COSTA RICA’S POLICING OF SEXUALITY AND
THE NORMALIZATION OF THE BOURGEOIS FAMILY

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The formation of Costa Rican nationhood or “nation-ness” may be studied as a process of historical invention or subject formation in which identities or subjectivities such as “wife,” “mother,” “woman,” and “prostitute” were normalized as regulated components of the nation. The normalization of these subjectivities may be studied through institutions that either directly or indirectly controlled sexuality. Prostitution laws, through marginalization, contributed to defining “wife” and “mother” as much as they defined “prostitute.”

Some scholars, such as Donna Guy, argue that the policing of sexuality is thought to be a reflection of national authoritarian politics, past or future. Costa Rica’s marginal experience with authoritarianism but its parallel policies concerning sexuality demonstrates that the policing of sexuality do not necessarily signal authoritarian politics. Rather, they may point to the structure of the modern nation and its foundational necessities. The bourgeois family structure proves to be a pillar of the modern nation and its normalization was achieved through a series of practices that included prostitution laws.

Prostitution laws make visible marginalized members of society, namely “prostitutes.” Their marginalization, while defining “prostitute,” simultaneously instituted official definitions of “wife” and “mother.” Such a study observes the “prostitute” as an “other” that shaped
sanctioned public behavior. Regardless of nationally created and perpetuated notions of exceptionalism, the development of the Costa Rican bourgeois family and efforts to create and preserve it through prostitution laws is parallel to Argentina, even though its political development is considered to be at an opposite extreme. The ideas of Liberalism, including progress and modernity, are prevalent during the late nineteenth century and a study of Costa Rica demonstrates a differentiation between the development of the modern nation and particularities in national myths and politics.

This study focuses on the use of prostitution regulations in San José as the center of the leadership for Liberal reforms in the late nineteenth century. The reforms that are of particular interest are those related to prostitution and by association the bourgeois family unit associated with the successful coffee producing society of Costa Rica’s Central Valley. The main purpose of the study is to relate the official national narrative with its myths of the white yeoman farmer and egalitarian society to the development of a series of practices that effectively controlled public morality. Although prostitution regulations were legally uniform across the nation with the ley de Profilaxis Venérea of 1894, there were differences in enforcement, with San José and the Central Valley being the strictest. Enforcement in San José was markedly more significant because it was the nation’s capital and at the center of its self-created myths of the bourgeois family and the role of female subjectivities.
CHAPTER 1
NATION, GENDER, AND MYTH

The Costa Rican nation has, through a series of historical efforts, established a uniform national narrative. This national narrative does not accurately reflect the diversity of the Costa Rican nation in terms of economics, politics, or demographics. Nonetheless the formulation and normalization of the national narrative is significant in understanding the modern Costa Rican nation through both its exclusions and inclusions. This study focuses on the Central Valley region of Costa Rica, in particular San José because of its central position in the development the nation’s narrative as a Liberal, modern, and progressive nation during the 1880s.

Most of the primary research was conducted in the Archivo Nacional de Costa Rica with congressional, juridical, police, and public education documents. Initially, due to Costa Rica’s reputation for its education, the focus of the study was women’s education, particularly through the Colegio Superior de Señoritas. In spite of its historic significance to the nation, however, most of the archives of the Colegio are not available in the National Archives. Many of the available education documents do not reflect the development of curricula as related to national changes but rather center on interpersonal relationships between families and the teachers and directors of schools.

Since the main interest of the study is the national narrative of the Costa Rican nation as it is institutionalized through official practices and because I found educational documents lacking significant details for a strong foundation in such a study, prostitution records proved to be more insightful. The regulation of prostitution is well documented from a legal and political level through congressional debates and police records. Documentation also reflects general opinion through prostitution denunciations. As a result, the study focuses on the regulation of
prostitution and its role in defining female subjectivities as it contributed to the foundation of Costa Rica’s official national narrative as a modern Liberal state.

As with any modern nation, a series of foundational myths define and perpetuate the Costa Rican nation.

Costa Rica puede decirse que nació con la independencia. Ya hemos visto el triste estado en que vivió durante la colonia, lo cual demuestra que este país cuanto se lo debe á sí mismo. La índole pacífica de sus habitantes, el amor al trabajo y su carácter sesudo y reflexivo tenían que dar lugar á la siembra de una simiente más valiosa mil veces que la del café: la simiente de progreso, que ha dado óptimos frutos.¹

This national publication very concisely lists the fundamental myths characteristic of the Costa Rican nation. The creation of the Costa Rican nation is attributed to the noble characteristics of its citizens and their pacific nature and love of labor, rather than the economic success of coffee.

Costa Rican national publications in 1900 outlined the evolution of Costa Rica in very simple stages: the plantation of coffee allowed the nation to be in constant and direct contact with the international world; as a result of this contact, Costa Rica developed in modern and progressive ways as Costa Ricans were exposed to intellectual centers of the most modern “civilization of the world.”² A cornerstone of Costa Rica’s foundational myth is that this intellectual development was simultaneous with its economic development.

Costa Rica’s other foundational myths include cultural homogeneity, social and economic equality, and democratic ideals. These myths are justified with Costa Rica’s miserable birth as a repressed, ignored, and poor colony. It was referred to as the “Cinderella of the Spanish

¹ Juan Fernández Ferraz, Francisco María Iglesias and Paul Biolley, Revista de Costa Rica en el siglo XIX (San José: Tipografía Nacional, 1902). This was a national publication approved by the national government and published on July 23, 1900. Its purpose was to record the development of Costa Rica during the nineteenth century. It was to address, legal, religious, and medical aspects of its development. It includes chapters on historical memory and public hygiene. A number of Costa Rican doctors, lawyers, members of the church, and congressmen contributed to the chapters.

² Ferraz, 139.
colonies”\(^3\) for the initial disappointing settlement and the later development of economic and political stability. At the center of Costa Rican myth is the yeoman farmer, whose independent efforts allowed a degree of experimentation with self-government and produced an egalitarian society unlike anywhere else in Latin America.\(^4\) Costa Rica’s experience with oligarchic rule and militarism “was tempered by competing democratic tendencies,”\(^5\) and therefore national memory and historiography have not emphasized such factors.

Geographically, Costa Rican historiography is centered on the Central Valley region, including San José, Cartago, Heredia, and Alajuela. This area was one of major settlement and nineteenth century Costa Rican government documents reflect the fact, as most of the well-preserved documents from the period address these areas. By contrast, the settlement of Matina on the Atlantic coast was difficult due to the “humid coastal climate” in addition to the scarcity of women in the region. Located on the coast, it was believed susceptible to pirating and sexual trafficking of women.\(^6\) In the late nineteenth century, Matina would serve as a remote area of punishment for prostitutes who refused to be rehabilitated with appropriate domestic behavior.

During the coffee boom in the 1840s, the Costa Rican nation chose to create a national education system rather than devote its budget to military expenses. This choice is key in understanding the presumed peaceful development of Costa Rica. Rather than employing the


\(^5\) Edelman, 3.

\(^6\) Edelman, 16. In reference to Matina: “The population never expanded significantly, in part because women were scarce. Even the wives and daughters of the black slaves and Indians were prohibited from living there to prevent their capture and salve to Jamaica. See also Carlos Monge Alfaro, *Historia de Costa Rica: texto para primeros y quintos años de segunda enseñanza* (San José: Imprenta Trejos Hnos., 1963), 117.
military and repressive techniques to influence the population and resolve conflict, the education system became the form of “true and direct domination.” In 1869 a constitutional clause made “primary education for both sexes obligatory, free, and at the cost of the Nation.” While schools were hoped to prevent inappropriate behavior, primarily promiscuity, in the female youth of the nation, prostitution regulations were meant to correct misguided female behavior.

At the turn of the twentieth-century, there was a degree of public disappointment and frustration with Costa Rican politics as contemporaries viewed President Rafael Yglesias as a dictator within a democratic system. This was subtly reflected in the Revista de Costa Rica en el Siglo XIX whose message to posterity warned to look for noble actions and honorable customs within the home and not in the political. While state documents do not reflect a sense of effective control or a decrease in prostitution, it is clear that government officials valued the home as a unit immune to the corruption of public life. The struggle and aim to protect and preserve the family unit remained intact and prostitution regulations played a role in that goal well into the middle of the twentieth century.

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7 Edelman, 45-47.

8 Edelman, 47. See also Ferraz, 249-250 where an autobiography of a Señorita doña Manuela Escalante was published lauding her for being highly educated during the early nineteenth century when women’s education consisted of religious studies. Published in 1902, the Revista de Costa Rica en el Siglo XIX made an effort to include the Costa Rican woman in national history as educated, respectable, and honorable.

9 Ferraz, 67. Prostitution regulations were an aspect of the laws initiated by the state to maintain and protect the “tranquilidad” (peace) of the nation.

10 Monge Alfaro, 226-228. Published in 1963, this text was written by one of the most recognized Costa Rican intellectuals and historian. In it he explains that Rafael Yglesias “ejerció una tremenda dictadura durante ocho años para hacer realidad sus sueños.” Although Yglesias was elected to office, many Costa Rican believed his election to be based on fraud or the result of an uninformed population.

11 Ferraz, 140. “Si buscan nobles acciones y buenas costumbres en Costa Rica…búsquenlas en el hogar, en la vida de familia y no en la vida pública.”
Costa Rica’s Exceptionalist Myth

The myth of an exceptional Costa Rica is based on a false notion of a homogeneous European population. “Due to a lack of mines and a scarcity of indigenous survivors” from the Spanish conquest, Costa Rica’s economy was based on peasant farmers rather than slave-based plantations.12 Established as a nation based on its “exceptional” status, scholars have attempted to explain its exceptionalism rather than question it. A defense of Costa Rica’s exceptional status relies on a series of myths about a lack of an indigenous population prior to the Spanish conquest and the influence this had in the development of Costa Rica. Historians like Carlos Monge Alfaro argued that the colonial experience of economic neglect by the Spanish created a society based on a sense of equality that led to the development of a “rural democracy” in Costa Rica.13 This mythical homogeneity allowed the adoption and implementation of liberal ideology in the 1880s with virtually no resistance.

The focus on, and use of, the myth of Costa Rican exceptionalism has unfortunately limited and deprived Costa Rican historiography of making comparisons with its Latin American neighbors. The Costa Rica Reader: History, Culture, Politics progresses towards debunking this myth, however, by examining Costa Rica’s economic, political, and cultural history on a more nuanced level. Costa Rica’s economic development as a single-export economy reliant on coffee production, as well as its interaction with its indigenous population, and its adoption of liberal ideology in the late nineteenth century, bridges the gap with its neighbors. On a more general scope, studying Costa Rica outside of an exceptionalist status reveals more commonalities than differences with Latin America. A study of prostitution policies in Costa Rica reveals an


uncanny similarity in the legal practices common to the development of other modern nations, regardless of political structures.

