Intersexual,” 416-417.

²⁸⁵ Marañón, “La Homosexualidad Como Estado Intersexual,” 418.

²⁸⁶ Marañón, “La Homosexualidad Como Estado Intersexual,” 418.

²⁸⁷ Marañón, “La Homosexualidad Como Estado Intersexual,” 419.

such as wide hips, extreme measurements of height, a feminine disposition of the teeth, irregularities of the hair system, a hoarse voice, delicate skin, feminine mannerisms and gestures, and a general overall feminine disposition.²⁸⁸ These outward signs of male homosexuality that Marañón had identified in his clinical research were by no means novel in anyway. Rather, they were a reiteration of the findings of other sexual scientists such as Magnus Hirschfeld, Arthur Weil, Havelock Ellis, and Ivan Bloch who had long since recognized similar features in their own work. The only novel information that Marañón had provided was the claim that these were, in actuality, “the discrete signs of physical intersexuality.”²⁸⁹ In addition to these outwardly legible homosexual types were the physically illegible ones who, upon close medical examination, did not display even “the slightest vestige of intersexuality.”²⁹⁰ After launching a detailed investigation into their sexual history, however, the true state of their intersexuality became even more apparent.

Marañón estimated that of all homosexual men, two thirds presented physical signs of intersexuality while the remaining third presented no such signs. In the latter cases, it was necessary to find out what happened to these men during the period of puberty, for it was during these years that young boys experienced a number of “passing states of intersexuality,” any one of which, could provoke in them permanent perversions.²⁹¹ It was for this reason, Marañón insisted, that homosexual men, who in the moment of a medical exam presented normative masculine physical attributes and behaviors had most likely been physically feminine and/or slow to develop during puberty. This detail of their sexual past, moreover, was the key to

²⁸⁸ Marañón, “La Homosexualidad Como Estado Intersexual,” 419-422.

²⁸⁹ Marañón, “La Homosexualidad Como Estado Intersexual,” 422.

²⁹⁰ Marañón, “La Homosexualidad Como Estado Intersexual,” 422.

²⁹¹ Marañón, “La Homosexualidad Como Estado Intersexual,” 423.

unlocking “the genesis of their perversion.”²⁹² Taking into consideration these passing states of intersexuality during puberty, Marañón estimated that “the number of homosexuals with morphological signs of intersexuality neared one hundred percent.”²⁹³ But, “admitting that instinctual perversion coincided with a state of organic bisexuality” in nearly one hundred percent of cases, did not constitute a resolution to “the problem of homosexuality.”²⁹⁴ This problem, Marañón wrote, “was much more complex than the simple supposition of the existence of a female hormone in the male invert and a male hormone in the female invert.”²⁹⁵ He went on to explain that, just because “hormonal bisexuality was a necessary condition for the development of homosexuality,” did not mean that it would surely to produce it. For nearly all humans exhibited a degree of “organic bisexuality” at one point or another in their lives and yet homosexuality occurred in only a small minority of the human population.²⁹⁶

What, then, caused some people to develop abnormal inclinations as a result of hormonal bisexuality while others, with this same condition, developed perfectly normal inclinations? Marañón’s response to this question was clear and simple: it was their environment. For Marañón sexual inversion was caused by an “organic base of intersexuality” *and* “conditional psychological factors.”²⁹⁷ The “conditions” of these psychological factors, moreover, were directly determined by a “predisposed” subject’s environment. Marañón stressed to his readers that the external circumstances of the environment had the ability to either twist or straighten the

²⁹² Marañón, “La Homosexualidad Como Estado Intersexual,” 423.

²⁹³ Marañón, “La Homosexualidad Como Estado Intersexual,” 423.

²⁹⁴ Marañón, “La Homosexualidad Como Estado Intersexual,” 423.

²⁹⁵ Marañón, “La Homosexualidad Como Estado Intersexual,” 423.

²⁹⁶ Marañón, “La Homosexualidad Como Estado Intersexual,” 423-424.

²⁹⁷ Marañón, “La Homosexualidad Como Estado Intersexual,” 431.

sexual instincts of a person who presented even the slightest degree of “organic intersexuality.” And it was for this reason, he wrote, “that we respectively see men of apparently normal sexuality with homosexual instincts and men endowed with a strong organic base of intersexuality whose libido develops correctly.”²⁹⁸ Marañón believed that the process of either aligning or contorting the libido initially began during the critical period of puberty when “external influences” proved “decisive for future sexual conduct.”²⁹⁹

Chief among these external influences was the curious lure of homosexual relations among young schoolboys. “Normal” boys, Marañón explained, promptly rejected the sexual curiosities that routinely accompanied experiences of male camaraderie at school. But for those boys who were “intensely predisposed to intersexuality,” this “seduction towards homosexual relationships” was all the more threatening to their ambivalent sexual futures.³⁰⁰ It was of the utmost importance, therefore, to be hyper vigilant of the interactions between young boys at school—particularly in boarding schools—so that these potentially corruptive “homosexual seductions” did not negatively impact the development of their sexual inclinations.³⁰¹ Other potentially corruptive external influences included “excessive prolongation and intensity of the maternal environment during adolescence,” the narcissistic habit of masturbation, and failures in sexual encounters with girls that generated a fear of the opposite sex.³⁰² For Marañón, the damaging potential of these environmental situations clearly demonstrated “the decisive

²⁹⁸ Marañón, “La Homosexualidad Como Estado Intersexual,” 431.

²⁹⁹ Marañón, “La Homosexualidad Como Estado Intersexual,” 431-432.

³⁰⁰ Marañón, “La Homosexualidad Como Estado Intersexual,” 432.

³⁰¹ Marañón, “La Homosexualidad Como Estado Intersexual,” 432.

³⁰² Marañón, “La Homosexualidad Como Estado Intersexual,” 432 -435.

importance of external factors in the production of homosexual states.”³⁰³ In light of this, he confessed that he did not acknowledge the classic division of homosexuality between the two camps of acquired and congenital inversion. For him, all cases of homosexuality were congenital because they were partially produced by an organic state of intersexuality that was present from birth. Whether or not that bisexual predisposition resulted in the development of an inverted sexual instinct, however, significantly depended on the external, environmental conditions that were present at puberty.³⁰⁴

At the other end of the spectrum were those external environmental influences that contradicted homosexuality and thereby inhibited its development. Such influences included an “upright virile environment during childhood, a lack of homosexual seductions, normality and success in the first sexual encounters, and fortune in female friendships,” all of which “produced an inhibitory effect on the inversive tendency,” and favored, the development of “the normal tendency” in its place. In addition to these favorable factors, Marañón also identified those “religious, ethical, and social influences that tended to besmirch homosexuality and beautify heterosexual love” to be positive environmental conditions that reinforced the straight and narrow path of heterosexuality for all young men.³⁰⁵ In this regard, Marañón believed that the external factor of the environment played a key role in rectifying the internal problem of homosexuality. He therefore “called upon teachers and parents to carefully monitor the sexual conduct and morphology of pubescent boys” and prescribed sex education both in schools and at home as a crucial first line of defense against the development of sexual inversion.³⁰⁶ Marañón’s

³⁰³ Marañón, “La Homosexualidad Como Estado Intersexual,” 435.

³⁰⁴ Marañón, “La Homosexualidad Como Estado Intersexual,” 436-437.

³⁰⁵ Marañón, “La Homosexualidad Como Estado Intersexual,” 437.

³⁰⁶ MacMillan, “Forms So Attenuated,” 343.

preventative, environmental approach to the problem of homosexuality perfectly complimented preexisting ideas of Chilean sexual science that sought to enhance the male reproductive capacity by improving his environment and/or preventing his sexual deviance.

Fathering the Race: The Emergence of a Eugenic Project in Chile

By the mid-1930s, one of Chile's most prominent local sexual scientists had become one of its most internationally renowned eugenicists: Dr. Waldemar E. Coutts.³⁰⁷ As shown in chapter one, Coutts' *Serie C* campaign sought to displace Biblical understandings of sexuality with bio-evolutionary understandings of it in an effort to curb the spread of sexually transmitted diseases in Chile. But the significance of his sex education campaign did not stop there. It was also one of the first national platforms that brought eugenic narratives about men's reproduction and the future of the Chilean race into the public realm. In the late 1920s Coutts' was still in the early stages of his professional and political career. The *Serie C* pamphlets he authored during this period thus contained mere seeds of a larger eugenic ideology he would later develop and promote throughout the 1930s. Because Coutts was one of Chile's most influential eugenicists, an analysis of his intellectual development is key to understanding how and why the Chilean eugenic movement ultimately stood apart from other movements in the region. His early writings are particularly important to that end because they showcase the different intellectual currents that shaped his eugenic philosophy and informed his political agenda going forward.

To begin, Chilean sexual scientists had proclaimed education as an important tool for ensuring boys' normative sexual development long before Coutts launched his 1928 campaign. His colleague Salvador Necochea Illánés declared in his 1916 thesis that "a boy who is fully

³⁰⁷ Marcelo Sánchez Delgado, "Sexo, Eugenesia y Política: Waldemar Coutts (Chile, 1895-1959)," *Revista de Historia (Concepción)* 25, no.1 (Jan.-Jun. 2018): 121.

aware of the meaning of his first sexual emotions” was of greater value to society than “an ignorant boy [who] abandoned to himself, begins by instinct or by imitation to acquire the horrific habit of masturbation.”³⁰⁸ Coutts’ *Serie C* campaign was in many ways a direct response to Necochea’s proclamation as well as a continuation of his ideas about closely regulating male sexuality. As previously noted in chapter one, Coutts took much of the material on men’s sexual development for his *Serie C* pamphlets directly from Necochea’s thesis—repeating, almost word for word in some instances, Necochea’s arguments. Coutts and Necochea both graduated from the University of Chile’s School of Medicine within two years of each other—Necochea in 1916 and Coutts in 1918—and both were esteemed disciples of their shared faculty advisor Dr. Eduardo Moore.³⁰⁹ Coutts, consequently, had been steeped in local traditions of sexual science that framed men’s reproduction in strict bio-evolutionary terms and advanced the professional study of men’s sexual development over that of women’s.

It was Coutts alone, however, who integrated these preexisting tendencies of Chilean sexual science with emergent ideas of Social Darwinism. The epigraph with which he chose to begin *Serie C*’s inaugural leaflet on “Masturbation and its Dangers” hinted at his affinity for Social Darwinism and read as follows:

“I am convinced that a nervous constitution and excessive irritability in a weak subject predisposes him to masturbation. Strong, robust young men who live in the countryside or in well ventilated locations and who work more physically than intellectually are not tormented by erotic ideas nor venereal desires to the same degree, nor in the same way, as those hysterical, emotional, and nervous individuals who live in the interior and worry more about their intelligence and imagination than they do their muscles.” -Beard.³¹⁰

³⁰⁸ Necochea Illán, “El Problema Sexual,” 36.

³⁰⁹ Marcelo Sánchez Delgado, “Sexo, Eugenesia y Política: Waldemar Coutts (Chile, 1895-1959),” *Revista de Historia (Concepción)* 25, no.1 (Jan.-Jun. 2018): 112.

³¹⁰ W.E. Coutts, “La Masturbación y sus Peligros,” *Serie C*. no.1 (1928): 3.

While Coutts' vague reference to the speaker of this quote renders its source obscure, the message it conveys, nonetheless, is rather transparent. Coutts, like Beard, considered a predisposition for sexually deviant behaviors like masturbation to be an attribute of the weak, placing the blame for these aberrant inclinations on a subject's physical constitution and/or his environment. Rather than stand by and watch young Chilean men enlist in the ranks of the weak, Coutts took action to augment the ranks of the strong by educating the youth of Chile about the "natural," biological laws of sex. He argued that by coming to terms with these laws Chile's young citizens would discover "their true value" as men and could then direct "their activities towards enterprises of self-enhancement" and the daily fight to conserve the species.³¹¹ Together, these statements underscore Coutts' Darwinian interpretation of Chilean masculinity that not only defined his *Serie C* campaign, but also guided his larger eugenic project over the next decade.

The third pamphlet in Coutts' educational series, entitled "To Young Men," further details the Darwinian code of manliness that he sought to institute in Chilean society through this campaign. In it, he expressed to his young male readers that, while society "tells us we should be manly... no one has bothered to explain to us what that really means."³¹² He noted that from a young age Chilean boys were presented "with a series of erroneous interpretations about what it means 'to be a man'" which led them to believe that "being a man" meant "being sensual" or sexually active. Coutts argued, however, that the "manliest man," was in fact "the one who work[ed] the hardest to vanquish all other men in the fight for existence," maintaining that anyone who mocked this sacred battle by "making it a field of [sexual] pleasures" was anything

³¹¹ Coutts, "La Masturbación," 8.

³¹² W. E. Coutts, "A los Jóvenes," *Serie C*, no. 3 (1928): 7.

but manly.³¹³ Ultimately, for Coutts, an individual's manliness was determined by his overall biological fitness, that is, his ability to preserve his "normal" sexual function, find a mate, and father healthy offspring. Of these three considerations for biological fitness, the first was the most important because it determined a young man's future ability to procreate as well as the potential vitality of his offspring.

It was for this reason that boys needed to be fully aware of the biological meanings of their first "sexual emotions" the moment they began to experience them around puberty for it was during this crucial window of sexual development that young boys most risked endangering their reproductive futures. This was because the onset of puberty in a boy's life brought with it new ventures in sexual exploration, which, more often than not, led him straight into the lair of masturbation. If he did not navigate his way carefully through this new and dangerous territory, he might fall prey to the predator of sexual deviance silently lurking in the shadows around him. Coutts explained to his readers that the easiest victims for this silent predator were "those withdrawn boys of physically inferior aptitudes."³¹⁴ And, as the vice of masturbation consumed these "weak" victims, their "indifference to the opposite sex and fear of normal intercourse" grew more and more with each passing day.³¹⁵ As their fear of "normal" intercourse grew, so did the frequency with which they practiced their deviant habit. And the more ingrained their deviance became, the greater "the ease with which they turned themselves over to abnormal practices, [like] sodomy."³¹⁶ Even if these disgraced young men were left with a tiny bit of will to break free from the tyranny of their vice, their attempts at escape were doomed to fail. By the

³¹³ Coutts, "A los Jóvenes," 8.

³¹⁴ Coutts, "A los Jóvenes," 6.

³¹⁵ Coutts, "A los Jóvenes," 6.

³¹⁶ Coutts, "A los Jóvenes," 6.

end of it all, their sexual deviance had rendered them physically weaker than they were to begin with and psychologically incapable of carrying out “normal” intercourse with a woman.³¹⁷

After painting this grim portrait of weak young men and their path to sexual deviance, Coutts reassured his readers that they could avoid such a dismal end by learning how to manage their initial sexual inclinations in a “healthy” way. He noted that a young boy easily could put his first sexual urges on mute by channeling his youthful exuberance into an active, healthy lifestyle. “Healthy distractions,” such as sports and other activities that “fortify the spirit and the body,” could shut down any untimely sexual sensations that might cause him to develop a “precocious sexualism.”³¹⁸ Developing their sexuality before they were mature enough to understand their “true place in life,” could prove “highly harmful to their [reproductive] future”—as demonstrated by those boys who had entangled themselves “in the web of the solitary pleasures [of] masturbation.”³¹⁹ Rather than risking their “true value as men” by acquiring a habit that left them physically and psychologically impotent, Coutts encouraged his young readers to enhance their physical and spiritual strength through daily exercise and self-discipline. Such habits were duly beneficial because not only did they shield young men from the potential perils of sexual deviance, they ensured that going forward, Chile’s male stock would be biologically fit to breed strong, robust offspring that exponentially enhanced the Chilean race with each new generation.

Coutts’ bio-evolutionary notions of masculinity and male sexuality established clear differences between strong, “fit” men who nobly enhanced the Chilean race and weak, “unfit” men who shamefully disgraced it. His biologically informed standards for male sexual conduct

³¹⁷ Coutts, “A los Jóvenes,” 7.

³¹⁸ Coutts, “A los Jóvenes,” 6.

³¹⁹ Coutts, “A los Jóvenes,” 6.

and masculinity, moreover, overlapped perfectly with Marañón's ideas about male homosexuality and its prevention. Unlike Enrique Broghamer, both Coutts and Marañón believed that a boy's social environment had a key role to play in his normative sexual development. It was therefore vital to ensure that in the home, at school, and in society boys grew up in healthy, virile environments that oriented their sexual appetites towards the opposite sex and that endowed them with the physical capacity to both start and provide for a family. But where Marañón saw these positive environmental influences as the answer to "the problem of homosexuality," Coutts saw them as the answer to the much larger problem of Chile's racial degeneration.

In further advancing his bio-evolutionary terms of masculinity and male sexuality in Chile, Coutts and his ideas became increasingly eugenic in their nature. His 1934 presentation at the second Pan-American Conference of Eugenics and Homiculture in Buenos Aires not only underscores Coutts' intellectual transition from a sexual scientist to a eugenicist, it also speaks to the distinct aims of his eugenic agenda for Chile. That year the conference's theme was eugenic sterilization and Coutts was sent to convey Chile's position on it.³²⁰ Historian Marcelo Sánchez Delgado has shown that, in regards to this theme, Coutts made arguments both for and against it in his presentation entitled "Sterilization from the Bio-Social Point of View"—which he subsequently published in the *Revista Médica de Chile*.³²¹ More significant than his ambiguous stance on sterilization, Coutts presented the issue through a "bio-social" perspective closely associated with Marañón's theories. In line with this bio-social perspective, Coutts proposed an

³²⁰ Sánchez Delgado, "Sexo, Eugenesia y Política," 121.

³²¹ Waldemar Coutts, "El problema de la esterilización desde el punto de vista bio-social," *Revista Médica de Chile* (1934) 391-405.

approach to racial enhancement that was predicated on external interventions in the environment rather than on internal interventions on the body.

For Coutts, improvements in the economy, public housing, and education were more promising avenues to enhance the race than were the “mysterious” and “uncertain” laws of Mendelian selective breeding.³²² Coutts admitted that “given the current constitution of [Chilean] society, the State [had] the right to promote the artificial selection of its members,” however, it should not be through the “mutilating” measures of forced sterilizations and abortions, but rather through “provisions that tended to ensure the integrity of its species and its conservation.”³²³ Coutts deemed such mutilations to be counterproductive to the ultimate goal of propagating and preserving the Chilean species—although he conversely praised the practical benefits of sterilization in other national contexts.³²⁴ This was because, in the context of Chile, eugenicists were most concerned with issues of population growth and disease prevention. They, therefore, sought to increase the nation’s birth rate and decrease its mortality rate. Chilean eugenics, in this regard, were more preventative than corrective in nature. And the resulting projects and policies they inspired sought to enhance the Chilean race through “positive” methods of social reform rather than “negative” methods of forced sterilizations and abortions.

While this more “positive” approach to reproductive intervention dominated Chilean eugenic thought, it was not unique to Chile. In fact, it was a hallmark of a wider “Latin” school of eugenic thought. Historian Chiara Beccalossi has noted that during the interwar period eugenicists from Latin countries, in both Europe and Latin America, came together “to reject

³²² Coutts, “El problema de la esterilización,” 400.

³²³ Coutts, “El problema de la esterilización,” 401.

³²⁴ Coutts, “El problema de la esterilización,” 402-403.

methods typical of negative eugenics such as sterilization,” and to advocate instead for the enhancement of “the race through the promotion of maternal and child care.”³²⁵ Latin eugenicists, as a result, were mainly concerned with matters of sex, fertility, and reproduction.³²⁶ With their heightened preoccupation with regulating men’s sexuality, Chilean eugenicists stood out from the rest of the Latin school of thought. Contrary to other Latin eugenic movements, the Chilean one focused on male as opposed to female sexuality as the primary site of intervention. In doing Chilean eugenicists not only made distinctions *between* men and women but *among* them as well.

Conclusion

Preexisting traditions of sexual science in Chile consistently portrayed male sexuality as a social “problem” requiring state intervention. In the “problem of procreation” (chapter one), “the sexual problem of irregular minors” (chapter two), “the problem of sexual inversion,” and “the problem of homosexuality” (both discussed above) the primary focus of sexual scientists remained men and not women. Except for Enrique Broghamer and “the problem of sexual inversion,” these various sexual issues were all predicated on differentiating between “normal” kinds of men and male sexual behaviors and “abnormal” ones with the latter in constant need of correction. Since the turn of the twentieth century, Chilean physicians had assimilated global ideas of sexual science to express and constitute differences within the male social body. When local physicians such as Waldemar Coutts began to transfer global ideas of sexual science from medical circles to political ones, ideas about men’s biological fitness and sexual productivity

³²⁵ Chiara Beccalossi, “Latin Eugenics and Sexual Knowledge in Italy, Spain, and Argentina: International Networks across the Atlantic” in *A Global History of Sexual Science, 1880-1960*, eds. Veronika Fuechtner, Douglas E. Haynes, Ryan M. Jones (University of California Press, 2018), 305.

³²⁶ Beccalossi, “Latin Eugenics and Sexual Knowledge in Italy, Spain, and Argentina,” 305.

became more socially potent. Chapter four investigates how the translation of these newly emergent eugenic ideals into state policies and reform movements generated a social culture in Chile that was increasingly hostile towards “homosexual” men.

Chapter 4

Defending the Race from Antisocial States: Eugenic Reform Movements in Mid-Century Chile

On August 18, 1939, President Pedro Aguirre Cerda with all the “energies of his soul” and with all his “patriotic love” summoned “all Chileans to cooperate in a sacred campaign for the fortification of [the] race.”³²⁷ His call for the Chilean people to unite in protection of “the race” coincided with the promulgation of decree No.4157 or “la Ley de Defensa de la Raza” (the Law in Defense of the Race). With it, the President sought to stimulate “a greater joy for living” in Chile through specific reforms for working-class leisure.³²⁸ While indeed he had addressed all Chileans in his announcement of this campaign, the President was speaking primarily to poor, working men. It was this particular sector of the Chilean citizenry that the national military service had reported to be “physically insufficient” due to their “malnutrition, unhygienic living conditions, and social diseases.”³²⁹ Adding to these physical insufficiencies was this class of men’s lack of “honest” entertainment which had subjected them to a whole host of moral corruptions such as drinking, gambling, and sexual promiscuity.³³⁰ La Ley de Defensa de la Raza sought to remedy this dual problem by staging an intervention in poor men’s post-work diversions.

Rather than squandering their free time on unhealthy, immoral pursuits, the President encouraged working-class men to harness it for the invigoration of body, mind, and spirit. To aid

³²⁷ “Un Llamado del Presidente de la República en Defensa de la Raza,” *Revista de Criminología y de Policía Científica* 2, no.20 (July 1939): 10.

³²⁸ “Un Llamado del Presidente,” 10.

³²⁹ “Un Llamado del Presidente,” 10.

³³⁰ “Un Llamado del Presidente,” 10.

in these self-improvement efforts, Pedro Aguirre Cerda mandated the creation of a national institution which he dubbed “Defensa de la raza y aprovechamiento de las horas libres” (Defense of the Race and the Utilization of Free Time).³³¹ The institution, which fell under the jurisdiction of the Ministry of the Interior, was tasked with creating local centers where working-class Chileans could gain access to “extensive and modern programs of physical education, sports, recreation, social work, and culture.”³³² Together these programs were intended to help working-class adults achieve both “a maximum physical capacity” and “a superior spiritual culture.”³³³ The President, and the new Popular Front government that he represented, viewed the physical and moral elevation of the Chilean race as a necessary precondition for national progress—one that all other administrations hitherto had failed to meet.

According to the President, social diseases, alcoholism, and delinquency had been devouring Chile’s “racial reserves” since the turn of the century, and while the state had taken some measures against these “plagues that degrade the race” they had repeatedly proven to be ineffective.³³⁴ Pedro Aguirre Cerda thus deemed it necessary to launch a new, innovative campaign that would bring about “a swift and radical solution” to the problem of Chile’s racial degradation.³³⁵ La Ley de Defensa de la Raza veritably was a *radical* solution to this perceived problem for more reasons than one. As the policy brainchild of the Radical Party—which was the vanguard party of the ruling Popular Front coalition that rose to power in 1938—la Ley de

³³¹ “Decreto Organico No.4157,” reproduced in *Revista de Criminología y de Policía Científica* 2, no.20 (July 1939): 12-13.

³³² “Defensa de la Raza y Aprovechamiento de las Horas Libres,” (Santiago: Empresa Editora Zig-Zag, 1940), 33.

³³³ “Un Llamado del Presidente,” 10.

³³⁴ “Un Llamado del Presidente,” 11.

³³⁵ “Un Llamado del Presidente,” 11.

Defensa de la Raza quite literally was a Radical campaign. The Radical Party, more so than any other faction of the Popular Front coalition, represented the interests of reformist, middle-class professionals.

This particular cadre of politicians sought to distinguish themselves and their policy projects from the conservative elites of past governments—who were utterly indifferent to both policymaking and the plight of the popular classes—by emphasizing the authority of their scientific expertise and demonstrating their active commitment to popular interests.³³⁶ In conceptualizing la Ley de Defensa de la Raza, middle-class professionals encountered an opportunity to channel their scientific expertise into policymaking. Meanwhile, in its ceremonial promulgation, Radical politicians found an opportunity to publicly perform their populist sentiments. La Ley de Defensa de la Raza, therefore, could not have been a more fortuitous vehicle for advancing this radical, popular-front agenda. What was perhaps most radical about it though, was the fact that it was the first campaign of its kind to conceptualize both its policy inputs and outputs in markedly eugenic terms.