Perhaps further studies of gender and nation will only serve to confirm the idea that “nation” is the overarching concept, as few nations seem to escape the pattern of the policing of sexuality in an effort to impose social norms. The ties between gender and nation seem to make no exceptions, as Costa Rica’s history with prostitution will demonstrate. The policing of sexuality was as intense there as it was in Argentina or Mexico. Yet the similarity in policing does not account for the differences in national development, although that cannot be reduced to a study of gender either. Yet such a situation begs a question: If Costa Rica has enjoyed more stability than most Latin American nations, does that indicate that the policing of sexuality and institutionalization of social norms was more effective there than in the rest of Latin America? That is to say, if the family structure is central to the creation and maintenance of national stability, and if that family structure is a social imposition (and not an organic development) then there exists the possibility that Costa Rican institutionalization of the family structure was more successful than others, even though the same basic approach was employed.

As Anne Hayes points out in *Female Prostitution in Costa Rica, Historical Perspectives, 1880-1930* Costa Rica’s historiographical tradition has focused on the Central Valley region, particularly San José as the center of Liberal Reforms during the 1880s. Hayes work focuses on the province of Puntarenas, in particular its position as a major port region. Bordering the Central Valley region, Puntarenas was a bit removed from the Liberal reforms that San José adamantly pursued during the 1880s. Hayes emphasizes that Puntarenas’s peripheral position aids in understanding the centralization of the Costa Rican state in the 1880s as well as its exceptionalism by Central American standards. Following Hayes’s argument this exceptionalism
is partly a result of the “nation’s free labor system, from which prostitutes in Puntarenas benefited.”\(^{14}\) She argues that the development of prostitution in the port city of Puntarenas was different from prostitution in the inland regions of Costa Rica and as such more affected by the coffee exporting industry and development of the labor system.

Hayes’s study contrasts the traditional Costa Rican historiography with its “image of the white yeoman farmer…[with] the female prostitutes in Puntarenas that were of color and predominantly single.”\(^{15}\) As an export center, Puntarenas was dominated by economic factors rather than the liberal ideology of San José that was central to establishing the Costa Rican nation as progressive and morally pure. The Costa Rican nation benefited from prostitution commerce, particularly as it contributed to profits for the state liquor monopoly and because prostitution was common to the port since the rise of coffee in the 1840s.

Costa Rica’s regulation system for prostitution, while never fully effective, was markedly unenforced in Puntarenas. The active regulation of prostitution was more common to the Central Valley region, especially San José, where elites categorized prostitutes as direct threats to “modernization, motherhood, and the family—pillars of the liberal state based on the coffee culture in the Meseta Central.”\(^{16}\) The moral and legal treatment of prostitution in Puntarenas differed significantly from that of San José because of the different roles that each region played in the Costa Rican economy and its politics. As the official center of the Costa Rican nation, San José’s preservation of bourgeois moral conduct was visible in its enforcement and the public


\(^{15}\) Hayes, 5.

\(^{16}\) Hayes, 17, 86-90.
adherence to those behaviors. Puntarenas exhibited attitudes that were less severe towards prostitution.17

**Discovery and Recovery**

The historiography of gender traditionally consists of “women’s history” or “feminist history” which entails an attempt to rewrite history from women’s perspective. This attempt fails, however, to establish a place within history and rather perpetuates women’s position as outsiders or the “other.” The historiography of gender was initially almost exclusively associated with women and their inclusion in historically male dominated spheres, particularly politics. This connection between women and politics continues to be made, although the approach has been consistently transforming with recent gender historiography. Politics continues to play a central role in gender discussions with increasing ties established between the function of the nation and gender. The notion of the “private” sphere disappears as the control of sexuality, particularly women’s, proves to be a political aspect in the development of modern nation.

One common approach in the historiography of gender is that of discovery and recovery. The theoretical assumption underlying this approach is the idea that there is historical information that has been overlooked or ignored and that its recovery will lead to a more accurate history. By applying this approach, studies hope to disprove the notion that women have no historical place within the function of the state that is outside of the family structure. Such an approach inadvertently perpetuates women’s “otherness” by forcibly inserting them in a history that is already written and downplays the importance of the structures that are traditionally considered female spheres, such as the family unit.

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17 Hayes, 86-92, 96-98. Hayes notes that there is “little evidence that residents of Puntarenas complained much about prostitution, nor is there any substantial evidence that they appealed to Article #5 of the Ley de Profilaxis Venérea, forcing prostitutes to move if neighbors reported scandalous behavior. Faltas a la moral and escándalo, those categories of misdemeanors corresponding to such complaints, were highest in 1907, but were not the result of outcries from the local citizenry” in Puntarenas. This was not the case in San José, as will be explained below.
A different, more recent, approach studies gender from within the structures that have always included women, particularly the family structure. Rather than denying women’s place in politics, which seems to be the fear of more traditional gender historiography, this approach brings gender studies closer to understanding the function of gender within the state, thus merging the discussion of the two. Although the latter approach is increasingly popular, the former is not far removed from gender studies even if it does not appear to be as productive or effective in the historiography of gender.

The historiography of gender is oftentimes limited to the history of women with a focus on feminism and politics. Asunción Lavrin’s *Women, Feminism, and Social Change in Argentina, Chile, and Uruguay, 1890-1940* focuses on understanding the development of feminism in the respective countries and on dispelling idealistic myths of feminism. Lavrin studies women and politics outside of the traditional assumption that feminism is politically progressive. Thus, she establishes a significant connection between state politics and feminism, thereby placing feminism within, instead of outside of state politics. She establishes a closer comparative tie between feminism and socialism, anarchism, the labor struggle, and populism and consequently makes a move toward erasing the outside category that feminism or women are traditionally (and inevitably) relegated to as separate studies. She addresses the centrality of intellectual capacity to Southern Cone feminism, especially as it related to civic life and politics. Simultaneously, however, Southern Cone feminism relied on an adherence to traditional moral values of motherhood.

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19 Lavrin, 21.
While building on the notion of “reconstruction,” (and implicitly that of recovery and discovery) Lavrin’s work is useful for demonstrating the stronger ties feminism had to state policies rather than to progressive, radical, or revolutionary politics. She effectively argues against the idealist notion of feminism as ultimately progressive by addressing its subordinate position to nationalism and its limited middle-class composition. The study discusses the disconnection between feminism and class or racial issues.20 By formulating and concluding her argument in such a way, Lavrin does not discredit feminism and women’s role in politics, but rather “discovers” the ties that place feminism within national discourse instead of marginal to it.

The historiography of gender as presented through studies like *Hidden Histories of Gender and the State in Latin America* formulates its theoretical base on the previously mentioned ideas of discovery and recovery. This discovery and recovery is aimed at state politics and their effect on “gender relations and how gender conditioned state formation in Latin America from the late colony to the twenty-first century.”21 As an overt politically conscious collection, it aims to discuss those “hidden histories” that demonstrate female activism and validate the political role currently and historically. In studying gender history, the authors aim to displace the myth of women’s “supersubordination,”22 as they argue that there is a great exaggeration of women’s legal subordination during the colonial period. This argument counters the idea that liberal ideology ushered in an age of “progress” that benefited women and contributed to gender equality. Rather, the argument presented centers on the opposite notion,

20 Lavrin, 350-355.
22 Dore, 10-14.
where liberalism created defined gender divides, especially through the construction of patriarchy, and consequently exacerbated women’s subordination.

Although there is a concentration on the effect of liberalism on gender, and vice versa, in the volume, the overarching theme is the ways that state creation, be it liberal, corporatist-populist, or socialist, depended on its response to and creation of gender. Consequently, the case studies included focus on the changing of societal constructs within particular state changes. State initiated changes that attempt to civilize society, in particular the institution of policies determining gender constructs, are addressed by the majority of the essays. Elizabeth Dore’s “Property, Households, and Public Regulation of Domestic Life: Diriomo, Nicaragua, 1840-1900,” Donna J. Guy’s “Parents Before Tribunals: The Legal Construction of Patriarchy in Argentina,” and Mary Kay Vaughan’s “Modernizing Patriarchy: State Policies, Rural Households, and Women in Mexico, 1930-1940” address the creation of the bourgeois family through state policies. These articles discuss the engendering of rural and urban experiences as states rationalized domesticity for women and competitiveness and cooperation for men.

*Hidden Histories of Gender and the State in Latin America* foreshadows more recent research demonstrating the priority of national development and the integral role played by gender constructs. In spite of its limited theoretical approach of “discovery and recovery” and its aim to transform current politics on feminist terms, the study establishes a strong connection

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between gender and the state on a micro-level through the specific essays. This connection is reflected in later studies, even if the “discovery and recovery” approach is discarded.

**Family and the Nation**

In *Liberalism in the Bedroom: Quarreling Spouses in Nineteenth-Century Lima* Christine Hunefeldt follows the “modernization” of the family structure in Lima and analyzes the changing conceptions or definitions of subjects within the family. As Hunefeldt discusses, the “family” is often studied as an isolated unit of analysis that “is only intelligible in and by itself.” As a result of this notion, the “family” is excluded from an overarching analysis of society since it exists outside of that logic. There also exists the Marxist perspective that views the family as “dependent on the overall socioeconomic transformations in society.” Hunefeldt attempts to reconcile these two considerations as a way to understand society overall. Thus, there exists a dynamic relationship between society and family as they simultaneously affect each other.

Using the above premise, Hunefeldt studies subjectivities within the family structure, such as “wife” and “mother,” and relates transformations to national changes. Her examination of marital disputes shows consistent attempts by women to challenge their designated positions in society from within the existing conceptions of “family” and “wife.” Her research demonstrates changes in women’s arguments that generally correlate with the consolidation of liberalism in the Peruvian state in the second half of the nineteenth century. Alongside the consolidation of liberalism was the institutionalization of the bourgeois family, viewed as central to the stability of the developing nation. Women used the conception of bourgeois family in their

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26 Hunefeldt, 4.

27 Hunefeldt, 4.
defense during marital disputes, where they attacked male abandonment as the cause of
instability in the family. This sense of instability in the family is important to note, as Hunefeldt
does, because it refers to the importance of the role family unit as related to the state. As she
emphasizes, women had to work within the subjectivities available in a liberal state that
promoted the bourgeois family without destroying the family—“the pivotal institution in a
country that was neither stable nor modern.”28

Liberalism in the Bedroom examines gendered subjectivities through the discussion of
family and without excluding them from national or political discourse. Her study shows the
practical influence the “private” sphere had on public policy and vice versa. The political and
economic instability experienced by the Peruvian state in the latter half of the nineteenth century
was key to changes in the discourse related to “family” and female subjectivities. The “family”
thus serves as a useful unit of analysis to understand national processes. It further bridges the gap
between gender and national discourse as it connects the domestic sphere directly to the public,
showing the dynamic relationship between the two.

In Divorcio y Violencia de Pareja en Costa Rica (1800-1950), Eugenia Rodríguez Sáenz
explores the connection between gender and the politics of liberal reforms. She argues that
gender was emphasized in these liberal reforms because of the role women and children had in
creating the new model for family and nation and preserving the social order.29 She focuses on
the redefinition of gender roles within marriage and the family unit and emphasizes the ideal of
“scientific maternity.”30 The liberal model for the family unit depended on the separation of the

28 Hunefeldt, 349.
29 Eugenia Rodríguez Sáenz, Divorcio y Violencia de Pareja en Costa Rica (1800-1950) (Heredia: Editorial
Universidad Nacional, 2006), 25.
30 Rodríguez Sáenz, 25. “maternidad científica.”
domestic sphere and the public sphere. As the primary figure in the domestic sphere, “woman”
was then defined by her role as wife and mother, with the responsibility of raising children of
utmost importance.

Rodríguez Sáenz notes that maternity was elevated to the status of a “modern scientific
profession” based on hygiene and the moral education of children, while systematically
promoting a series of medical practices before, during, and after childbirth. 31 This was part of the
liberal secularization of marriage and family where the state interfered in the domestic sphere
through laws regarding domestic violence, divorce, and child rearing. As she argues, the number
of divorce cases initiated by women demonstrates the non-passive position that characterized
women, regardless of the bourgeois gender roles enforced by the state.

Similarly, Donna J. Guy uses the “family” and marginalized women in a discussion of the
Argentine nation in Sex and Danger in Buenos Aires: Prostitution, Family, and Nation in
Argentina. Guy emphasizes the importance of the family in the construction of national
identity. 32 As she argues, since the family unit was seen as the base of the new Argentine nation
it was imperative that the state foment and protect the family structure and reinforce
subjectivities of “wife” and “mother.” The protection of these bourgeois subjectivities created a
discourse on prostitution around “family reform, the role of women’s work in modernizing
societies, and the gendered construction of politics.”33 The threat posed by prostitution was

31 Rodríguez Sáenz, 37. Practices such as medical examinations and the clinical treatment of diseases.
32 Guy, 2.
33 Guy, 35.
monitored by the state, which produced a great quantity of medical and social records cataloging cultural/ethnic background, occupation, age, and the like.  

Guy’s study extends beyond an isolated gender discussion as it proposes the relevance of gendered structures for understanding “the roots of authoritarian behavior…within democratic societies.” Guy follows the changing state perceptions of prostitution from the late nineteenth century to the mid-twentieth century. During the late nineteenth century, prostitutes were seen as a direct threat to Argentine society, as they did not conform to those standards set medically and politically. The twentieth-century, in contrast, was characterized by an increase in homophobia that led to changes in the discourse on prostitution. It was then perceived as a patriotic service that would safeguard bourgeois family by preventing homosexuality in males.

Guy demonstrates that “authoritarian politics of social control” were present throughout Argentina’s history, and served as reinforcements of the changing perceptions of prostitution. These politics of social control consisted of medical certificates, municipal fees, etc., required by women to work as prostitutes, all of which were resisted through refusals to work with medical certificates or pay fees. Ultimately, she argues against the idea that authoritarianism, or the nation, “can best be best understood by examining institutions such as the military, national elections, and dictatorship.” Instead, she argues that the undemocratic infrastructure of the nation is revealed in the ways in which gender and sexuality is policed, further strengthening the ties between nation and gender constructs.

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34 These records are more scientifically discussed by Julia Rodriguez, Civilizing Argentina: Science, Medicine, and the Modern State (Chapel Hill: The University of North Carolina Press, 2006), as will be noted further on.

35 Guy, 209.

36 Guy, 209.

37 Guy, 209.
Civilizing Argentina: Science, Medicine, and the Modern State is not exclusively focused on gender studies but perhaps as a result, provides a clearer and less categorical relationship between gender and the state. Like the authors of Hidden Histories of Gender and the State in Latin America Julia Rodriguez argues that nineteenth-century “liberalism did not bring progress, let alone freedom and equality for all” but rather it created a system of control by which “Argentina’s national identity rested...on the identification and definition of the ‘other.’” Rodriguez explores beyond the obvious moral argument against prostitution used by the state to justify the degree of urgent efforts to control it and notes the practices that reflected an attempt at general societal control. Her study demonstrates how the control of prostitution related to national development and concludes that the roots of Argentine authoritarianism and the “dirty war” of the 1970s lie in the scientific practices of defining, policing, and marginalizing the “other.” Prostitutes were especially dangerous to the state since they operated outside of the bourgeois ideal that the liberalism-guided sector of the Argentine nation found central to its development. The function of maternity held an elevated stance as the nation depended on mothers to prevent “homosexuality, alcoholism, and crime.” A rejection of motherhood could be equated with a refusal to contribute to the nation’s development. The legalization of

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38 Rodriguez, 3-6.
39 Rodriguez, 244.
prostitution served as a direct way of controlling this perceived threat to the liberal ideology embraced by the Argentine elite.

*Civilizing Argentina* shares a commonality with *Hidden Histories of Gender and the State* in its attempt to displace myths of nineteenth-century liberalism and the so-called progress it produced. Although these two books share this attempt, it is clear that the approaches conclude at different points. Whereas *Hidden Histories of Gender and the State* focuses on gender constructs as related to the state, *Civilizing Argentina* uses gender constructs to discuss the state itself. That is to say, gender becomes a tool to understand the state and national development. Rodriguez demonstrates that the ideas of progress, freedom, and equality were myths, as liberal ideology produced a strictly regulated society to enforce bourgeois gender ideals, both female and male.

In *Compromised Positions: Prostitution, Public Health, and Gender Politics in Revolutionary Mexico City* Katherine Bliss follows Donna J. Guy’s approach of relating prostitution and public health to national development. Bliss focuses on revolutionary Mexico City but provides an analysis of the pre-revolutionary state that indicates a lack of transformation as related to the perception of gender and gender relations. Like late nineteenth-century Buenos Aires, Porfirian Mexico City established laws that required “sexually promiscuous women,” i.e. prostitutes, to register with public health authorities, pay licensing fees, carry an identification card, undergo weekly gynecological examinations, and submit to hospitalization if found to be carrying a venereal disease.”

The conception of prostitution as a “necessary evil” during the Porfirian period was overturned in the revolutionary period. The Porfirian state became negatively associated with prostitution as it was blamed for producing and perpetuating the vice. As Bliss discusses,

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however, prostitution did not decrease in the revolutionary and post-revolutionary period. Instead it probably increased as the revolution continued to separate male and female spaces. The revolution imagined prostitutes as victims of the Porfirian state’s corruption and aimed to protect prostitutes from being exploited by “both unruly clientele and unscrupulous madams.”

Increasing concern and paranoia over venereal diseases also changed gender constructs in the post-revolutionary period. Prostitutes were categorized as “victims” and in need of protection from the state. The state had to reconcile the threat of venereal diseases with male masculinity. As a result, there is a simultaneous effort to control promiscuity in order to curtail venereal diseases, while promoting male masculinity through overt sexuality. Bliss’s study demonstrates that the state’s rhetoric of change was fundamentally flawed as it retained “older ideas about gender and social class” that were a reflection of those in effect during the Porfirian state.

Sueann Caulfield’s *In Defense of Honor: Sexual Morality, Modernity, and Nation in Early Twentieth Century Brazil* attempts to “understand the relationship between the role of sexual honor in everyday personal choices and conflicts…and its role in public debates over the modernization of the Brazilian nation.” Caulfield’s study shows the constant problems faced by the Brazilian state to reconcile the notions of modernization with sexuality. Some Brazilian elites argued that traditional sexual norms of honor and family values contradicted the nation’s path to modernization. The argument was countered by a desire to retain those sexual norms in order to elevate the morality of the nation, thus claiming superiority.

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41 Bliss, 81.

42 Bliss, 208.

The perception of sexual honor changed depending on the state’s needs and purposes, much like one saw the perception of prostitution change in Argentina for the same reasons. During the 1930s, the Brazilian state’s rhetoric increasingly linked “centralized state power, national honor, and the ‘traditional Brazilian family.’” Once again, the idea of “family” plays a significant role in the function of the state and power. The “traditional Brazilian family” became a reference of power, legitimacy, and authority for the Brazilian state, especially since existing social norms validated the importance of the family.

Caulfield studies gender constructs and the nation through the social norms, particularly women as defined by virginity, rather than through marginalized women as Donna Guy and Katherine Bliss do. Thus, instead of studying the state’s control of prostitution and women outside of the bourgeois family ideal, she studies the state’s involvement within the family. That is to say, she looks at the efforts of the state to promote and ensure virginity through obligatory state medical examinations. Her discussion of gender and the state is particularly interesting because she includes modernity as a central theme to the discussion, especially as the state struggled with accepting or rejecting the changing gender and social norms. Ultimately, however, one notes that acceptance or rejection was based on what the state found necessary for stability.

In *Gendered Compromises: Political Cultures and the State in Chile, 1920-1950* Karin Alejandra Rosemblatt explores the efforts of popular-front Chile to become part of the

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44 Caulfield, 15.

45 Caulfield, 17-19. Thus, in such a case, women who were within the family unit or who had chosen to belong to the family unit and were not rejecting any conventional norms were subject to examination. Here, official monitoring was not exclusively limited to marginalized women, i.e. prostitutes.
“‘civilized world’, and how gender was implicated in their plans.” 46 The referenced “civilized world” includes the idea of the bourgeois family and of a controlled sexuality. A non-centralized family and an “uncontained sexuality…were associated with barbarism,” 47 a category that no modern and developing nation wished to be associated with, especially a revolutionary government. National development includes a creation of adequate citizens, which as Rosemblatt points out, is partially done through the control of sexuality. Much like in Argentina and Mexico, Chile did this “through scientific intervention, state planning, and widespread campaigns to discipline popular classes and to make them honorable.” 48 Her focus is not exclusive to state efforts, however, as she also explores the roles that subaltern classes played in the enforcement of state policies to control sexuality. She also argues for the fluidity of class and gender alliances.

Rosemblatt emphasizes the subaltern classes and has a positive assessment of their contribution to the changing gender constructs. This work is perhaps most closely related to Hidden Histories of Gender and the State in Latin America in terms of the positive view of the subaltern classes and the role of women. In addition, however, Rosemblatt includes a deeper and more detailed discussion of both the feminine and masculine genders, especially as she discusses the changes in the masculine gender construct as “worker” and explains the rejection of such a category by the popular-front since it was based on the capitalist notion of the individual.