While historians of the popular-front era in Chile certainly have acknowledged the eugenic dimensions of la Ley de Defensa de la Raza, they have yet to unpack them fully. In this regard, Historian Karin Alejandra Roseblatt has shown that, with la Ley de Defensa de la Raza, popular-front leaders were not promoting a eugenic agenda of racial whitening through the engineered means of immigration or miscegenation—as was the case in Argentina and Brazil—rather, they were advocating for the uplift of the Chilean race from poverty through enhanced welfare services.³³⁷ She attributes this distinction to the ambiguity of the Popular Front’s racial

³³⁶ Karin Alejandra Roseblatt, *Gendered Compromises: Political Cultures & the State in Chile, 1920-1950* (Chapel Hill: The University of North Carolina Press, 2000), 39.

³³⁷ Roseblatt, *Gendered Compromises*, 41.

discourse in which they “portrayed Chile as a racially homogenous nation,” implied that a “Chilean was simply a Chilean,” and frequently used the term “Chilean race” to refer to “poor Chileans; *el pueblo*.”³³⁸ Consequently, she argues, “popular-front intellectuals did not create racial taxonomies based on either biology or fixed cultural attributes, and popular-front supporters refrained from mobilizing racial categories for the purposes of outright exclusion.”³³⁹ While such socio-political renderings of the Popular Front’s racial discourse help to explain why Chile’s eugenic agenda differed so greatly from that of its neighbors, they tend to obscure the influence of *local* scientific theories on *local* conceptions of race.

The term “Chilean race,” as the previous chapter demonstrates, had distinct uses and meanings within local medical circles that absolutely must be taken into consideration when contemplating both the Popular Front’s racial discourse and the eugenic aims of *La Ley de Defensa de la Raza*. Where popular-front politicians primarily used the term “Chilean race” to refer to poor Chileans, “*el pueblo*,” Chilean physicians mainly used it to denote the physicality of the national body “*el cuerpo*.” This distinction is important because it shifts attention away from socio-political markers of difference and onto biomedical ones. Based on an analysis of local medical publications, chapter three argued that the politics of race in Chile had far less to do with ethnic differences within the social body and all the more to do with sexual differences among Chilean men. This chapter builds on that assertion to demonstrate that, in expressing these differences, local intellectuals created a taxonomy of “fit” and “unfit” male types that were based on biology and that Chilean leaders and other actors deliberately mobilized for exclusionary purposes.

³³⁸ Roseblatt, *Gendered Compromises*, 41.

³³⁹ Roseblatt, *Gendered Compromises*, 40-41.

By reinserting local biomedical perspectives of race into my analysis of la Ley de Defensa de la Raza, I not only seek to reevaluate the eugenic aims of this popular-front policy project, but to account for its broader impacts on mid-century Chilean society. To do this, I first examine the ways in which la Ley de Defensa de la Raza explicitly celebrated certain types of men and their behaviors (fit men) and implicitly condemned others (unfit men). I then pivot my attention onto those male types who were deemed unfit for inclusion in the social body in order to investigate how their theoretical exclusion from society translated into their practical marginalization from it. Using criminology journals and legal theses, I show how efforts to identify unfit Chilean men resulted in the criminalization of male homosexuality and led to a stark increase in its policing. As a whole, the chapter reveals how local scientific theories of male sexual difference constructed a homosexual threat in mid-century Chile that, over time, intensified discriminatory practices towards men who desired other men.

Promoting Fitness among Chilean Men

The promulgation of la Ley de Defensa de la Raza in 1939 constituted a watershed in the history of eugenics and sexual regulation in Chile. Prior to Pedro Aguirre Cerda's national summons to defend the race, Chilean sexual scientists and eugenicists struggled to communicate that same call to the wider public. Dr. Waldemar E. Coutts and his 1927 *Serie C* campaign, for example (discussed at length in chapters 1 and 3), simply could not reach the whole of the Chilean public to the same extent that the President and la Ley de Defensa de la Raza could. As the Technical Chief of the Social Hygiene Division of the Ministry of Social Welfare, Coutts had a much smaller platform for public outreach. Consequently, he had limited access to state resources and to the national audience, both of which were critical for the promulgation of a large-scale eugenic campaign directed at "all" Chileans. Because of these restrictions, Coutts'

Serie C campaign amounted to nothing more than a small-scale propaganda project that targeted but one sector of the population: adolescent boys and young men. Nonetheless, Coutts' minor eugenic campaign had major impacts on the development of social policy in mid-century Chile going forward.

To begin, a number of eugenic ideas from Coutts' *Serie C* pamphlets fed directly into la Ley de Defensa de la Raza's policy narrative. By far, the most salient of these ideas was the concept of fitness. Across his *Serie C* pamphlets Coutts advanced a notion of biological fitness that distinguished fit men as strong, healthy, and virile and unfit men as weak, diseased, and sterile.³⁴⁰ For Coutts, the archetype of the "fit" Chilean man was a fruitful father who invigorated the Chilean race by siring robust children that lived beyond their infancy and into adulthood. By contrast, the "unfit" man was an individual who squandered his reproductive value by acquiring a venereal disease or an inversion of his sexual appetite—both of which Coutts believed to be caused by external, environmental influences. One of the central goals of his campaign, therefore, was to ensure that the male youth of Chile did not succumb to any environmental influences that might compromise their reproductive potential and/or the vitality of their future offspring.

In service of this objective, Coutts suggested that boys and young men channel their first "sexual emotions" into healthy distractions such as sports and other activities that "fortify the spirit and the body" as an express means of preventing their sexual deviance and enhancing their biological fitness.³⁴¹ La Ley de Defensa de la Raza likewise emphasized moral discipline and physical exercise in its promotion of working-class welfare. As a means to what end, however,

³⁴⁰ Coutts' characterizations of fit and unfit men are discussed at length in chapter three.

³⁴¹ W. E. Coutts, "A los Jóvenes," *Serie C*, no. 3 (1928): 6.

has been largely open to debate. For Karin Alejandra Roseblatt, *La Ley de Defensa de la Raza*'s emphasis on enhancing the well-being of the Chilean working classes was a strategic means through which popular-front leaders sought to cultivate political consensus among the far Right and the far Left. She notes that in advocating for working-class welfare, popular-front leaders like Salvador Allende Gossens had to persuade conservative elites that what was good for Chile's "human capital" was good for the economy—if the working classes were "healthy and robust," then the national economy would be just as well.³⁴² For her, *la Ley de Defensa de la Raza*'s welfare agenda was a political bargaining chip that popular-front leaders used to reconcile the social demands of the working poor with the economic interests of wealthy elites.

Historian Patrick Barr-Melej, on the other hand, views *la Ley de Defensa de la Raza*'s welfare agenda as a continuation of early-twentieth-century reform efforts "to promote social stability and liberal democracy" through popular education.³⁴³ Just as these earlier reform efforts gave working-class adults unprecedented "access to cultural resources" through the creation of night schools and popular libraries, so too did the *Defensa de la Raza* institute.³⁴⁴ The institute itself was comprised of small, regional centers that provided working-class adults with recreational and educational resources for their "physical and moral betterment."³⁴⁵ Barr-Melej characterizes these centers as places where working-class adults could participate, at no cost, in "friendly gatherings, physical exercise, [and] conferences about hygiene and morals," barring

³⁴² Roseblatt, *Gendered Compromises*, 40-41.

³⁴³ Patrick Barr-Melej, *Reforming Chile: Cultural Politics, Nationalism and the Rise of the Middle-Class* (Chapel Hill: University of North Carolina Press, 2001), 203.

³⁴⁴ Barr-Melej, *Reforming Chile*, 203. The national organization tasked with turning *la Ley de Defensa de la Raza*'s decrees into concrete services was called "Defensa de la Raza y Aprovechamiento de las Horas Libres" (Defense of the Race and the Utilization of Free Time) which I refer to from here on out as the "Defensa de la Raza institute."

³⁴⁵ Barr-Melej, *Reforming Chile*, 203.

they did not “engage in conversations about politics, world affairs, or religion.”³⁴⁶ For the most part, he focuses on the educational value of these centers in order to show how the Ministry of Public Education effectively co-opted them in a concerted effort to ramp up nationalist instruction across the educational landscape in Chile during the early 1940s.

In both cases, Roseblatt and Barr-Mejj have highlighted the elements of la Ley de Defensa de la Raza that most reflect their own research interests—Roseblatt’s being the political culture of the Chilean compromise state and Barr-Mejj’s the cultural politics of Chilean nationalism. Neither of them, consequently, was particularly struck by the ubiquity of physical fitness in la Ley de Defensa de la Raza’s policy narrative. Given that the link between fitness and wellness is a rather obvious one, it’s not surprising that either would look past it. My research, by contrast, is particularly concerned with the eugenic meanings of fitness and therefore does not take its ubiquity in Defensa de la Raza narratives nor its seemingly obvious link to wellness for granted. More than just a standard factor in the formula for enhancing working-class welfare, I show that physical fitness was in fact the linchpin of the entire initiative. This was because the “physical betterment” of working adults, was more than just a means of brokering political consensus or perpetuating economic reproduction—it was an urgent matter of national survival.

By the late 1930s, the problem of Chile’s demographic instability was perhaps one of the most pressing national crises. While the issues of political dissent, economic reproduction, and nationalist indoctrination, were indeed high ranking matters on the Popular Front’s national agenda, none of them were necessarily matters of life and death. Between 1910 and 1938 Chile consistently had the highest general mortality rate in all of Latin America and one of the highest

³⁴⁶ Maximiliano Salas Marchán, “La obra educacional de Don Pedro Aguirre Cerda,” *Revista de Educación* 2 (August 1942): 10 quoted in Barr-Mejj, *Reforming Chile*, 203.

infant mortality rates in the world.³⁴⁷ Consequently, the ubiquity of physical fitness in *Defensa de la Raza* narratives was first and foremost a reflection of the Popular Front's growing concern over Chile's demographic vitality. Read in this light, *la Ley de Defensa de la Raza*'s attempt to improve the physical capacity of working-class adults takes on heightened eugenic meaning. While exercise and sports programs in conjunction with classes on health, hygiene, and morals might have been intended to benefit economic reproduction in the long-term, in the short term they were meant to benefit sexual reproduction more expressly.

In early 1939, Chile's already high mortality rates were exacerbated by the deadliest earthquake in the nation's history. The 8.3 magnitude quake struck the city of Chillán in south-central Chile on January 24, 1939 and claimed the lives of over 24,000 people while injuring many more.³⁴⁸ Having been sworn in as president a mere month before this catastrophic event, Pedro Aguirre Cerda's presidency was defined by a spirit of national reconstruction and development. A week after the earthquake hit, the President formally presented Congress with a six-year plan for Chile's national development and reconstruction as a response to the country's mounting devastation.³⁴⁹ *La Ley de Defensa de la Raza*, promulgated on August 18, 1939, was very much a part of Pedro Aguirre Cerda's larger plan for national reconstruction and development. Its primary objectives, however, were neither material nor economic in nature—they were demographic. In the wake of the Chillán earthquake, the issue of Chile's demographic development became all the more serious.

³⁴⁷ Dr. Salvador Allende G., *La Realidad Médico-Social Chilena* (Santiago: Ministerio de Salubridad, 1939): 19.

³⁴⁸ Francisco Corvalán, "Chillán 1939: A 80 Años del Terremoto Más Letal Registrado en Chile," *La Tercera*, January 23, 2019, <https://www.latercera.com/que-pasa/noticia/chillan-1939-a-80-anos-del-terremoto-mas-letal-registrado-en-chile/498275/>

³⁴⁹ Brian Loveman, *Chile: The Legacy of Hispanic Capitalism*, (New York and Oxford: Oxford University Press, 2001): 211.

Such a deadly event was sure to trigger a population decline, an impending crisis for which there could be only one remedy: a higher birthrate. Increasing Chile's birthrate and decreasing its mortality rates—particularly its infant mortality rate—was a goal that Chilean sexual scientists and eugenicists had been working towards since the turn of the century. Following the Chillán quake Pedro Aguirre Cerda and his Popular Front government took up the mantle of demographic development as part of their plan for national reconstruction. At that moment in time, local eugenicists, such as Waldemar E. Coutts, had been actively advocating for the development of the “Chilean race” for nearly a decade. Like his intellectual forebears, Coutts believed that uncontrolled male sexuality was driving up rates of sexually transmitted infections, female infertility, and infant mortality, and thus considered it to be both the source of and the solution to what he and his colleagues termed the “problem of procreation” or “the sexual problem.” His *Serie C* campaign was the first state-sanctioned initiative that attempted to resolve this “problem,” inaugurating its operations in 1927 and concluding them in the 1950s.³⁵⁰ As such, it became an important point of reference for Popular Front leaders seeking to invigorate Chile's demographic development.