In Reproducing Empire: Race, Sex, Science, and U.S. Imperialism in Puerto Rico, Laura Briggs examines the use of prostitution laws and related scientific practices the United States implemented after 1898 to formulate Puerto Rico as an “other.” Puerto Rico’s prostitution laws

47 Rosemblatt, 13.
48 Rosemblatt, 13.
reflected the Catholic attitude common throughout Latin America because of Spanish colonial heritage. This attitude of prostitution as a necessary evil differed from the Protestant view of repression, as Donna Guy mentions in *Sex and Danger in Buenos Aires*.\textsuperscript{49} Prostitution continued to be monitored rather than prohibited until 1918 when the United States granted Puerto Ricans citizenship. In 1876 Spanish authorities established a “red light” district in San Juan that confined prostitution and required registered prostitutes to carry identification with proof of weekly medical visits.\textsuperscript{50} The United States enforced Spanish established regulations after 1898, since it viewed Puerto Rico as a culturally foreign and inferior territory that did not merit nor require domestic policies.

Regulations and tolerance changed after citizenship was granted, however. No longer an “other,” Puerto Rico’s prostitution policies were altered to reflect the United States’ domestic policy. Prostitutes were incarcerated rather than registered, as the United States attempted a transformation of Puerto Rican culture that would make Puerto Ricans morally acceptable as United States citizens. The new repression policies were justified through an emphasis on the dangers of syphilis to U.S. soldiers. Briggs’s book is directly about “colonialism” since she deals with Puerto Rico, which does not have legal status as a nation. Nonetheless, a study of prostitution policies in Puerto Rico is also a study of modern nation building, especially as those policies contribute to the formulation of the United States as a modern nation.

**Gender and the Latin American Nation**

Postcolonial Latin American nations instituted parallel policies to create and maintain the ideal society. The above works, whether they refer to Argentina, Mexico, Brazil, or Chile,

\textsuperscript{49} Guy, 13-14.

consistently describe a family structure with similar gender constructs that insure heterosexuality and relate to the stability of the nation. That family structure includes a strict sense of domesticity for the feminine gender and a domination of public space and sexuality for the masculine gender. One can see that nations went to great lengths to insure that women remained within the domestic space, and those who strayed from that space were closely monitored. One notes that in Mexico and Argentina the state employed a complex system of control for marginal women—prostitutes. From *In Defense of Honor*, one sees how virginity was a premise for the establishment of family, as the nation hoped to avoid and prevent a tainting of the family unit.

Using the “family” as a unit of analysis is a significant change in approach to understanding gender. Attempting to write revisionist histories, as noted before, reinforces the concept of “woman” as “other,” even as it is an attempt at being inclusive. A discussion of the family structure, however, allows a discussion of gender and women without offsetting them as “others,” since the family structure is central to the nation. Earlier Women’s History inadvertently reinforced the notion that politics, and the public space in general, was the only point of significance to the understanding of the nation. In doing so, it perpetuated the distinction between public and private spaces that can now be seen as more fluid than initially proposed. That is to say, these spaces are not exclusive of each other and the family, although traditionally categorized as a private space, has more involvement and affect on public policy than previously noted.

It is interesting to note that the historiography has not established this connection even though states clearly did. States employed and devoted priority to policies concerning the stability and maintenance of the family structure. One can see from the documents used to formulate the above studies that national governments were obsessed with the role the family
unit supposedly played in the imagined stability of the nation. The family structure, it was
imagined, guaranteed the perpetuation of patriotic values in the citizen population, thus
contributing to the nation’s stability. Just as general historiography created strong distinctions
between public and private spaces, Women’s History created an exclusivity based on distinctions
between feminine and masculine gender, and the female and male sex. By focusing on the
feminine gender exclusively, Women’s History undeniably overlooked the connection between
gender and state as a dynamic interaction, rather than a reactionary one.

A discussion of the nation through gender shows that the construction and maintenance
of the nation is politically neutral. That is to say, gender and social constructs often transfer from
one political position to another with minimal, if any, alterations. One can see this from
Katherine Bliss’s discussion of Mexico in Compromised Positions where gender constructs
remain, in application, intact from the Porfirian state to the revolutionary state. Therefore, it can
be noted that gender constructs are maintained so long as they perpetuate stability and national
interests. Even if the rhetoric is different, the concept of the nation as progressive and modern
has to be reconciled with the function of gender roles. As Donna Guy discusses in Sex and
Danger in Buenos Aires, the perception of the prostitute in Argentina was altered depending on
what the state found necessary to attack or protect at a particular point in its development. Thus,
when homophobia spread throughout Argentina, the state turned to the prostitute as a means of
preventing a possible dissolution of the family structure since homosexuality was perceived as a
threat to heterosexuality and consequently a bigger threat to the creation of families.

Guy’s Sex and Danger in Buenos Aires is significant because it points to the possibility
of tracing authoritarianism to the policing of sexuality. Ultimately, the study challenges the
notion that the nation is “best understood by examining institutions such as the military, national
elections, and dictatorship.”51 Guy’s influence is visible in Katherine Bliss’s discussion of Mexico, which further complicates and advances the discussion of nation and gender. It does so by pointing out the authoritarian features that were consistent during the Porfirián state and the revolutionary and post-revolutionary period, even as the latter tried to differentiate itself from the former.

The historiography of gender vacillates between attempts to displace state related “myths” concerning women, and thereby inserting women into a political discussion, and those that aim to understand, rather than alter, the connection between gender and state. What is noticeable is that the former approach, as exemplified by studies like Hidden Histories of Gender and the State in Latin America, is not quite effective at changing current gender constructs, which is its direct aim. Rather the latter approach, like that of Donna Guy in Sex and Danger in Buenos Aires, proves to be more effective at understanding the creation and perpetuation of gender constructs and therefore more adept at changing them. Gender or women’s studies is then not a matter of discovery and recovery of women’s (political) activism or of revising history to insert female heroes but rather of understanding gender and the state as a set of practices and policies aimed at defining family and nation.

51 Guy, 209.
CHAPTER 2
PROSTITUTION AND THE NATION

Major settlement of the Costa Rican Central Valley, particularly of San José, Heredia, and Alajuela, began in the eighteenth century, with San José quickly outgrowing Heredia and Alajuela because of tobacco production. In 1800, 80 percent of Costa Rica’s 50,000 people lived in the Central Valley in the cities of San José, Heredia, Alajuela, or Cartago. The economy of the Central Valley in the early nineteenth century “was based on peasant production, essentially devoid of servitude…and ethnically and culturally integrated.” Catholic traditions related to sin, marriage, and death were generally believed in the area. The independence of Central America from Spanish colonial authority in 1821 changed Costa Rica’s trading practices by opening up to a large market of international trade and investment. The coffee boom of the 1840s was partly due to the availability of foreign credit that facilitated the change of agriculture into capitalist enterprise and wage labor.

While the coffee boom consolidated the economic power of the coffee producing families in the Central Valley, it also fueled power struggles between the four major cities of Cartago, Alajuela, Heredia, and San José, with San José eventually consolidating leadership. The birth of the Costa Rican Republic in 1848 combined with the leadership of the privileged coffee elite to establish the nation’s path of Liberalism. After a series of military conflicts during 1850s and 60s, the implementation of practices that consolidated the creation of a modern State and society was initiated by a series of Liberal Reforms in the 1880s. Civil and penal codes were enacted with an emphasis on the centralization of the State. A primary education system was created as

1 Heredia was founded in 1706, San José in 1736, and Alajuela in 1782.
2 Iván Molina and Steven Palmer, The History of Costa Rica: Brief, Up-to-Date and Illustrated (San José: Editorial de la Universidad de Costa Rica, 2006), 44.
3 Molina, 47.
well as regulations related to science and hygiene. Prostitution regulations were one set of practices that were included in the changing civil and penal codes.

Latin American Studies is plagued by unending attempts to explain the political and economic instability and “failure” of the region. The emphasis on the number of revolutions, coups, and dictatorships is buttressed by the constant comparison to the United States and Europe. Dependency theory uses the relationship between Latin America and the United States and Europe to explain the perceived failure of Latin America’s development. Prior to dependency theory, Latin American backwardness was explained in terms of a stubborn “feudalism” and a lackluster “modernization” of the region. Dependency theory, however, looked to the United States and Europe’s negative effects on the region, which was understood as an export periphery of the industrialized centers.4

Frequently, Latin America has been studied in terms of its failure to modernize or in terms of its marginalization in the global economy. Notably, both the modernization and dependency perspectives explicitly or implicitly adopt the central idea of “failure” and the comparison with the United States. The idea of “progress” in this case refers to a particular economic and political development that is a reflection of the United States. Costa Rica is traditionally treated as an anomaly and exception in Latin America because of the seeming lack of political and economic turmoil. It holds a marginal place in Latin American studies because it does not fit the tradition of “failure” that many scholars and commentators equate with the region,5 as justified by Costa Rica’s brief experiences with dictatorships. The focus on the lack of political turmoil that qualifies Costa Rica’s exceptionalism, however, is misleading as it fails

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to account for the otherwise similar development it shares with other Latin American nations. This focus merely inverts the false stereotype of Latin American “failure,” which in turn is based on a spurious comparison with the United States. Costa Rica’s prostitution laws are one aspect of Costa Rican national practices that reflect the nation’s commonalities with the region, thus helping to further undermine the myth of Costa Rican exceptionalism, but also perhaps the regional myth of “failure.”

In the same vein, Women’s Studies focus on revising history to account for women’s activity in the public sphere, particularly in political movements, deters us from understanding the conditions that allowed for women’s exclusion. The effectiveness of such an approach has been critiqued for reinforcing and perpetuating women’s status as an “other” within the public sphere. Scholars like Donna Guy and Katherine Bliss explore government institutions that documented women’s activities, even if inglorious. The late nineteenth and early twentieth centuries in Latin America are characterized by developing nations that focus on the creation of standard social values. Pioneers in such an approach, Guy and Bliss examine the state control of prostitution and the close links between the family structure and the nation, i.e. private and public spheres.

**Prostitution and the “Imagined Community”**

The definition of a particular nationalism proves to be divergent and transformative, depending on the necessities of the nation as a forcefully cohesive structure. In Argentina, prostitutes were at times labeled patriotic, and at other times relegated to corrupt imports from the European world. The seeming inevitability of prostitution was largely justified and
rationalized through old Catholic practices inherited from Spain.⁶ Such rationalization implied that, while prostitution could not be eliminated, it could be regulated through a number of practices that simultaneously proved a nation’s modernization through its adherence to contemporary scientific and cultural trends.

In the late nineteenth century, modernization included public health reform, as well as the politicization of sexual behavior.⁷ While the concern with venereal disease was not new to the period, because of scientific changes coupled with nation-building efforts, it could finally be practically monitored through seemingly logical, though perhaps unethical, methods. Nations like Argentina, Mexico, and Costa Rica demonstrated their modernization trends through the implementation of public health reform. This reform included the curtailment of venereal disease through prostitution regulations, and these regulations further allowed governments to intervene in the determination of appropriate sexual behavior. Prostitutes were marginalized as outsiders, be they as a corrupting foreign influence, as in Argentina, or simply as unhealthy elements of bourgeois national society, as in Costa Rica.