Across his *Serie C* pamphlets, Coutts stressed the regulation of male fitness as the key to Chile's racial vitality. By 1937, the Ministry of Social Welfare had published roughly 265,000 total copies of these educational pamphlets under the direction of the Technical Chief of its Social Hygiene Division (who just so happened to be Coutts himself.)³⁵¹ Despite his ten-year effort to educate the male youth of Chile about the biological meanings of their manhood, the

³⁵⁰ Marcelo Sánchez Delgado, “Sexo, Eugenesia y Política: Waldemar Coutts (Chile, 1895-1959) *Revista de Historia* Vol.1 No.25 (Jan.-Jul. 2018): 114.

³⁵¹ Catalina Labarca Rivas, “‘Todo lo que usted debe saber sobre las enfermedades venéreas’: Las primeras campañas de educación sexual estatales entre 1927 y 1938” in *Por la Salud del Cuerpo*, ed. María Soledad Zárate (Santiago de Chile. Ediciones Alberto Hurtado. 2007), 103.

Chilean race, from his perspective, remained weak, diseased, and impotent. Coutts' inability to affect demographic change through the means of sex education underscored the need for a new approach to resolving Chile's "sexual problem." After the disaster in Chillán, the urgency of Chile's population recovery coupled with the Popular Front's spirit of national development generated an unprecedented opportunity for Chilean sexual scientists and eugenicists to attack the "sexual problem" with the force of both the president and the state behind them—an opportunity they did not hesitate to leverage.

In his public announcement of the promulgation of la Ley de Defensa de la Raza, President Pedro Aguirre Cerda began by stating that his "many years of study and knowledge of the country" are what informed his views of Chile's public interest.³⁵² His subsequent characterization of that interest reveals that local eugenic thinkers and local demographic trends had significantly influenced those views. According to the President, the invigoration and moralization of the race "by means of exercise, honest entertainments, and the hygienic and educational use of free time" constituted an urgent yet neglected public need. He explained that up until that moment, the state had not considered this to be a matter of public interest and thus had allocated few—if any—resources to its wider resolution.³⁵³ By contrast he, and the Popular Front government that he represented, vowed to uplift the race, "to make it healthy and vigorous, to endow it with the joy of living, [and] the pride of being Chilean."³⁵⁴ The promulgation of la Ley de Defensa de la Raza thus marked both his and the state's formal commitment to serving this vital public need.

³⁵² "Un Llamado del Presidente," 9.

³⁵³ "Un Llamado del Presidente," 10-11.

³⁵⁴ "Un Llamado del Presidente," 9.

For Pedro Aguirre Cerda, the key to making the race healthy, vigorous, and happy to be Chilean was access to physical education and the practice of physical exercise. He argued that it was necessary to develop a program of physical education for adults that served either to continue or introduce—depending on whether or not an individual had attend school as a youth—programmed exercise into their daily lives.³⁵⁵ Providing working class adults with the opportunity to regularly engage in outdoor sports and physical exercise, he noted, would not only “fortify the physical vigor of our fellow citizens,” but would also “tone their moral health by stimulating their family life and relationships.”³⁵⁶ Without an understanding of local eugenic theories, the link between physical exercise and family stimulation that Pedro Aguirre Cerda is making here is easy to miss. Nonetheless, this seemingly obscure link is the cornerstone of the entire initiative, and to overlook it would be to mistake the policy’s intended objectives.

Just like Coutts, the President considered “fit” men to be strong, healthy, and virile. For both of them, the ideal male citizen was a productive worker *and* father. While men’s labor was always needed for economic reproduction, at that particular moment it was especially needed for sexual reproduction. Chile’s “racial reserves,” the President lamented, were being devoured by “social diseases, tuberculosis, alcoholism, and delinquency.”³⁵⁷ The silent spread of gonorrhea and syphilis had increasingly rendered Chile’s men and women infertile. And for those women that did bring forth new life, too often was it too short, tragically claimed by the corruptive conditions of poverty, immorality, and disease that immediately engulfed it. In light of these fatal demographic trends, Pedro Aguirre Cerda effectively moved to discipline working-class men.

³⁵⁵ “Un Llamado del Presidente,” 11.

³⁵⁶ “Un Llamado del Presidente,” 10.

³⁵⁷ “Un Llamado del Presidente,” 11.

For him, just as for Coutts, the only way to combat these “plagues that degrade the race” was through the regulation of male fitness.³⁵⁸ In both their minds, men who were strong and healthy could not only attract a mate and sire robust offspring, they could also hold a steady job and provide for their family’s moral and material needs. By contrast, men who were weak and/or diseased were unable to attract a mate, unable to reproduce, and unable to perform work, in short, they were unproductive workers *and* fathers. As such, they were unfit men and citizens.

These standards of male fitness, however, proved highly problematic for the nation because, according to them, Chile had a surplus of “unfit” men and a deficit “fit” ones. The President was thus faced with the task of converting this surplus into a deficit and vice versa. His many years of “study and knowledge of the country” had made him aware that Chile’s working people were living in environments of squalor and that the conditions of that environment had progressively weakened their bodies, minds, and spirits. Disparaged and deprived by this environment, working-class men spent most of their free time drinking, gambling, and engaging in sexual promiscuity. Chilean sexual scientists and eugenicists were well aware of the influence of the environment on an individual’s behavior and had been advocating for environmental reform since the turn of the century. It wasn’t until 1939, though, that a president and/or the state actually heeded their advice. Taking cues from both Coutts’ *Serie C* campaign and measures of “social defense” from the Law of Protection for Minors, Popular Front policymakers fashioned la Ley de Defensa de la Raza around working-class men’s recreational reform.

As mentioned previously, la Ley de Defensa de la Raza sanctioned the creation of a national organization—the Defensa de la Raza Institute—that was to oversee the creation of local community centers where working-class adults and families could participate in programs of

³⁵⁸ “Un Llamado del Presidente,” 11.

“physical education, sports, recreation, social work, and culture.”³⁵⁹ As outlined in the General Regulations of the Defensa de la Raza institute, these centers were to be comprised of *Casas de Pueblo* or *Hogares* (Community Homes)—also referred to as *Clubes* (Clubs) in some instances—and *Parques de Reposo y Cultura* (Parks of Rest and Culture).³⁶⁰ The *Hogares* were to be centrally located in working-class neighborhoods and equipped with “gyms, sports fields/courts, recreation rooms, reading rooms, libraries, theaters, conference rooms, etc.”³⁶¹ Such spaces were to serve as post-work retreats where men could go in the evenings and on weekends to “distract themselves and to cultivate a social life free of vices and bad habits.”³⁶² In addition to the *Hogares*, some local centers also had *Parques de Reposo y Cultura* which were renovated parks or plazas that the Defensa de la Raza Institute planned to equip with new sport and cultural entertainments for the community to enjoy at their own leisure.³⁶³

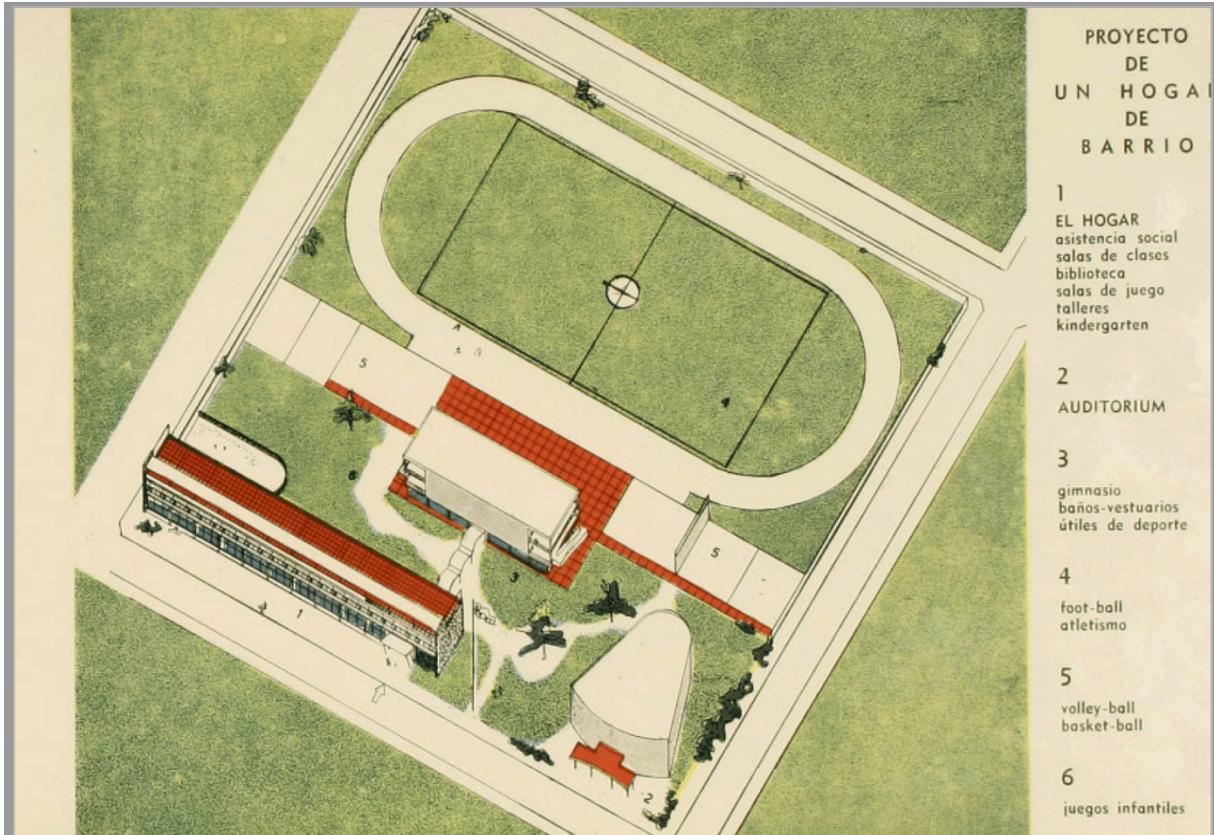
³⁵⁹ “Actividades de la Institución: Esquema General,” in *Defensa de la Raza y Aprovechamiento de las Horas Libres*, (Santiago: Empresa Editora Zig-Zag, 1940), 33.

³⁶⁰ “Reglamento General de la Institución Nacional ‘Defensa de la Raza y Aprovechamiento de las Horas Libres’” in *Defensa de la Raza y Aprovechamiento de las Horas Libres*, (Santiago: Empresa Editora Zig-Zag, 1940), 21.

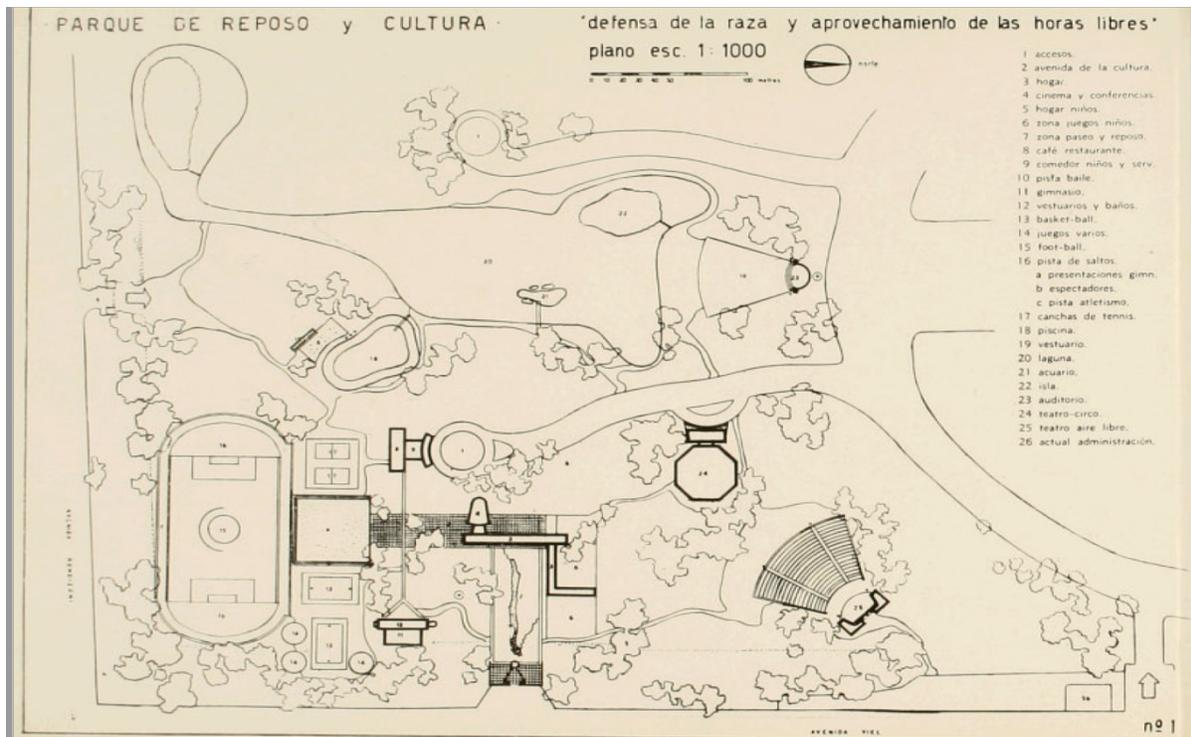
³⁶¹ “Reglamento General,” 21.

³⁶² “Reglamento General,” 21.

³⁶³ “Reglamento General,” 21.



A proposed plan for a local community center or “hogar de barrio.” Source: *Defensa de la Raza y Aprovechamiento de las Horas Libres* (Santiago: Empresa Editora Zig-Zag, 1940).



A proposed plan for a community park that incorporates a community center or “hogar” and extensive sport and cultural venues. Source: *Defensa de la Raza y Aprovechamiento de las Horas Libres* (Santiago: Empresa Editora Zig-Zag, 1940).

In mandating the creation of these centers and parks, the President believed that he was democratizing the recreational culture of private clubs that exclusively served elite and upper middle-class memberships. Defensa de la Raza centers were thus designed to give members of the working-classes access to a recreational culture that was publicly controlled and collectively beneficial. Pedro Aguirre Cerda emphasized that the institute had “no political nor sectarian character of any kind” and its interests were strictly in “the good of its members and the community.” Its aim, he explained, was to provide its constituents with “healthy entertainment and opportunities to improve their cultural knowledge” so that they might become “efficient,

respected, and respectable citizens.”³⁶⁴ For him, just as for Coutts, “efficient” citizens were fit citizens and the fastest way to ensuring their fitness was through physical exercise and sports. The dominant emphasis on such activities was clearly visible in the proposed plans for the above Defensa de la Raza community center and park and it was equally pronounced in the project’s policy narrative.

At a press conference promoting the Defensa de la Raza Institute and its work, Pedro Aguirre Cerda emphasized his administration’s commitment to health, education, and democracy.³⁶⁵ When it came to ensuring the health of the nation, the President noted that it was especially important to separate the members of Chile’s “most modest classes” from “the cantina and any activities that waste their physical and moral energies.”³⁶⁶ He deemed it crucial for the press to know that the working-class man “also has a desire for sociability, but given his culture and means, he exercises it in inappropriate places, to the detriment of himself and to those with whom he lives.”³⁶⁷ It was thus necessary to reform the working man’s recreational habits and refine his cultural environment. The Defensa de la Raza Institute, the President explained, was created to do just that. Its centers were especially primed to give its members “an adequate physical and sports education” so as to engage their physical and moral energies in healthy, productive ways.³⁶⁸

³⁶⁴ “Acta de la Sesión de la Constitución del H. Consejo Técnico,” in *Defensa de la Raza y Aprovechamiento de las Horas Libres*, (Santiago: Empresa Editora Zig-Zag, 1940), 26.

³⁶⁵ “Acta de la Reunión de S.E. El Presidente de la República y Consejo Técnico, con los Representantes de la Prensa de la Capital—Santiago, 26 de Octubre de 1939” in *Defensa de la Raza y Aprovechamiento de las Horas Libres*, (Santiago: Empresa Editora Zig-Zag, 1940), 30.

³⁶⁶ “Acta de la Reunión de S.E. El Presidente de la República y Consejo Técnico...” 30.

³⁶⁷ “Acta de la Reunión de S.E. El Presidente de la República y Consejo Técnico...” 30.

³⁶⁸ “Acta de la Reunión de S.E. El Presidente de la República y Consejo Técnico...” 30.

The institute explicitly mandated that all *Defensa de la Raza* centers make their physical education programs “attractive, educational, and recreational” so as to entice men and women of all ages to actively participate in them.³⁶⁹ To that end, physical education programs were to be fun, filled with a variety of “pedagogical games” that were tailored to participants’ age and sex. The institute’s emphasis on games, moreover, was both strategic and symbolic for “life itself was nothing more than a grand, complex, and unpredictable game, one in which the strongest and most conditioned claim the victory.”³⁷⁰ The ultimate goal of the physical education program and larger purpose of the institute was to ensure that Chile’s working-class men emerged victorious in this “game of life.” Their victory, furthermore, was the centerpiece of the Popular Front’s project of human redemption. The President, closed out his remarks at the institute’s press conference by urging the members of the middle and upper classes to assist the working masses in this national effort to improve their fitness and culture. Implementing these “postulates of human redemption,” he concluded, would “do the country the greatest possible good imaginable.”³⁷¹

In response to this declaration, the members of the press convened at the conference pledged their unwavering support to the President’s “sincere and lofty propositions.”³⁷² The country’s leading journalists and newspapers, moreover, were beyond delighted “to offer their extensive collaboration to the President of the Republic in his resolve to liberate the race from its

³⁶⁹ “Programas,” in *Defensa de la Raza y Aprovechamiento de las Horas Libres*, (Santiago: Empresa Editora Zig-Zag, 1940), 37.

³⁷⁰ “Programas,” 37.

³⁷¹ “Acta de la Reunión de S.E. El Presidente de la República y Consejo Técnico...” 31.

³⁷² “Acta de la Reunión de S.E. El Presidente de la República y Consejo Técnico...” 31.

defects.”³⁷³ With the press on board and in favor of his initiative, the President’s messages regarding Chile’s racial redemption were widely covered in the media. Additionally, the institute’s board of directors mandated that propaganda in favor of the organization and its mission be distributed at all its local centers.³⁷⁴ The purpose of such materials, was “to draw all citizens to the [institute’s] breast and to raise the necessary funds to maintain the Centers and their activities.”³⁷⁵ In service of this objective, the board provided twenty exemplary phrases that encapsulated the institute’s mission while directly soliciting working class men’s compliance with it.

These board-approved *Defensa de la Raza* slogans ranged from phrases like: “the State will help you to become an athlete; for the good of yourself, your family, and your country” to: “Choose between sports and the hospital; your happiness depends on how well you use your free time.”³⁷⁶ Despite the institute’s accommodation of *all* working-class Chileans, its propaganda exclusively targeted adult men. All twenty of the board’s model catchphrases appealed directly to the individual working man. “By taking command of your body on your free time,” another phrase began, “you become your own boss in all acts of your life.”³⁷⁷ Clearly, the target audience of this promotional messaging was adult, male, and working-class. This is not at all surprising given that it was his body that was believed to be weak and uncontrolled and that the state was most eager to discipline. In the end, by promoting the institute’s mission to condition working

³⁷³ “Acta de la Reunión de S.E. El Presidente de la República y Consejo Técnico...” 31.

³⁷⁴ “La Divulgación y Propaganda en Favor de la Institución y sus Organismos,” in *Defensa de la Raza y Aprovechamiento de las Horas Libres*, (Santiago: Empresa Editora Zig-Zag, 1940), 59.

³⁷⁵ “La Divulgación y Propaganda en Favor de la Institución y sus Organismos,” 59.

³⁷⁶ “La Divulgación y Propaganda en Favor de la Institución y sus Organismos,” 26.

³⁷⁷ “La Divulgación y Propaganda en Favor de la Institución y sus Organismos,” 26.

men's bodies, popular-front leaders brought local eugenic theories to life in subtle yet substantial ways—and in so doing, ushered in new regulations of fitness and difference that deeply impacted perceptions of male sexuality going forward.

Imposing Difference upon the Male Body

While Pedro Aguirre Cerda and the Defensa de la Raza institute's board members were vocal and direct in their celebrations of the ideal, "fit" Chilean man, they were more hushed and circuitous in their condemnations of his "unfit" counterpart. Without a doubt, the foil to the strong, manly, father was the weak, effeminate, "homosexual." Until the very end of the 1930s, knowledge of the homosexual and his "condition" had largely been confined to the clinical sphere. Within that sphere, moreover, there were only a handful of local physicians who were well-versed in the etiology and treatment of his "disorder." That all began to change in 1938 when the leading expert in this field, Spanish endocrinologist Gregorio Marañón, published his latest findings in a prominent Chilean criminology journal. His article entitled, "A Classification of Homosexuals from the Medico-Legal Point of View," was published in the December 1937-January 1938 issue of the *Revista de Criminología y de Policía Científica* (The Journal of Criminology and Police Science). In it, he described the different homosexual types that he had identified in his research, categorizing them according to their "clinical and social modalities."³⁷⁸

Clinically, Marañón explained that all "homosexuals" were exactly the same in their "organic constitutions." His previous study, "The Evolution of Sexuality," revealed that "in every homosexual there exists an organic base of intersexuality."³⁷⁹ As discussed in chapter three, Marañón's theory of homosexuality as a state of intersexuality posited that homosexuality

³⁷⁸ Gregorio Marañón, "Una Clasificación de los Homosexuales desde el Punto de Vista Médico-Legal," *Revista de Criminología y de Policía Científica* 1, no.2 (Dec.1937-Ene.1938): 5.

³⁷⁹ Marañón, "Una Clasificación de los Homosexuales desde el Punto de Vista Médico-Legal," 5.

occurred when the internal structure of the reproductive glands contained both male and female genetic markers. His theory was based on the findings of Eugen Steinach, an Austrian physiologist who conducted groundbreaking experiments on the endocrine function of the male and female reproductive glands back in 1912. In one of these experiments, Steinach discovered what he believed to be luteal or ovarian cells in the testicular tissue of a homosexual man. Taking the presence of these female reproductive cells in the reproductive gland of a homosexual man to be irrefutable evidence of “organic bisexuality” or “constitutional intersexuality,” Marañón went on to construct his entire theory of intersexuality around Steinach’s singular experimental finding. His ultimate claim to sexual science fame was his assertion that this constitutional state of intersexuality uncovered by Steinach was merely a predisposition to homosexuality and not a guarantor of it.

The deciding factor, Marañón argued, in whether or not these female reproductive cells became active and influential on the intersexual man’s psycho-sexual behavior was the environment. Regardless of the degree of a man’s internal predisposition to homosexuality, it was the external circumstances of his environment that determined whether his “sexual attitude” would be male or female.³⁸⁰ Marañón believed these exogenous influences had the power to activate the homosexual predisposition at any point in the intersexual man’s life, but most especially during the years of puberty. It was during these years, he explained, that the normality or abnormality of his sexual future would be determined. If his first sexual experiences unfolded within a “correct” environment, then his sexual attitude would correctly be male. By contrast if his environment was “incorrect” then his attitude would incorrectly be female.³⁸¹ For Marañón,

³⁸⁰ Marañón, “Una Clasificación de los Homosexuales desde el Punto de Vista Médico-Legal,” 5.

³⁸¹ Marañón, “Una Clasificación de los Homosexuales desde el Punto de Vista Médico-Legal,” 5.

the interplay between an individual's internal predisposition and his environment's external influences is what determined his sexual conduct.

Marañón thus advanced a theory of homosexuality in which its primary determinants were social and not biological. These social determinants of homosexuality, moreover, helped to explain how men who were only slightly “intersexed” at the cellular level, could be “overt homosexuals” while men who were “morphologically effeminate” could be decidedly masculine—both physically and psychologically.³⁸² In line with this thinking, he articulated a clinical typology of homosexual men that was based exclusively on their social behavior. After years of clinical research, Marañón claimed to have identified five major homosexual types, each of which exhibited distinct social and psychological tendencies. Among the first class of homosexuals that he had observed were those men whom he designated as “complete homosexuals” of which there were two subtypes: the cynics and the ashamed.³⁸³ In the next class, were those men who suffered from “latent homosexuality with accidental outbreaks,” while the fourth class contained “homosexual prostitutes.” The fifth and final class was comprised of men who suffered from the obscure case of “false homosexuality” or “sexual neurosis with a homosexuality complex.”³⁸⁴

Marañón defined the “complete homosexuals” as men whose libidos, quite frankly, were inverted and had been inverted ever since the initiation of their sexual activity. “Since they had been conscious of their sexuality,” he explained, “they had known themselves to be homosexuals and had adopted before love, society, and themselves, a conscious attitude of their inversion.”³⁸⁵

³⁸² Marañón, “Una Clasificación de los Homosexuales desde el Punto de Vista Médico-Legal,” 5.

³⁸³ Marañón, “Una Clasificación de los Homosexuales desde el Punto de Vista Médico-Legal,” 5.

³⁸⁴ Marañón, “Una Clasificación de los Homosexuales desde el Punto de Vista Médico-Legal,” 5.

³⁸⁵ Marañón, “Una Clasificación de los Homosexuales desde el Punto de Vista Médico-Legal,” 5.