The focus on scientific progress during the late 1890s led to the labeling of prostitution as a “social ill” rather than a crime.⁸ Such an approach allowed for the possibility of “curing” such ills accompanied with hopes, based on scientific processes, of eliminating prostitution altogether. The control of marginal members of society, e.g. prostitutes, allowed for an indirect control of publicly recognized members of the nation. Key members of the imagined community of the

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⁶ Although not directly sanctioned by the Catholic Church, religious figures like St. Thomas Aquinas defended prostitution as a barrier to what was considered worse dangers, such as homosexuality. This belief was inherited by Catholic nations, be they of Spanish or Portuguese colonial heritage.


⁸ Rodriguez, *Civilizing Argentina*, 37-40. The 1878 International Penitentiary Conference in Stockholm influenced nations like Argentina who attended and adopted changing European concerning criminal legislation. There existed a predominant focus on the creation of a national scientific infrastructure that could identify, diagnose, and address social ills.
nation were “husband,” “wife,” and “mother.” These subjectivities were essential to the makeup of the bourgeois family that, as Guy, Katherine, and Hunefeldt discuss, was central to maintaining national order.

The stability of the nation was thought to be reflected in the stability or instability of the family. Heightened concern with public morality in the mid-nineteenth century reflected this thinking. The public, be it through denunciations against prostitution, as in Costa Rica, or as reflected in marital court cases in Peru, often enforced the fulfillment of state-sanctioned gender roles. Economic developments in mid-nineteenth century Peru “created a class of nouveau riches who were deeply concerned with social appearances.” This implied more social pressure for women to conform to moral standards, as well as for men to play the role of breadwinner.

The study of the nation through gender brings into question the notion that liberal states in Latin America introduced “Order and Progress.” Rather, the study of gender demonstrates that liberal states instituted a number of practices that contributed to a curtailment of progress in terms of any positive effects on gender relations. Rather than progressing towards female emancipation, the adoption of liberalism set high moral standards of domesticity for women. Secularization of the state placed more direct power in male hands as the head of the bourgeois family unit. Thus,

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9 In particular, one should note Hunefeldt’s *Liberalism in the Bedroom*, wherein she discusses nineteenth-century divorce cases in Lima, Peru. The cases demonstrate how changing perceptions of the family and moral values were a reflection of national trends. Instability in the Peruvian nation allowed women to use the “bourgeois family” in their favor and against their husbands.

10 Hunefeldt, 315-346.

11 Hunefeldt, 316.

12 Elizabeth Dore argues that liberalism produced a sort of retrograde progress in terms of gender equality, as legal reforms showed an increasingly repressive attitude towards women. Thus, liberal state policies did not contribute to “progress” in this sense, as “proper” behavior was established and defined through state policies that affected married and single women of all classes.
rather than the Catholic Church yielding control over acceptable female behavior, individual men, backed by the state, were given the responsibility.

Overall, the state replaced the Church as the institution responsible for establishing and maintaining social order. State-implemented practices were key to maintaining an imagined community that rested on the normalization of certain gender roles. Secularization was one aspect that implied “Order and Progress,” which can now be understood as a fundamental myth in the formation of the modern Latin American nation. This semblance of “Order and Progress” was achieved through the implementation of practices based on scientific developments. The nation was typically viewed as an organic entity and being whose body could be dangerously infected and fall ill.

One of these contaminants or infections of the national body was venereal disease. The spread and occurrence of venereal disease was blamed on prostitution, whose prevalence reflected negatively on national society, as it implied the extent of corruption of the nation’s women. The bourgeois family structure was imagined to be central to the maintenance of the modern nation, and as such women’s prime role in the domestic space was carefully institutionalized, normalized, and guarded through state policies. Marginalized women like prostitutes cemented the recognized female subjectivities of “wife,” and “mother” by serving as an example of all that is considered corrupted and undesirable in a woman and in the nation. Prostitution regulations were one way the state institutionalized female subjectivities that were ultimately identified as proper and desirable for national society. Through the marginalization of

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13 Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1991). The modern nation is founded on a particular set of nationally accepted myths. The idea that a secular state leads to and is representative of “Order and Progress” is one of these myths. Liberalism was a central point of discussion for the idea of “progress” and newly independent Latin American nations in the nineteenth century pointed to it as validation for their modernity.
prostitutes, the acceptable female subjectivity was formed. During the late nineteenth century, female prostitutes were seen as women who failed to fulfill their duty to the nation as child bearers. Their lack of “contribution” to national reproduction was made worse by the fact that they were identified as the agents of venereal disease, which ruined the households of married men.

In spite of the deep separation between private and public spheres, cemented during the nineteenth century, the nation’s imagined community was equally dependent on both to function. The adoption of liberalism in Latin America was a tool in the building of Peru, Costa Rica, and Argentina. Its effect as a tool, rather than a determining characteristic of nations, is what allows the comparative study of these national histories across political developments. Political systems prove to be fluid, as Argentina’s case prominently shows. Prostitution regulations were altered for the benefit of maintaining order within the nation. Prostitution regulations are not necessarily signals of authoritarian politics but rather of the expansive process that is nation building. The study of such regulations provides insight into the development of the Argentine nation although it may not, contrary to Donna Guy’s claim, necessarily serve as a foreshadowing of its authoritarian politics. Argentina’s initial regulations created an “other” based on the concept of “white slavery,” where the origins of prostitution could be traced outside of Argentina, and therefore not identified as inherent to its foundation. Moreover, and under

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14 The marginalization of prostitutes essentially took the place of the “other” to the proper female subjectivities of “wife” and “mother.” The bourgeois family could be efficiently delineated unless the subjectivities outside of it were sufficiently defined.

15 As Joan W. Scott notes, in “Gender: A Useful Category of Historical Analysis” politics constructs gender and gender constructs politics. From this notion, one takes “women” as a category traditionally relegated to virtual existence outside of the function of the state for its identification with the domestic realm. As Scott initiates, however, “women” and by implication the “family,” have been ignored as direct reflections of the nation.

16 “The history of legalized prostitution suggests that the roots of authoritarian behavior are found in gendered structures within democratic societies, not just within the overtly antidemocratic military.” Guy, 208-209.
bourgeois or liberal patriarchy, the policing of gender and sex is “normal” to less authoritarian, or more “democratic” states as well.

Managing Prostitution

The management of prostitution through state institutions in Latin America follows similar patterns and approaches. As modern nations, newly independent throughout the nineteenth century, Latin America inherited prostitution practices from a Catholic tradition. Recognized by Saint Augustine and Saint Thomas Aquinas as repugnant but necessary, they argued that it prevented practices like homosexuality. For the modern nation, however, the management of prostitution was more than about preventing homosexuality. It was part of subject formations central to the maintenance of the family infrastructure of the modern nation. Prostitution laws were one way that public attitudes and actions could be normalized. The prostitute, whether under legalized prostitution or not, was a marginalized figure that served as an example of that which stood outside the nation’s bourgeois family infrastructure.

The process of marginalization is not only about exclusion, however, as an inclusionary space is simultaneously created. The bourgeois family was established through a process that included defining spaces through exclusionary practices, such as prostitution laws. Domesticity was associated with appropriate and productive social behavior. Women who engaged in domestic work were considered essential to the development of the nation, as they played a key role in the lives of future generations. The rejection of domesticity, and through association of childbearing and rearing, was seen as a direct refusal to contribute to the nation’s development. The “prostitute” outwardly rejected domestic behavior and deterred from the “civilizing” goals of the nation.

Even as the “prostitute” was denounced as a threat to proper family and domestic life, she proved to be essential in defining and identifying the boundaries of the family. The “mother” and
“wife” subjects were identified by the things they did not do, such as not being outdoors after dark or talking with a number of men. In this manner, the prostitute, as a marginal figure, served the modern nation in its early attempts to establish an ordered society. The management of prostitution through legal practices such as registration and weekly medical examinations were not, once again, signs of future authoritarian politics but rather essential components in the development of the modern Latin American nation.

Costa Rica’s National Narrative

Costa Rica’s foundational myths include liberal practices and a long history of democracy, wherein authoritarianism is an insignificant detail, especially in comparison to other Latin American nations. Democracy is a strong myth that has continuously been rationalized and explained by myths about Costa Rica’s population from early colonial settlement to independence and beyond. The image of the poor white settler capable of creating a liberal and democratic society was made possible through the fictional elimination of a Costa Rican indigenous population. Not unlike the exceptionalist Anglo-American narrative of the yeoman farmer or “pioneer,” the Costa Rican narrative is based on the notion of a “rural democracy” created by poor farmers who had to conquer the land without much Spanish help. Historically, Costa Rican intellectuals focused on this myth and viewed the brief lapses into authoritarianism as events that solidified, rather than deteriorated, the nation’s adherence to and love of democratic practices. The idea of the Latin American “criollo” was rejected by intellectuals as the tie to Spain was only loosely recognized as an independent Costa Rican

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17 Edelman, 9-12. The work of Carlos Monge Alfaro in *Historia de Costa Rica* reflects the national adherence to the notion that the strength of Costa Rican democracy during the second half of the twentieth century is due to “colonial experience characterized by isolation and extreme poverty, where there were no ‘despotic officials’ and ‘social classes or castes did not arise.’” As leaders of Costa Rica’s academic institution, figures like Monge Alfaro perpetuated this Costa Rican myth well in the late twentieth century.
yeoman farmer was created as the central figure for the nation’s “political, social, economic, and cultural history.”

Costa Rica began to imagine its community on exceptionalist terms from early in its development. The concept of Costa Rica being the “Switzerland of the Americas” did not emerge from economic tourism developments of the latter half of the twentieth century but from an earlier, self-created vision. Public school essays from the late 1880s document how young students wrote of the “Suiza de las Américas.” The myth of the nation as exceptional was planned and future generations were socialized through the education system so as to perpetuate that myth. In 1887, the true Costa Rican patriot was identified by education rather than military utility. Costa Rican youth were taught to define the ideal citizen as male, but characterized by the lack of a violent military role. Female Costa Rican citizens were not formally defined within the education system, but rather through practices that established proper domestic roles.

These practices included prostitution regulations and laws. Defining Costa Rican citizens relied on the definition of an internal “other” rather than a foreign one, which was a more predominant concern in Argentina. As Guy notes, the Argentine elite’s concern with white slavery and the perceived impacts allowed elites to look outside of its own national borders to explain faults within the nation. After attempts at eliminating prostitution by criminalizing it, Costa Rica readily gave in to the notion of an “evil but necessary vice.” Initial attempts to curtail prostitution required a Casa de Reclusión meant for the rehabilitation of prostitutes into


19 Archivo Nacional de Costa Rica (ANCR), Ministerio de Educación Publica 004432. The Archivo Nacional de Costa Rica will be abbreviated on ANCR from hereon. Immediately following is listed the government administration or department in which the document was created. The number is the folder in which it is kept at the Archives.