There were two different kinds of these “complete” or “permanent” homosexuals whom Marañón identified as the cynics and the ashamed. He derived his distinction between these two groups from their conflicting social behavior and psychological dispositions. According to Marañón, the “cynical homosexual” was that man who believed that his inverted libido was normal to him and natural to humankind. He arrived at this belief in part because of his own instinctual delusions but also due to the affirmations and misinformation that he received from other homosexuals. Together, cynical homosexuals came to convince themselves they were not only “irresponsible for the homosexual direction of their instinct” but that their instinct was, in fact, “of a superior quality to that of other men’s.”³⁸⁶

For cynical homosexuals, “the denigrating note” that social morality placed on homosexuality was annulled by their deep conviction of their own normality, perhaps even “excellency.” As a result, they went through life acting on their sexual instinct “freely and cynically.” Marañón found that men who were cynical homosexuals were quite often great writers, artists, and intellectuals and that, because of these artistic talents, he considered their inversion to be more socially tolerable than the inversion of other homosexual types. Just as their cultural refinement afforded them a degree of tolerance for their social conduct, so too did their “moral sophistication” make their sexual conduct seemingly less offensive. Cynical homosexuals, Marañón noted, tended to form “loving friendships” with other men that, while filled with possessiveness, sacrifice, and romance, seemed to be “void of true and direct sexual relations.” He therefore concluded that, “these abnormals” were of little concern to medical and

³⁸⁶ Marañón, “Una Clasificación de los Homosexuales desde el Punto de Vista Médico-Legal,” 5-6.

legal professionals seeing as how they were—quite literally—a class apart from all other “inverts.”³⁸⁷

Far from exceptional, however, was the cynic’s “complete” counterpart: the ashamed homosexual. Marañón described this class of homosexual men as being very close to the cynical homosexuals in their biological constitutions, but vastly different from them in their social and psychological conduct. Unlike the cynic’s complete disregard for society’s denigration of homosexuality, the ashamed homosexual was deeply troubled by it. His sexual shame was overwhelming and he was deeply insecure about his “perversion.” He, therefore, silently concealed his condition, withdrawing from “all normal sexual activity—marriage, mistresses, etc.” so as to not give anyone the opportunity to suspect or confirm the inversion of his sexual instinct. For these ashamed types, it was only the physician, and sometimes the priest, who could recognize their internal suffering and their true sexual nature. In such cases, Marañón found that it was very common for these men to die alone with nothing more than the reputation of an “odd recluse” and without anyone having ever cared about the tragic details of their lonely lives.³⁸⁸

He confessed to having encountered too many of these sad and tragic cases but far more disturbing than these were the instances in which the ashamed homosexual turned his social rejection into social aggression. In certain ashamed types, the repression of their true sexual nature festered into a social aggression that was confounding to most people but obvious to the physician. Having internalized society’s rejection of their true nature, these men had become deeply resentful. According to Marañón, “the resentful man” was especially threatening to human society because unlike the rebel, the madman, or the criminal, his “antisocial sentiment”

³⁸⁷ Marañón, “Una Clasificación de los Homosexuales desde el Punto de Vista Médico-Legal,” 5-6.

³⁸⁸ Marañón, “Una Clasificación de los Homosexuales desde el Punto de Vista Médico-Legal,” 6.

was imperceptible and unpredictable. He went on to explain how “resentful types” harbored “underhanded antisocial feelings” that shot out of the dark during “abnormal moments of life like wars and revolutions.” He suggested that “a portion of homosexuals who were not consciously proud of their situation” had similar antisocial tendencies to that of the resentful man. The only “antisocial” behavior that he himself had observed in resentfully ashamed homosexuals though was the slanderous use of anonymous letters.³⁸⁹

Marañón was perplexed to see “the relief produced in [these] tortured souls when firing off venomous, unsigned letters.”³⁹⁰ To him it was a most peculiar phenomenon given that they tended to accuse their recipients of the very thing they themselves were guilty of: homosexuality. He felt that police and judges alike should know that the most “viscous anonymists” usually were these “instinctually abnormal men.” Beyond this, however, the ashamed homosexual had no other “contact with illegality” that was sexual in nature. Marañón made it a point to emphasize that his comments about the resentful homosexual were only applicable to a handful of men and that the majority of ashamed homosexuals tended to be more of the resigned type and were in fact completely harmless. He even went so far as to say that they were capable of “altruistic relations of the most noble quality.”³⁹¹

If this was the case for the majority of ashamed homosexuals, then why even speculate about the antisocial behavior of the “resentful” outliers? Marañón’s evidence that attested to their “antisocial sentiments” was shaky at best and offered no real proof that these men were “a danger to human society.” And if their greatest crime was sending slanderous, unsigned letters,

³⁸⁹ Marañón, “Una Clasificación de los Homosexuales desde el Punto de Vista Médico-Legal,” 7.

³⁹⁰ Marañón, “Una Clasificación de los Homosexuales desde el Punto de Vista Médico-Legal,” 7.

³⁹¹ Marañón, “Una Clasificación de los Homosexuales desde el Punto de Vista Médico-Legal,” 7.

then why even suggest them to be more worrisome than rebels, criminals, and the insane in the first place? While it is impossible to discern Marañón's logic regarding this, it is indeed possible to evaluate the power of his suggestions here. Finding no real scientific basis that ashamed homosexual types were innately prone to antisocial behaviors Marañón instead attested to their potential propensity for them. By doing so, he left the door ajar for Chilean sexual scientists and criminologists to make what they wanted of his "clinical" findings on the "antisocial" attitudes of homosexual men.

Another potentially dangerous homosexual type that Marañón discovered was the "latent homosexual with accidental outbreaks." These homosexual types were the ones who were "morphologically predisposed" to homosexuality but in whom "the vigor of normal sexual elements" had kept their homosexual predisposition at bay for much of their lives. But when faced with "abnormal bodily circumstances," such as in states of intoxication, illness, or with "the onset of old age," these types were known to succumb to "accidental outbreaks" of homosexuality. Marañón generalized that most people were familiar with this "variety of sexually normal men" who were married and/or had known mistresses but who sporadically engaged in "equivocal liaisons" with other males. He noted that the medico-legal interest in these kinds of cases was in the "scandalous and criminal tone" that many of them acquired. He cited senile old men's homosexual outbreaks as the primary example of this.³⁹²

For these latent homosexuals types, the onset of old age had triggered in them a desire to engage in sexual relations with adolescent boys. In pursuit of this desire they solicited the company of boys and young men—some prostitutes and some not. Despite the criminal and/or scandalous appearance of these men's sexual activity, Marañón argued that they should not be

³⁹² Marañón, "Una Clasificación de los Homosexuales desde el Punto de Vista Médico-Legal," 7.

held legally responsible for their actions because “the immediate motor of their crime was a pathological episode.”³⁹³ They therefore, needed to be taken to the clinic and not the courtroom in order to properly judge the true nature of their actions. Marañón suggested that as a general rule, any man who began engaging in homosexual activity after age forty, should be seen as suspect of this type of “accidental” behavior that resulted from “pathological and concrete causes.” He stressed, again, that in such instances these men needed to be taken to the doctor and not the judge, regardless of “the social significance of their misdeeds.”³⁹⁴ Unlike the resentful homosexuals, Marañón surmised that the antisocial behavior of these accidental types was involuntary, and thus should not be subject to harsh legal arbitration.

The only homosexual type that Marañón believed should be held legally responsible for their actions was the homosexual prostitute. Across his publications, Marañón was known to liken the condition of the homosexual to that of the diabetic, stating that he was no more responsible for the inversion of his sexual appetite than the diabetic was for his glucose imbalance. He repeatedly made this point to support his claim that homosexuals should not be blamed for their abnormality because the blame was nature’s, not theirs. When it came to the homosexual prostitute, however, these types deliberately exploited their abnormality in criminally scandalous ways. Instead of concealing or trying to rectify their inversion, they chose to exaggerate it with the “intentional effeminate affectation of their headwear, gestures, and dress.”³⁹⁵ Their sexual activity, moreover, consisted of “the most direct and lamentable form of homosexual contact” which was “passive pederasty.” Given the disturbing extent of their perversion, Marañón wrote,

³⁹³ Marañón, “Una Clasificación de los Homosexuales desde el Punto de Vista Médico-Legal,” 7.

³⁹⁴ Marañón, “Una Clasificación de los Homosexuales desde el Punto de Vista Médico-Legal,” 8.

³⁹⁵ Marañón, “Una Clasificación de los Homosexuales desde el Punto de Vista Médico-Legal,” 8.

one might think that these men had been driven to such extreme lengths by an insidious “ethical perversion.” On the contrary, he stressed that even these men’s corruption was firmly rooted in “an organic anomaly.”³⁹⁶

Regrettably, there was not much that physicians nor medicine could do to resolve this class of men’s instinctual anomaly. Fully aware of his abnormal state, the homosexual prostitute ran towards it and not away from it. In this regard, he lacked one of the most important preconditions necessary for his medical cure: the desire to be healed. Without this, Marañón confessed that his medical treatment was utterly useless. He therefore did not deny that, when it came to the matter of homosexual prostitution, the law was a far better suited to treat it than was medicine. He acknowledged the limitations of medicine in handling these kinds of homosexuals and so moved on to discuss the fifth and final class of “instinctually abnormal” men: the false homosexuals.

According to Marañón, there was a surprising number of men who believed themselves to be homosexuals and who suffered from all the “intimate and social consequences” of this disorder but who, biologically, were not homosexuals at all. Rather, they were merely “neurotics” who had imposed “a consciousness of sexual inversion” upon themselves. Often times Marañón found that their condition was the psychological byproduct of a failure in their first amorous encounter with the opposite sex. Consequently, they suffered from a “psychological impotence” that caused them to spurn “normal sexual relations.” He recalled one such case in which a patient of his, in a moment of sexual disorientation, attempted to engage in homosexual relations with another man. However, when faced with the act itself he was overcome with repugnance for it. For Marañón, this “instinctive feeling of repugnance” before the homosexual act was a clear

³⁹⁶ Marañón, “Una Clasificación de los Homosexuales desde el Punto de Vista Médico-Legal,” 8.

indication that his patient was a “false” homosexual and not a “true” one.³⁹⁷ Such cases, however, were of little medico-legal concern as they were purely psychological and could be sorted out by an intelligent psychoanalyst or a well-intentioned priest.³⁹⁸

Upon concluding his discussion of this last class of homosexual types, Marañón’s article abruptly ends, leaving readers with no final commentary about the significance of his findings nor with any suggestions for their practical application. In this way, his article offered nothing more than an overly detailed account of his “clinical” findings on the various types of male homosexuality in *Spain*. By choosing not to curate those findings and by simply reproducing them at face value, the editors of the *Revista de Criminología y Policía Científica*, handed their readers an intellectually loaded gun—one that apparently fired “clinical proof” of homosexual men’s otherness. As showcased above, Marañón’s clinical assessments of the five different “homosexual types” was nothing more than scientific conjecture. His assumptions about each one of these “abnormal” classes of men were based on his own personal opinions and/or the clinical findings of other sexologists. There was no rigor in the compilation of his data set, nor in his methodology, and not once did he report on the outcomes of his interventions in his patients’ actual behavior. Nonetheless, his clinical assumptions were dressed up in the language of science, giving them an air objective truth that served to validate them as facts. With this clinical evidence of homosexual men’s biological, social, and psychological abnormality now available to Chilean criminologists and policemen, a sort of de facto criminalization of homosexuality began to take shape in the Chilean criminal justice system.

Criminalizing the Unfit: The Doctrine of Sexual Defense in Chile

³⁹⁷ Marañón, “Una Clasificación de los Homosexuales desde el Punto de Vista Médico-Legal,” 9-10.

³⁹⁸ Marañón, “Una Clasificación de los Homosexuales desde el Punto de Vista Médico-Legal,” 10.

Since the late 1920s, a current of criminal reform that was based on biology had been coursing through the Chilean legal sphere. As shown in chapter two, this current was not of the “born to crime” kind that the Italian criminologist Cesare Lombroso advanced and that stipulated that criminality was an inherited biological trait. Rather, Chilean legal reformers were of the mind that criminality was an acquired trait and that criminal tendencies were determined by an individual’s social environment. Known as “the doctrine of social defense,” this scientifically informed legal framework considered criminal acts to be acts that violated the good of the social community (antisocial acts) and saw the criminal justice system as means to rectify those acts through the distinct measures of social rehabilitation or “re-adaptation.” This “bio-social” mentality of criminality, moreover, directly aligned with the dominant medical mentality of homosexuality in Chile. In both schools of thought, deviance—be it social or sexual—was believed to be the product of an individual’s environment. Consequently, both kinds of deviance could be prevented and/or corrected by intervening in the environmental circumstances that caused them in the first place.

Within the juvenile justice and welfare system, Chilean physicians were able to merge ideas of sexual science with the doctrine of social defense to both treat and prevent sexual deviance in adolescent males. When it came to the matter of sexual deviance in adult males, however, ideas of sexual science and the doctrine of social defense came together in ways that were notably distinct from their previous merger in Chile’s juvenile justice system. By the late 1930s, ideas of Chilean sexual science had become much more eugenic in tone and the need to closely regulate male sexuality had become more urgent than ever. Additionally, the growing circulation of Marañón’s clinical and social ideas about male homosexuality in Chile served to reinforce sexual scientists’ and criminologists’ views that “the homosexual” was both a reproductive threat to the

Chilean race and a social threat to public safety. The heightened preoccupation over men's reproduction and sexuality during this period generated a local criminal reform movement that advocated for the protection of men's "sexual rights" in prison and that defended the public from the anti-social tendencies of homosexual men.