20 ANCR, Educación 8063.
acceptable members of society. Proper behavior implied that women engaged in “domestic activities,” which were not delineated in government documents despite constant referencing. Prostitution discourse in Costa Rica did not follow the exceptionalist schema of the nation’s master narrative. While the narrative of cultural and economic exceptionalism remained, prostitution was a point that had to be rationalized so as not to discredit the nation with a negative exceptionalist quality. So while Costa Rica could term itself as the “Suiza de las Américas” it could not include prostitution as a particularity of the nation. Rather, prostitution, in spite of all its negative qualities, served as a sign for Costa Rica’s similarity to other modern nations, including the United States and France. In hopes of progressing in the same direction as the other advanced nations, Costa Rica acted under the optimistic perception that prostitution was a condition of the uneducated class and as such could be corrected. Unlike Argentina, Costa Rica perceived prostitution as a national domestic problem.

**Prostitution and the Latin American National Narrative**

A brief comparison of “public health” policies toward women in Costa Rica, Argentina, Mexico, and Peru further credits the notion that authoritarian policies are normally found within national and democratic societies. Studying the history of legalized prostitution in Latin America moves beyond gender issues or “authoritarianism” and encompasses the “normal” development of the modern nation, and it suggests that anti-democratic practices are at its

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22 Authoritarianism policies referring to state initiated legal practices that may or may not be approved by public participation in legislation, but rather by oligarchic or dictatorial rule. Democratic societies meaning in this case Republican systems like that of Costa Rica. Anti-democratic practices here refer to policies that are initiated by the government but that egalitarian treatment of members of society.
foundation. Thus, the “normal” modernization process of nation-building included repressive public health reform in Argentina, Mexico, Peru, and Costa Rica.

Late nineteenth and early twentieth century Argentine prostitution records are careful to note the predominance of foreign-born prostitutes in Buenos Aires. That prostitutes were identified as non-Argentine in sources vouched well for the developing nation. Prostitution contributed to one of Argentina’s foundational myths by simultaneously alluding to the white makeup of the nation and transposing the negative aspects of prostitution to an outside origin. It also proved to be a fairly flexible subject, whose discourse could be altered and shifted as needed. For Argentina, the threat prostitutes posed to the bourgeois family shifted as perceived national concerns focused on the dangers of homosexuality. Catholic thought\(^\text{23}\) argued that prostitution protected males from falling into the perils of homosexuality. In Argentina, the abolition of legalized prostitution, as well as efforts to legalize it once again during 1950s, involved movements towards maintaining the desired bourgeois family structure of modern nations.\(^\text{24}\) Here prostitutes were either “dangerous women” or “patriotic prostitutes”\(^\text{25}\) depending on the moment. Initially threatening to the formation of a stable bourgeois family structure during the late nineteenth and early twentieth century, prostitution was heavily regulated which served to, when not criminalized, create enough barriers to limit the number of legally registered prostitutes.\(^\text{26}\)

\(^{23}\) Not officially sanctioned by the Church, but as previously discussed, but by figures like St. Thomas Aquinas.

\(^{24}\) During the 1950s, the threat prostitutes posed to the unity of the family structure was outweighed by the threat of homosexuality. Perceived increase in homosexuality was attributed to the lack of sexual outlets for heterosexual men. Once again, the Catholic idea that prostitution prevented homosexuality resurfaced.

\(^{25}\) Guy, 37-76, 180-204.

\(^{26}\) Clandestine prostitution in Argentina was pervasive regardless of its legality or number of regulations. The official registration provided, if nothing else, a semblance of control.
In Mexico, “the registration, inspection, and surveillance of prostitutes was based on the modern science of hygiene.”\(^{27}\) A comparison with Mexico’s prostitution regulations during the Porfiriato and during the Revolutionary period suggests that bourgeois gender relations were maintained in the modern Latin American nation, regardless of political discourse. Political discourse of Revolutionary Mexico included the continuing regulation of prostitution but with clear and defined goals of eventually ending women’s participation in sexual commerce. In an effort to distinguish itself from the Porfiriato, Mexico’s revolutionary rhetoric included seemingly more effective prostitution policies. Not surprisingly, this rhetoric coincided with early twentieth century changes in the concern with, and approach to, the seemingly universal prostitution problem. The Porfiriato had followed suit with late nineteenth century prostitution regulations that included medical examinations, but did not make institutional changes for the eventual elimination of sexual commerce. It rather subscribed to the notion of a “necessary but evil vice” to prevent the male population from engaging in publicly acknowledged worse practices, like homosexuality. In the name of the Revolution, schools to reform prostitutes, “zonas de tolerancia,” and venereal disease clinics were established. In Revolutionary Mexico, the nation’s prostitution problem was attributed to the Porfiriato regime that created and allowed the deterioration of public morality.\(^{28}\) The ideas of what constituted public morality, however, were not drastically different from previous bourgeois ideals. Rather, gender roles for proper female and male sexual and domestic behavior continued to be adhered to during the Revolutionary period.

\[^{27}\text{Bliss, 2.}\]

\[^{28}\text{Note that Revolutionary Mexico did not divert domestic blame for prostitution (as Argentina did with white slavery), but because of the change in political system, it could safely blame the Porfiriato for the nation’s past problems. The nation, as an ideal, continues to be blameless and, in Mexico’s case, political leaders and their mistakes were definitively differentiated from the Nation.}\]
Reform of sexual commerce in revolutionary Mexico City was founded on changing female sexual behaviors through medical and educational institutions. Sexual commerce, while its rampant spread was publicly blamed on the Porfiriato, was at its core blamed on women as the presumed weaker sex. The reform process mainly included institutions that would contribute to changes in female behavior, without any institutions aimed at changing male sexual behavior, particularly promiscuity. By the 1920s, hygienists in Mexico City attributed promiscuity to “natural” male behavior.\textsuperscript{29} The revolutionary government formally addressed male promiscuity when children were affected by venereal diseases, as it reflected on and affected future Mexican generations. Mexico recognized the home as the “most solid bastion of nationalism…[as the] home, birthplace of patriots, of men of action, of men of ideals.”\textsuperscript{30}

In Lima, Peru, divorce cases show how gender roles could be manipulated with certain advantages. Hunefeldt notes that women inevitably managed economic affairs in their homes, in spite of it being a prescribed male responsibility.\textsuperscript{31} The actual management of money, however, did not liberate either women or men from social responsibilities to their respective gender roles. The power of gender roles was reflected in arguments presented in court. Wives accused husbands of unpatriotic actions as they failed to fulfill their roles of breadwinners. If a wife was mishandling money it was attributed to a husband’s failing to do so instead. After all, women’s socially accepted role did not include outright economic involvement, even at the domestic level.

\textsuperscript{29} In keeping with bourgeois ideas of “natural” (gender-specific) behavior, men were also naturally inclined to work or hard labor, just as women were naturally inclined to motherhood as part of their natural abilities as “nurturers.”

\textsuperscript{30} Bliss, 212. Legalized prostitution was abolished in 1939, but the rate of new syphilis cases did not decrease. By 1945, rates of syphilis infections had not decreased and availability of penicillin decreased the concern with syphilis. Claims of protecting the home through the regulation of abolishment of prostitution fell short, as the negative influences on the home, such as syphilis infections, were not eliminated or decreased. As the “bastion of nationalism” the home continued to suffer and the Mexican state continued to struggle with the tension between prostitution, motherhood, and state policy.

\textsuperscript{31} Women were involved in the economic affairs of the home either through the distribution of male earned income or of female income contributions, such as dowries.
Hunefeldt explores marital court cases to understand how the cultural and related legal practices attempted to institute the bourgeois family infrastructure of the imagined Peruvian nation. Marital dispute cases show the changing discourse that resulted from the institutionalization of liberal ideas and its effect on everyday Peruvian life. Neighbors were enforcers of gender roles as they contributed to the restraint of abusive husbands and adulterous wives. During the mid to late nineteenth century women, on the claims that their husbands were not fulfilling their roles as the male breadwinner, often initiated marital court cases. Under this pretext, it was hoped that husbands would be discredited for not fulfilling their role in marriage and family. Along these same lines, women employed outside their homes, regardless of necessity, could be morally discredited in court since they were believed to be “naturally inclined to promiscuous behavior.” Thus, official gender roles were recognized and subscribed to regardless of their application or fulfillment in actuality.

The second half of the nineteenth century in Peru was characterized by the rise of liberalism. As socioeconomic conditions forced both husbands and wives to provide income at the middle to lower class levels, gender roles were increasingly distinguished by morality. If through necessity women were to contribute to the family income, gender roles were to be defined primarily by morality. Women were held to high standards of public morality that were characterized by virtuous behavior free from the vices attributed to men, such as drunkenness and violence. On a more general scale, women’s public activities were limited, seeing as their primary acceptable role was in the home. As the “weaker sex” women working outside of the home were seen as susceptible to immoral behavior and doomed to engage in promiscuous

32 Hunefeldt, 177.
33 Hunefeldt, 326.
activities. Public interaction between women and men was strictly limited, and any seemingly inappropriate behavior\textsuperscript{34} was incriminating and practically irreversibly damaging to a woman’s public morality and by implication her credibility with official state authorities.

While the chronology of implementation varies from nation to nation, all attempted to apply the same scientific practices directed at expunging improper sexual and domestic behavior. Costa Rica’s self-generated image as the “Suiza de las Américas” did not exclude it from the prevalent fear of syphilis that existed on an international scale. Female prostitutes were blamed for the spread of syphilis, allowing officials to scientifically justify prostitution regulations on extra-moral grounds. Such scientific reasoning added to a nation’s prestige as “modern.” As publicly recognized sources of the much condemned syphilis infection, the regulation of prostitution, be it through its criminalization or through its decriminalization with restrictions, allowed for a modern and scientific regulation of social mores.

The social mores created through such practices and policies were fundamental to modern nation building. Costa Rica waged a war against prostitution using approaches that were neither exceptional nor particular to Costa Rica. That is to say, Costa Rica’s records show that the initial optimistic approach of rehabilitation was soon abandoned as prostitution continued to thrive in San José in the 1880s. Modernization included a reliance on science as progressive and helpful in establishing a modern national civilization with international relevance. Mid-nineteenth century Costa Rican congressmen were persistent in their comparisons with non-Latin American spheres, as they looked to the United States and Europe for examples of “civilization” and modern nationhood. While the United States was one model of modernity for Costa Rica in

\textsuperscript{34} Inappropriate behavior ranged from having male visitors after dark to frequent conversations with male customers at restaurants. Marital dispute cases in Lima, Peru often involved husbands’ accusations of un-virtuous behavior exhibited by their wives’ conversations with other males. In Costa Rica, prostitution cases show denunciations against women as prostitutes for speaking or walking with men after dark outside of their homes.
the late nineteenth century, it was not particularly followed in terms of its prostitution practices and policies. It was useful as a point of reference for Costa Rica in that it served as further proof that all modern nations experienced a prostitution problem, thus disassociating prostitution with lack of progress or modernity. In such a manner, Costa Rican elites were further able to self-fashion themselves as a modern nation.