In 1937, Guillermo Toledo Rodríguez, a lawyer working in the Second Criminal Court of Santiago, called for sweeping prison reforms in Chile that recognized the sexual rights of imprisoned men. His book, *El Problema Sexual de los Penados* (The Sexual Problem of Convicts) detailed the social and sexual horrors that male convicts suffered behind bars as a result of their inability to satisfy their sexual needs on a regular basis during their incarceration. He argued that forcing incarcerated men to be sexually abstinent in prison all but encouraged the most horrific sexual vices to take root in the minds and bodies of Chilean inmates. For him, men's forced abstinence was particularly threatening to the public good, because, upon their release from prison, these sexually corrupted men risked contaminating the sexual health and wellbeing of "normal" men in Chilean society. Toledo thus proposed a set of prison reform measures that permitted sex education, exercise, and work programs in Chile's prisons, along with the deliberate isolation of "the vicious and the perverted," and the establishment of coed penal colonies.³⁹⁹

Toledo's proposed reforms of the adult prison system show how, by the late 1930s, Chilean jurists had merged the doctrine of social defense with local ideas of sexual science to cast homosexual men as an ominous threat to the Chilean social body. To begin, Toledo criticized the existing "antinatural and anachronistic methods" of denying inmates "carnal contact" with women for the entirety of their prison sentences, precisely because such measures violated the

³⁹⁹ Fernando Santivan, "Prologo," in *El Problema Sexual de los Penados* (Santiago: Editorial Cultura, 1937), 8.

biological laws of nature *and* the doctrine of social defense. He reminded his readers that men, just like all other animals, were subject to the laws of biology. Just because an individual was convicted of a crime and was serving time in prison did not mean that he lost his biological characteristics as a man. His intelligence, instincts, and his “spiritual and biological needs” remained a part of him and Toledo argued that prison administrators were wrong not to acknowledge the biological significance of those needs.⁴⁰⁰ Additionally, he claimed that prison officials were wrong not to view the individual’s imprisonment as a constructive “seclusion” from society that was meant to “cure” him of his offenses.⁴⁰¹

Thus, in order to uphold the biological integrity of incarcerated men and to cure them of their criminal infirmities, Toledo advised prison administrators to ensure, above all else, that the lives of prisoners unfolded in harmony with the norms of nature and not against them. Chief among these natural norms were the biological laws of reproduction. He explained that the senior administrative officials of Chile’s penal establishments knew better than anyone else, what happened when men who shared common living quarters were unable to “normally fulfill their reproductive needs.”⁴⁰² Unable to satisfy their sexual urges in a “natural” fashion, incarcerated men were forced to sexually satisfy themselves in “unnatural” ways. As a result, the “evils” of masturbation, homosexuality, and sodomy came to dominate both the prison environment and the lifestyles of the men living within it. By creating an environment that violated the laws of nature, the Chilean prison system irrevocably violated the biological integrity of its inmates—the repercussions of which extended well beyond prison walls.

⁴⁰⁰ Guillermo Toledo Rodríguez, *El Problema Sexual de los Penados* (Santiago: Editorial Cultura, 1937), 17.

⁴⁰¹ Toledo, *El Problema Sexual de los Penados* (Santiago: Editorial Cultura, 1937), 17.

⁴⁰² Toledo, *El Problema Sexual de los Penados* (Santiago: Editorial Cultura, 1937), 18.

In demonstration of this, Toledo pointed out that incarcerated men's forced abstinence exacerbated one Chile's most pressing social issues: population growth. He noted that the overwhelming majority of imprisoned men in Chile were either at the age where they were about to reach sexual maturity or were already at their full sexual maturity, and yet, the current prison environment deprived them of all opportunity to fulfill their "natural sexual function."⁴⁰³ Toledo emphasized that "Science" tells us that it was "during the middle ages of human life that the sexual instinct is strongest and that the individual is most apt to procreate."⁴⁰⁴ To further specify the age range of these "middle ages," he cited Auguste Forel who wrote in *The Sexual Question* that "On average, [it was] between the ages of twenty and forty, and most especially between the ages of twenty-eight and thirty-five, that the sexual potency and appetite in men [were] strongest."⁴⁰⁵ Toledo went on to state that in Chile, statistics have shown that this middle age range "constitutes 70% of our penal population⁴⁰⁶." When viewed "from the eugenic point of view," he wrote, the forced abstinence of this population brought the country nothing but social harm.

Not only was this middle age range in men the period when their sexual appetite was most potent, it was also considered to be the period that was most advantageous for the production of healthy and robust offspring.⁴⁰⁷ Citing local sexual scientists such as Waldemar E. Coutts along

⁴⁰³ Toledo, *El Problema Sexual de los Penados*, 78-79.

⁴⁰⁴ Toledo, *El Problema Sexual de los Penados*, 81.

⁴⁰⁵ Prof. Forel, *La Cuestión Sexual*, (Madrid: Bailly-Bailliere, 1923) cited in Toledo, *El Problema Sexual de los Penados*, 81.

⁴⁰⁶ Toledo, *El Problema Sexual de los Penados*, 81. His statistics are from the General Direction of Prisons for the year 1934 which he included as a chart that depicted the age ranges of the country's incarcerated men and women by province.

⁴⁰⁷ Prof. Forel, *La Cuestión Sexual*, (Madrid: Bailly-Bailliere, 1923) cited in Toledo, *El Problema Sexual de los Penados*, 81.

with European ones such as Forel, Toledo emphasized the importance of fulfilling one's reproductive function during the peak years of sexual potency. Turning to Coutts, Toledo pointed out how, with the progression of age, "the quality of the sexual glands' secretions" diminished considerably. This phenomenon, moreover, represented "the tyranny of sex [which] permits us life and, when we can no longer propagate it, takes it away from us."⁴⁰⁸ For Toledo, the eugenic harm in all this was that, according to the General Direction of Prison's statistics for the year 1934, there were 30,764 men and 4,770 women in full sexual potency who were being deprived of the opportunity to propagate life not by "the tyranny of Nature" but by the sheer negligence of prison administrators. And to make matters worse, 30,764 Chilean men were missing out on the chance to sire their most robust offspring—the implications of which greatly compromised the demographic invigoration of the nation.

Further compromising Chile's potential for demographic invigoration were "perversions of the sexual instinct" that threatened the reproductive capacity of incarcerated and free men alike. "Thanks to the system of compulsory chastity," wrote Toledo, Chile's prisons and jails not only "glorified" perversions of the sexual instinct but turned them into "ingrained habits."⁴⁰⁹ By far the most worrisome of these "perversions" was homosexuality. Reviewing the most recent works of sexual science published on the issue, Toledo began by declaring that while there were some "distinguished men of science" who strove to convince the world that "the homosexual is a normal individual, its own class of the human species... that represents a third sex," the true order of "normality" was reflected in and by "the natural world."⁴¹⁰ Because "Nature" ordered

⁴⁰⁸ Waldemar E. Coutts, *La Tiranía Sexual y Sexo Tiranizado*, Javier Morato ed. (1931) cited in Toledo, *El Problema Sexual de los Penados*, 82.

⁴⁰⁹ Toledo, *El Problema Sexual de los Penados*, 85.

⁴¹⁰ Toledo, *El Problema Sexual de los Penados*, 92-93.

procreation to be “the obligatory and sacred result of sexual activity” and made this “sign of the eternal life of the species” possible only between opposite sexes, then “copulation between individuals of the same sex” was clearly a violation of nature’s orders.⁴¹¹ Toledo thus supported the position of sexual scientists such as Auguste Forel, Waldemar E. Coutts, and Gregorio Marañón who viewed homosexuality as a “sexual anomaly” and homosexual men as “pathologically abnormal” individuals.⁴¹²

Drawing specifically on Marañón’s theory of homosexuality as a state of intersexuality, which stated that all humans had both male and female sex hormones and that homosexuality was caused by an imbalance of those hormones, Toledo argued that the prison environment actively triggered these imbalances in incarcerated men and significantly altered their sexual instinct going forward. By denying men the right to satisfy their sexual urges in “natural” ways, the prison environment, more so than any other social environment, induced men to commit “the carnal act” with other men. The reason for this, Toledo explained, was that prolonged abstinence in men caused their female sex hormones to become dominant over their male sex hormones which, in turn, disordered their sexual instinct and prompted them to seek out other men as the objects of their sexual appetite.⁴¹³ Men who were subjected to the conditions of this environment for only a short period of time did not risk any permanent damage to their sexual instinct since their return to society tended to cast off their perversion. But when the period of incarceration was extensive—ten, fifteen, or even twenty years—and even more so if the individual was

⁴¹¹ Toledo, *El Problema Sexual de los Penados*, 93.

⁴¹² The opposing position to this view was that homosexuality was simply “another sexual variety.” Local thinkers like Enrique Broghamer A. and European ones like Ivan Bloch, Maguns Hirschfield, and Karl Ulrichs all favored this opposing view but it never gained social traction in Chile.

⁴¹³ Toledo, *El Problema Sexual de los Penados*, 95.

“predisposed” to sexual anomalies, then there was a good chance that his “perversion” would become permanently ingrained.⁴¹⁴

Here is where Toledo began to insist that the overarching thesis of his book was not only valid, it was of particular consequence to the integrity of the Chilean race. He proceeded to explain that, from a eugenic standpoint, the “primordial function” of the state was to “care, promote, maintain and stimulate the health of its inhabitants⁴¹⁵.” This “eugenic tendency” of the state, moreover, should go as far as to concern itself “with the physical beauty of the species.” If that was the case then, Toledo asked: wouldn’t denying a portion of the population their right to satisfy their biological necessities be a direct negation of the state’s eugenic function?⁴¹⁶ Just as one’s good health required fresh air, sunlight, and adequate nutrition, it also necessitated the regular satisfaction of one’s “reproductive needs,” Toledo argued. In addition to the poor hygienic and nutritional conditions of the Chilean prison environment, the “unhealthy” constraints on men’s sexual satisfaction ensured that no prisoner completed his sentence in good health. And for those convicts who served prolonged sentences, more often than not, they carried with them “a vice in their veins” and “a stigma in their entrails” upon their release from prison. Their subsequent reintegration into society thus risked “a grave problem for the collective: [the contamination] of the healthy and the beautiful with the sick and the putrid.”⁴¹⁷

Toledo thus went on to note how those prisoners who had acquired “sexual perversions” during their incarceration were the ones who, after receiving their freedom, most often used it to

⁴¹⁴ Toledo, *El Problema Sexual de los Penados*, 96.

⁴¹⁵ Guillermo Toledo Rodríguez, *El Problema Sexual de los Penados* (Santiago: Libr. Cultura, Second Edition, date unknown), 82.

⁴¹⁶ Toledo, *El Problema Sexual de los Penados* (second edition), 82.

⁴¹⁷ Toledo, *El Problema Sexual de los Penados* (second edition), 82-83.

commit crimes anew. In such cases, he explained, the crimes these men committed were of a sexual nature and they tended to commit them against “normal” men. Toledo claimed that he knew this pattern to be true because, working in the Juzgado de Santiago, he had seen many instances of it first hand. He thus was able to confidently report that in numerous cases of sodomy, rape, and exhibitionism, the accused had been incarcerated formerly and proclaimed to have committed the crime in question because he had become accustomed to such acts while in prison.⁴¹⁸ Reflecting on this phenomenon, Toledo surmised that “the ex-convict with acquired sexual perversions” committed sexual crimes for two reasons: vengeance and pleasure. Having reached such a degree of social and sexual deviance, it was clear to him that these individual’s anti-social tendencies were irreversible. For Toledo, such individuals had irrevocably separated themselves from society and in doing so had become its mortal enemies.⁴¹⁹

Having fully explained the genesis and the social implications of this phenomenon to his readers, Toledo then turned his attention towards its resolution. “In one of the many conversations I’ve had with doctor Coutts,” wrote Toledo, “I learned of a remarkable work published in a Peruvian scientific journal.”⁴²⁰ The work in question was a series of five articles by Dr. Julio Altmann Smythe published in *La Crónica Medica* between 1930 and 1931 and which Toledo modeled his proposed resolutions to “the sexual problem of convicts” directly after. Chief among these resolutions was to permit male convicts, “within certain natural and regulatory limits” to regularly engage in “the carnal act with healthy women.”⁴²¹ For Toledo, the easiest way to make “this system of sexual communion” possible in Chile was through the

⁴¹⁸ Toledo, *El Problema Sexual de los Penados* (second edition), 86.

⁴¹⁹ Toledo, *El Problema Sexual de los Penados* (second edition), 86.

⁴²⁰ Toledo, *El Problema Sexual de los Penados* (second edition), 131.

⁴²¹ Toledo, *El Problema Sexual de los Penados* (second edition), 131.

creation of family penal colonies where husbands and wives could be joined together rather than kept apart during times of incarceration. And for those men who were not married, incorporating a system of regulated prostitution into the existing prison environment constituted a “rational and scientific” way to meet their reproductive needs. Knowing, however, that such propositions would encounter a “rotund rejection in the Government and in the General Direction of Prisons,” Toledo offered an alternative to Dr. Julio Altmann’s rational yet far too radical suggestions⁴²².

What he put forth instead was a series of prison reform measures that were “for the benefit of society and convicts” and that were directly informed by local eugenic ideals.⁴²³ In order to prevent inmates from acquiring sexual perversions during their incarceration—however long or short—Toledo believed that prison life should be oriented around the following key activities: physical labor, physical exercise, and intellectual exercise. Such activities occupied much of the inmates’ free time and energy and thus kept them from overly indulging in erotic thoughts which were the incubators of “the most depraved and shameful [sexual] practices” in prison⁴²⁴. In addition, Toledo advocated for the sexual education of all inmates. “The more ignorant a subject was,” wrote Toledo, “the easier it will be for vices to dominate him.”⁴²⁵ Sexual education, therefore, would not only ensure that all inmates were fully aware of “the terrible effects” that masturbation and sodomy had on the human body, it would also cause them to shun “these dreadfully shameful habits.”⁴²⁶

⁴²² Toledo, *El Problema Sexual de los Penados* (second edition), 132-133.

⁴²³ Toledo, *El Problema Sexual de los Penados* (second edition), 133.

⁴²⁴ Toledo, *El Problema Sexual de los Penados* (second edition), 134.

⁴²⁵ Toledo, *El Problema Sexual de los Penados* (second edition), 138-139.

⁴²⁶ Toledo, *El Problema Sexual de los Penados* (second edition), 139.

Finally, Toledo proposed that prison officials strictly isolate inverts so as to prevent them from interacting with “normal” inmates. He noted that “there was a considerable number of homosexuals” among the penal population in Chile whom he believed to be both “an affront to manly sentiment” and “a danger to everyone else who had not acquired this nefarious vice.”⁴²⁷ For Toledo, the best way to neutralize the sexual threat that these men posed to their peers was to segregate them. In this regard, his distinctions between “normal” and “homosexual” men and his constant condemnations of “sexual perversions” underscore the ways in which local intellectuals used local eugenic ideas to express clear sexual differences among the male social body. Not only was Toledo in direct conversation with one of Chile’s most renowned eugenicists, Waldemar E. Coutts, he was well versed in the sexual science literature that most informed the Chilean eugenic tradition—i.e. the works of Auguste Forel and Gregorio Marañón. Merging these ideas with the doctrine of social defense, Toledo’s articulation of the above prison reforms constituted a new current of criminal theory that was primarily concerned with the sexual defense of Chile’s men within and beyond the prison system. What Toledo ultimately produced then, was a doctrine of sexual defense that cast “homosexual” men and “sexual perversions” as criminal threats to both the health of “normal” men and to the safety of the Chilean public.

Conclusion

Together la Ley de Defensa de la Raza and Toledo’s doctrine of sexual defense reveal how local eugenic theories generated two separate but interrelated reform moments that sought to enhance the reproductive capacity of Chilean men. Through la Ley de Defensa de la Raza, President Pedro Aguirre Cerda created local recreational centers where working-class men could engage in “productive” leisure activities such as sports and physical exercise during their free

⁴²⁷ Toledo, *El Problema Sexual de los Penados* (second edition), 136.

time as opposed to wasting it on “unproductive” activities such as drinking, gambling, and prostitution. In helping working-class men to prioritize their physical fitness over immoral indulgences, la Ley de Defensa de la Raza aimed to make healthy citizens *and* fathers out of them. Similarly, Toledo’s doctrine of sexual defense sought to separate sexually “normal” men from their “abnormal” counterparts in the Chilean prison environment as a means of preserving the sexual health of convicts. Both reform movements, in this regard, drew on a common set of clinical ideas about male sexuality and reproduction in order to distinguish between fit types of men and sexual behaviors and unfit types. Where la ley de Defensa de la Raza served to promote and regulate sexual fitness among Chilean men, the doctrine of sexual defense condemned and controlled sexual deviance among them. In this way these separate reform movements comprised two sides of the same eugenic coin—a coin that permanently stamped sexual difference on the male social body going forward.

Conclusion

In 2001, Chilean playwright Andrés Pérez Araya brought “the myth of General Ibáñez’s ship” to life with the premier of his play *La huida*. Set in the late 1920s, Pérez used the alleged persecution of gay men under the Ibáñez dictatorship (1927-1931) as a vehicle to address their real persecution under another: the Pinochet dictatorship (1973-1990). During the Pinochet dictatorship queer men and women were targeted as “subversives” who undermined the moral and social ordering of Chilean society. For Augusto Pinochet, that order was profoundly conservative and was structured according to traditional Catholic values.⁴²⁸ Within this framework of Chilean society “homosexuality” ceased to be an endangerment to “the Chilean race.” Instead, same-sex desire had now become a moral disgrace to a “transatlantic Catholic race.”⁴²⁹ This narrative shift in the demonization of same-sex desire is a testament to the fact that conceptual superstructures of sexuality have a very real impact on the people who believe—and disbelieve—in their validity. While these structures have changed over time, this study demonstrates that people’s use of them has been consistent: to mark out difference on the bodies—and psyches—of others.

Between 1900 and 1940 conceptual superstructures of sexuality in Chile shifted from a predominantly religious framework of control to a scientific one. Local physicians first enacted this transformation in response to the uncontrolled spread of sexually transmitted diseases in Chile. As a urologist in early twentieth-century Chile, Dr. Eduardo Moore witnessed firsthand

⁴²⁸ Kristen Weld, “The Spanish Civil War and the Construction of a Reactionary Historical Consciousness in Augusto Pinochet’s Chile,” *Hispanic American Historical Review* 98, no.1 (February 2018): 80.

⁴²⁹ Weld, “The Spanish Civil War and the Construction of a Reactionary Historical Consciousness in Augusto Pinochet’s Chile,” 80.

the differential impact of these diseases on Chilean men. During a trip to Europe, Moore encountered both the cause of and the solution to this local problem in the work of Swiss psychiatrist and sexologist Auguste Forel. Through his engagement with Forel, Moore realized that Biblical misconceptions of human sexuality and reproduction made Chilean men ignorant of how to properly manage their sexual health and behavior. Upon his return to Chile, Moore set out to teach Chilean men about the significance of their reproductive organs and how to manage them in a “biologically productive” way. As a professor of urology at the University of Chile, Moore instilled this mission into the first cohort of locally trained sexual scientists. One the star students to emerge from this initial cohort was Dr. Waldemar E. Coutts.

Coutts brought his advisor Dr. Eduardo Moore’s local pedagogical mission up to the national level by establishing and overseeing Chile’s first-ever state sanctioned sex education campaign in 1927. Of the eight educational pamphlets that comprised this initiative, known as *La Serie C*, Coutts authored six of them. Across his leaflets, Coutts sharply criticized Biblical notions of sexuality and reproduction and advanced a strict bio-evolutionary framing of them. His aim in doing this was markedly eugenic. As the Director of the Division of Social Hygiene in the newly established Ministry of Hygiene and Social Aid (1924), Coutts discovered an alarming link between sexually transmitted diseases in men, infertility in women, and mortality in infants. His *Serie C* campaign thus sought to safeguard men’s sexual health as a strategic means of enhancing the reproductive outputs of the “Chilean race.” In targeting men’s sexual health, Coutts ushered in a eugenic movement in Chile that primarily sought to control men’s reproductive-hereditary lives over women’s. Following this precedent, Chilean medical and legal professionals increasingly sought to identify and correct all those behaviors in men that compromised their sexual productivity.

Of the range of “unproductive” male sexual behaviors that local intellectuals sought to repress, homosexuality was perceived to be the most socially and sexually threatening of all. This perception was largely sustained by Spanish endocrinologist Gregorio Marañón’s “theory of homosexuality as a state of intersexuality” which advanced the belief in Chile that all men were born with a propensity for homosexuality but that they only became homosexuals if their environment permitted it. In other words, if males were raised and lived under strictly masculine and morally upright circumstances then they would not become homosexuals, however, if there was too much of a feminine influence on them or if they were sexually corrupted through abuse or promiscuity then they risked the “inversion” of their “sexual instinct.” In light of this information, medical and legal professionals advocated for environmental reforms in Chile that upheld the gendered and moral integrity of all male’s home, school, work, and social environments. Violations of these environmental norms or deviations from these rigidly gendered expectations of male behavior risked “contaminating” both the individual and the male social body with “abnormal” sexual inclinations.

With the dissemination of this logic into the public sphere, the policing of homosexuality greatly intensified. Since sodomy was still illegal in Chile, both the public and the police could readily accuse and imprison men for any questionable displays of intimacy. Between 1940 and 1960, police-initiated denunciations of sodomy notably increased in Chile’s criminal courts. Before 1940, most denunciations of sodomy were either self-initiated by victims of sodomitic rape (and in cases where the victims were minors they were initiated by their parents) or by members of the community who witnessed two men engaging in “the act of sodomy.” It was less common for the police themselves to denounce and detain two men for practicing sodomy. That all significantly changed after 1940. Going forward, the police filed most denunciations of

sodomy and they primarily did so against men they caught engaging in “homosexual” acts.⁴³⁰ “Homosexuality,” however, was not technically a crime, only “sodomy” was, and, according to the 1874 Penal Code, the crime of “sodomy” strictly consisted of “concubitus between people of the same sex or in an improper vessel.”⁴³¹

During his second presidency (1952-1958), Carlos Ibáñez del Campo resolved this legal technicality by passing a measure that criminalized “homosexuality” independently of “sodomy.” Promulgated on October 4, 1954, Law Number 11,625, known as “La Ley de Estados Antisociales” (The Antisocial States Law), stipulated that certain types of individuals warranted strict vigilance and/or imprisonment because of their innate propensity to harm society. Among these “antisocial” individuals were vagrants, beggars, drunks, drug addicts, and “those who by any means induce, favor, facilitate, or exploit homosexual practices.”⁴³² Ibáñez’s promulgation of this law along with the accusations that he executed a number of homosexual men in Valparaíso during his first presidency (1927-1931) earned him the reputation of “Chile’s most homophobic president.”⁴³³ While the legend of the General’s ship remains a historical myth, Ibáñez’s passage of this law does give some credence to his homophobic reputation. As Chilean journalist Óscar Contardo poignantly noted, however, Ibáñez “was not particularly more homophobic than the prevailing culture.”⁴³⁴

⁴³⁰ These observations are based on general trends I noted in the 273 sodomy cases I reviewed for the years 1874-1960 in Chile’s National Archive. Unfortunately, I only recorded the claimant in 100 of those cases. Of those 100 claimants 28 of them were policemen and of those 28 denunciations, 8 were made between 1940 and 1960 alone while the remaining 20 were made between 1874 and 1939.

⁴³¹ Robustiano Vera, *Código Penal de la República de Chile* (Santiago de Chile: Imprenta de P. Cadot, 1883), 561.

⁴³² Óscar Contardo, *Raro: Una Historia Gay de Chile* (Santiago: Editorial Planeta Chilena, 2011), 186.

⁴³³ Francisco Campos, “Mitos Bicentenarios: El barco de Ibáñez con comunistas y homosexuales,” *Disorder Magazine*, September 2, 2010, <http://www.disorder.cl/2010/09/02/mitos-bicentenarios-el-barco-de-ibanez-con-comunistas-y-homosexuales/>.

⁴³⁴ Contardo, *Raro*, 183.

This dissertation has reconstructed the ideas about sex, reproduction, and difference undergirding Chile's prevailing culture during the first half of the twentieth century. With the rise of the Pinochet dictatorship in 1973, that culture began to shift. The changes in the intellectual superstructures of sexuality that Chilean physicians enacted between 1900 and 1940 were no longer relevant in a context where the moral objective of salvation reigned supreme over the temporal objective of it. The reconstitution of conceptual superstructures of sexuality under the Pinochet dictatorship thus merits further consideration from scholars of twentieth-century Chile. In light of historian Kristen Weld's recent revelations about the influence of the Spanish Civil War and Franco's doctrine of "nacionalcatolicismo" on Pinochet's "reactionary historical consciousness," the merger of Catholic morals with fascist, eugenic ideals will make for an interesting "next chapter" in the history of anti-gay attitudes and sex-based discrimination in twentieth-century Chile.⁴³⁵

⁴³⁵ Weld, "The Spanish Civil War and the Construction of a Reactionary Historical Consciousness in Augusto Pinochet's Chile," 80.

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