The study of Costa Rican prostitution laws and anti-prostitution practices unifies, rather than diversifies, the experience of the modern nation. While there may be a desire to follow past laws in an effort to understand particularities of nations, the comparison of Costa Rica implies that the relationship between such policing and authoritarianism is more tenuous than previously believed. Prostitution laws implied something other than the foreshadowing of authoritarianism, as Costa Rica’s development into a singular relatively stable democracy in the region suggests. Finally, it is important to note that while the Costa Rican example breaks the imagined link between authoritarianism and the medicalized policing of sexuality argued by Donna Guy and Julia Rodriguez for Argentina, it also undermines the traditional scholarly perception of Costa Rican exceptionalism.

35 ANCR, Congreso 6073.
CHAPTER 3
COSTA RICA AND PROSTITUTION

The bourgeois woman was a mother, above all things, and her contribution to the nation was found in the inculcation of proper morals to her children as the future citizens of the nation. At her best, “woman” was defined as a “wife” and “mother,” which implied monogamy and birthing/raising children. The characteristic practice of monogamy could oftentimes save women from the “prostitute” label, as a number of Costa Rican prostitution cases throughout the late nineteenth and early twentieth centuries verify. Monogamy was prioritized above legal marriage, as it did not entirely negate the bourgeois family structure. Thus, unmarried women living with one man were not prosecuted as prostitutes. Such practices underline the significance attributed to the bourgeois family structure. Women having consensual relationships with one man were forgiven (or tolerated) because they were not seen as a further cause of the spread of venereal diseases.

Venereal disease played a major role in the defense and implementation of prostitution regulations. Prostitutes were both the carriers and spreaders of venereal disease and culpable in the infection the family through men. Men were not held responsible for preserving the health of the family, seeing as they belonged to the family structure, unlike prostitutes stood outside of it. Prostitutes could be safely blamed without tainting the family structure, preserving its unity. In this manner, domestic discord was diverted outside of the family and, by implication, of the nation as well. As an “imagined community” the modern nation relies on inclusive practices that are at the same time exclusive. Much like bourgeois female subjectivities, which were formulated in contrast to marginal figures like the “prostitute,” the idea of “the Costa Rican” (vs.

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1 Guy, 79. In Sex and Danger in Buenos Aires, Guy notes how police in Argentina were instructed not to “harass women known to have consensual relationships with one man.”

2 Anderson.
the un-Costa Rican) was formulated on the abstract idea of nationality. An internal but “un-Costa Rican” prostitution was identified as a threat to society and the nation. It was a vice that negatively reflected on the morals of national society and impeded the productive development of citizens. Women engaging in prostitution were not dedicating themselves to “domestic service,” and thus “a multitude of capable women stroll the streets and do not engage in a useful profession.”

Thus, rather than define domestic activities, government departments chose to define what was not accepted as domestic behavior or activity. The figure of the prostitute was central to this indirect definition through opposition. The “prostitute,” and her actions, was set as an example of unacceptable or un-Costa Rican behavior. In terms of disciplinary activities, Costa Rican elites envisioned themselves as a civilized, modern nation. Initiated as a civilized rehabilitation system, Costa Rica’s approach to prostitution aimed to function alongside its education system to combat and ultimately eliminate prostitution within the nation. The government rhetoric underlying this approach was that proper education would train women as to their proper place, either in the home or, if necessary, in schools as teachers.

Managing Prostitution: Early Efforts

The discourse on prostitution in Costa Rica is established during the 1830s and expanded thereafter. Like most Latin American nations in the nineteenth century, Costa Rica followed the Spanish Catholic heritage of regarding prostitution as a “necessary evil.” During the 1830s, however, legislators proposed increased regulation of prostitution in efforts to advance Costa Rican civilization. A “casa de reclusión para mujeres,” or house for confinement, was proposed in order to resolve the “grave dangers caused by prostitution due to its relation to venereal

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3 ANCR, Congreso 7318. “el multitud de mujeres aptas para ello pasean las calles y viven sin saberse el oficio ó útil profesión.”
disease.\textsuperscript{4} Congress discussed the creation of an official Casa de Reclusión as early as the 1830s, but its establishment was delayed due to a lack of public funds needed to build the space.\textsuperscript{5} While the concern for prostitution can be noted during the 1830s, and in 1841 with a penal code\textsuperscript{6} that increased attention to prostitution through ambiguous regulations, it is not until the 1860s that Costa Rica’s concern for “progress and civilization” takes a more prominent role in congressional debates and is reflected in changes in the policing of prostitution.

Throughout the 1860s, the goal of Costa Rican elites was to progress on the same path as “las Naciones mas adelantadas.”\textsuperscript{7} Part of this path towards progress included the establishment of a system of morals that “the nation” set out to enforce. Prostitution was acknowledged as a vice but was also accepted as inevitable.\textsuperscript{8} The recognition of its inevitability did not imply that it should not be contained, however. Instead, the Costa Rican government thought that the monitoring of prostitution was the most effective way to deal with the social “vice,” as noted by the Reglamento de Prostitución and Ley de Profilaxis Venérea in 1894.

Costa Rica’s national representatives engaged in serious discussions over the control of prostitution, and they sought to establish a “casa de reclusión” for women as early as July of 1836.\textsuperscript{9} Prior to the establishment of the “casa de reclusion,” prostitutes were sent to Valle de Matina for punishment.\textsuperscript{10} By December 1837, Congress discussed the public funds necessary to

\textsuperscript{4} ANCR. Congreso 001554. “graves males que causa la prostitución por la relación de las costumbres del mal venéreo.”
\textsuperscript{5} ANCR. Congreso 4054.
\textsuperscript{6} ANCR. Congreso 6073. The Penal Code of 1841 promoted punishment more so than rehabilitation.
\textsuperscript{7} ANCR. Congreso 6073.
\textsuperscript{8} ANCR. Congreso 7318
\textsuperscript{9} ANCR. Congreso 1867.
\textsuperscript{10} ANCR. Congreso 3685. Valle de Matina, Talamanca, and Golfo Dulce were remote port cities to which prostitutes were often sent as punishment. Matina was infamous for pirate attacks and sexual trafficking of women.
build the “casa de reclusión,” since prior to this resolution the government had resorted to renting out a space.\textsuperscript{11} While these reformist discussions led to an increasing sense of urgency during the 1850s, the official “Casa Nacional de Reclusión de Mujeres” was not established until 1863 in San José.\textsuperscript{12} The official Congressional decree proposed for the delinquents to work, study, and engage in religious exercises for their mental improvement and preparation as members of Costa Rican society “under the principles of Christianity and of advancing civilization.”\textsuperscript{13}

As part of efforts to establish Costa Rica as a “civilized” nation, the “casa de reclusión” was formulated under the notion that modern prisons should not be spectacles of horror and chaos but rather enlightened spaces for “moral rehabilitation.” Congressional records refer to the Christian values that should be part of the moral rehabilitation of prisoners through “repentance.”\textsuperscript{14} The 1863 Congressional resolution established this first “Casa de Reclusión” with the intention of creating similar ones in all the Costa Rican provinces, once funds allowed it. Initially, the police department would be in charge of prosecuting and placing women in the “casa de reclusión.”

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\textsuperscript{11} ANCR. Congreso 4054.

\textsuperscript{12} ANCR. Congreso 6073. In efforts to follow the examples of other progressive nations, Costa Rica aimed to transform their legal codes to reflect efforts to rehabilitate the population and form citizens who contributed to the progress of the nation and Civilization. During this period, the national approach to prostitution was characterized by rehabilitation with aims to gradually completely eliminate the vice. Rehabilitation consisted of requiring women to work in domestic services, if not within a confined space, such as a casa de reclusión, then in private homes with people who agreed to monitor their progress of integration to proper feminine behavior. The Casa de Reclusion, with appropriate funds, was one way of pursuing such goals.

\textsuperscript{13} ANCR. Congreso 6073. “bajo los principios que aconsejan el espíritu del cristianismo y los adelantos de la civilización.”

\textsuperscript{14} ANCR. Congreso 6073. “arrepentimiento.”
The purpose of the Casa de Reclusión was officially signaled by “articulo 50 del decreto de 28 Septiembre de 1864.” This law referred to the prosecution and punishment of prostitutes through incarceration in the Casa de Reclusión. The Casa de Reclusión had a dual function as a regular prison. By 1865 there were annual lists of “detenidas.” Women were charged with anything ranging from physical violence to running away from home. The latter charge was related to minors placed in the Casa de Reclusión by parental decision. In addition, husbands could request the arrest of their wives if they failed to fulfill their domestic duties and did not respond to their “castigos domésticos.” The charges against women reflected the growing public concern for proper female behavior according to bourgeois gender constructs. Domestic duties and their fulfillment were of top priority, even though police records do not particularly show a trend of incarceration based on such charges by husbands. Judicial records suggest that prior to the establishment of the official Casa de Reclusión prostitution cases were more fully and formally pursued. Judicial records from 1835 to 1841 include prostitution cases that were settled through the Supreme Court in San José. These cases were usually appellations from local courts. After the 1860s, prostitution cases in the Supreme Court were rare occurrences. It may be speculated that the rarity of prostitution cases at the Supreme Court level near the end of the

15 ANCR. Gobernación 4537
16 ANCR. Gobernación 4537. While these charges are documented in police records, official incarceration of women based on them was not usually approved or enforced. It was expected most women would engage in domestic services, whether within their homes for their husbands, or outside of their homes as maids, for example. It was at the time, one of women’s few legal occupations. It can be speculated that angry husbands attempted to use the fulfillment of domestic duties against unruly wives or to try and solve domestic disputes.
17 ANCR. Jurídicos-Corte Suprema de Justicia 2318 Set of documents dating from May 1835 through September 1841.
nineteenth century was a result of the increasingly normalized and accepted bourgeois gender constructs.\textsuperscript{18}

During the 1830s and early 1840s, prostitution cases were not as easily resolved, and the accusation against prostitutes often included serious debates.\textsuperscript{19} One can see this from the previously referenced case settled by the Supreme Court. This case revolved around an accusation raised against Soledad Fernández y Micaela Benavides for being complicit in prostitution, and charged with having reunions with men and women in deplorable conditions and all ages, day and night, practicing indecent actions, speaking in obscene terms that would only be appropriate to the shameful practice of prostitution and the most brutal vice of drunkenness.\textsuperscript{20}

Like later cases, there were five declarations confirming the charges, but unlike later ones, Fernández and Benavides were initially absolved of the charges, in spite of the testimonies declaring the practice of “indecent actions.” At the time of this case, the official Casa de Reclusión had yet to be established, and it was still common practice to send prostitutes to Valle de Matina at the ports of Caldera and Matina as a substitute for incarceration or temporarily as their cases were resolved.\textsuperscript{21} After the Casa de Reclusion was established in 1864, however, prostitutes were then housed in San José, as the policing of prostitution was increasingly centralized in the capital.

\textsuperscript{18} As discussed in Chapter 4, prostitution regulations normalized certain female behaviors and moral conduct. While it was never respectable to be a prostitute, the recognition of prostitution as an official trade in 1894 meant women could continue to engage and economically profit from prostitution without fear of incarceration. This might have in turn decreased the desire to pursue appellations against prostitution charges. In addition, the 1894 Profilaxis Venérea law standardized the approach to prostitution cases and may have made the process more effective by limiting the number of appellations.

\textsuperscript{19} ANCR. Jurídicos-Corte Suprema de Justicia 2318, Congreso 4054, Congreso 1867

\textsuperscript{20} ANCR. Jurídicos-Corte Suprema de Justicia 2318. “por alcahuetas, y los cargos relativos que se les hacen son: que en su casa habían reuniones de hombres y mujeres de todo estado y edad de día y de noche, practicando acciones indecentes, hablándose y contándose palabras obscenas y ejecutándose esos hechos que solo pueden tener cabida en la prostitución mas vergonzosa y en la incontinencia mas brutal: que había allí embriagarse.”

\textsuperscript{21} ANCR. Congreso 4054, Congreso 1867.
Women were placed in the Casa de Reclusión anywhere from four months to two years. The usual imprisonment time for prostitution was four months, on a first offense. At times, women charged as prostitutes were allowed a period of between six and eight days to leave their occupation as prostitutes and take up “honest work” as well as present proof of such changes. Honest work usually consisted of working as servants in a household, especially in the case of lower-class women, which was proved with signed testimony of the employer. Women were accused of being “escandalosas y vagas” and their behavior was monitored once they were free of charges and would be returned to the Casa de Reclusión if found to continue engagement in “vagancias” or being “escandalosas.” Between the 1850s and the 1870s the charges of “vagancia” and “escándalos” were more closely tied to prostitution, and “libros de detenidas” as well as court cases use these descriptions specifically in reference to prostitutes.

The most common charge was prostitution and in some cases failure to fulfill domestic duties. Failure to fulfill domestic duties was sometimes equated with prostitution because women who engaged in the activity were seen as neglectful of those duties. It was sometimes applied to household servants as well as wives, although it was a more common accusation for the latter. “Domestic service” was officially recognized as women’s legal occupation, as most employment available to women revolved around domestic service within their homes or outside their homes,

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22 ANCR. Gobernación 4537, 45646.
23 “algún oficio honesto”
24 ANCR. Policía 11821
25 Documents indicate that after incarceration women were likely to be assigned to family homes to assist in domestic duties and their behavior reported on by the male heads of households.
26 ANCR. Gobernación 4537.
27 ANCR. Congreso 6073, Gobernación 4537, Gobernación 40253, Gobernación 33969, Congreso 4054
28 ANCR. Gobernación 45646
as maids. Thus, the neglect of domestic services was seen as “vagrancy” on behalf of women and charges could be pressed on that basis. Domestic duties included an obligation of women to teach their children “buenos ejemplos.”

The young Costa Rican nation was dependent on the perpetuation of these “buenos ejemplos” to develop and establish bourgeois ideals central to the family structure. Cases such as Cristanta Obares’s revolved around public doubt concerning a widowed mother’s ability to provide good examples to her children, which were easily tainted by neighborhood rumors of her interaction with one particular man. There was information that she “cohabitated with Mr. Trinidad Gutierrez and that his small family received bad examples through such conduct…Gutierrez’s wife and young son are negatively affected.”

The implication of Gutierrez’s wife made this case more alarming, as his cohabitation with Obares also implied that his legal child was not being properly raised within the bourgeois family unit, as his wife confirmed that he rarely slept at home. As prostitution cases accumulated during the 1870s it is noticeable that women were increasingly restricted to the home through public denunciations that condemned women’s roles outside of the home. Since the court could not confirm that she was properly educating her children, it ruled that they would be “handed over to people who would undertake their proper education.”

There were desperate efforts to control prostitution, as there is an increasing acceptance of the impossibility of its elimination, even through rehabilitation. Thus, there are situations like Sara Castro y Leon’s, in which testimonies confirmed her cohabitation of “a house with other women of bad habits, who admit men at all hours and of all ages, thus perverting public

29 ANCR. Gobernación 36141
30 ANCR. Gobernación 36141. “Ella esta amancebada con el Señor Trinidad Gutiérrez y que el tiene familiar pequeña que recibe mal ejemplo con esa conducta…La esposa de Gutiérrez y su hijito se perjudican.”
31 ANCR. Gobernación 36141. “entregados a personas que cuiden de su educación y vean por ellos, como un buen padre de familia.”
morality.” At this point, the Costa Rican court released her under supervision of a Manuel Subirat to observe her conduct and report on her progress towards correcting her conduct. Due to her misconduct, Castro y Leon’s bail was repealed and she was sentenced to four and half months “of appropriate work for her sex in the Casa de Reclusión. She was warned that if she did not show good motivation for work, or if she were disobedient or insubordinate she will be sent to Talamanca or another remote location and serve double the time of her original sentence.”

Castro y Leon caused problems in jail, however, through insubordinate and disobedient actions that provoked similar reactions with the other women in the jail, causing a rupture in discipline. Consequently, the jail requested her transfer to Talamanca for seven months. Insubordination threatened order within the Casa de Reclusión, which was its primary intention. The Casa de Reclusión served as a place of rehabilitation through discipline that transcribed into the normalization of appropriate feminine behaviors. Someone like Castro y Leon threatened the disciplinary purpose of the Casa de Reclusión on both abstract and practical levels.

Managing Prostitution: Legalization of the Trade

The Costa Rican Congress saw the creation of the Casa de Reclusión as a progressive initiative, but it was clear by the mid 1890s that it was not a solution to the national prostitution problem, as had been hoped. By 1894, there was a notable increase in frustration with the effectiveness of prostitution laws. Congress recognized prostitution as a “universal” vice throughout Costa Rica, extending from rural to urban sites. There was a move towards changing

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32 ANCR. Policía 12419. “una casa en compañía de otras mujeres también de malas costumbres, admite a todas horas a hombres de toda edad, pervirtiendo de esta manera a la moral.”

33 “de trabajo adecuado a su sexo en la Casa de Reclusión. Adviértasele que si no muestra buena voluntad para el trabajo, si fuera desobediente ó insubordinada se le enviara a Talamanca u otro punto lejano por el doble del tiempo que le falte para cumplir su condena.”

34 ANCR. Policía 12419 In reference to Castro y Leon’s actions: “se muestra insubordinada y desobediente y su ocupación es promover escándalos, desorden, y discordias entre las demás detenidas, siendo imposible establecer la disciplina que debe existir en dicha cárcel.”
the approach from complete intolerance of prostitution to accepting its existence as an
“organismo de todas las naciones.” As Congressman Joaquín Aguilar argued in 1894, “the
destruction of prostitution is impossible, prohibition is dangerous, and its neglect is criminal.”
Forty years or so of lackluster intolerance through rehabilitation efforts had proven that approach
to be ineffective, and shown to produce “la sífilis y el venéreo,” rather than prevent them. “La
mujer pública,” or public woman, as prostitutes were commonly referred to in legal documents,
was the source of venereal disease, which could be controlled through the close regulation of
prostitutes.

Although prostitution was accepted as a “universal” vice of modern nations, Costa Rica
accepted that the judgment of a nation and of her “civilización” was measured “by her public
customs.” Prior to the Casa de Reclusión, it was common practice for prostitutes to be sent to
Matina, Talamanca, and Golfo Dulce as punishment, but during the congressional debate of
1894, there was an attempt to move away from these practices. Congressman Joaquín Aguilar
further argued “that instead of using violent measures, the vice should be regulated as a
necessary vice and that absolute intolerance, without inspection by the State, just as absolute

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35 ANCR. Congreso 3685. “Los grados de la Civilización de un pueblo se miden por sus costumbres publicas. Es el
vició de la juluria idolá quien rinden culto desde la más apartada aldea hasta la más populosa ciudad. Siendo esto
universal, las consecuencias la prostitución son inevitables ya que todos no pueden formar un hogar ó si lo forman
corrida ya la mitad de su vida, llevan el germen de una generación sífílica y degenerada. La destrucción de la
prostitución es imposible, prohibirla es peligroso, y descuidarla es criminal…la tolerancia sin limites produce
funestos resultados para la salud publica y la prohibición absoluta lleva por medio de la prostitución clandestina
virus venéreo hasta lo mas sagrado de la familia: el tálamo conyugal. La Estadística nos demuestra cuantos estragos
producen la sífilis y el venéreo cuando se descuida el estado similar de la mujer publica. La prostitución,
enfermedad social crónica é incurable, una abacera abierta en el organismo de todas la naciones y se necesita un
asertorio para curarla.”

36 “la destrucción de la prostitución es imposible, prohibirla es peligroso, y descuidarla es criminal.”

37 “por sus costumbres publicas.”
restriction, only produced negative effects.” 38 In addition, there was a proposal for an “establecimiento de mancebías” where young women would be under the direction of “housewives” and thus protected. 39

Thus began the registration and monitoring of prostitutes by the state, specifically under the “Profilaxis Venérea” Law. Established on July 28, 1894, the Ley de Profilaxis Venérea instituted new prostitution regulations and officially recognized prostitution as a legal trade. 40 The recognition of prostitution as a legal trade was the major difference in the 1894 law, in comparison to laws instituted during the 1860s that maintained hopes of elimination through punishment. A Department of Hygiene was created, with the main office established in San José. In addition to registration and weekly medical examinations, this law instituted that prostitutes live within a certain neighborhood specifically designated for their habitation. Registered prostitutes had to request approval to be transferred to a different area. 41 In addition, Article 7 of the law mandated that public prostitutes could not live less than two hundred meters from schools. The police were allowed to use force if registered prostitutes refused to vacate their

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38 “que en vez de tomar medidas al parecer violentas se reglamente ese vicio ya que el constituye un mal social necesario y que la ilimitada tolerancia, sin inspección del Estado, lo mismo que la restricción absoluta, solo males producen.”

39 ANCR. Congreso 3685. “Mancebás” can be defined as both “brothel” and “young woman,” and it is used in the above document as the latter definition. This part of the proposal was denied.

40 Prostitution as a legal trade gradually changed the relationship between prostitutes and authorities, as women were more likely to register in the early twentieth century, perhaps as a result of this change. See Chapter 4 for more detailed discussion.

41 ANCR. Congreso 3685. See also Gobernación 034009 for example—investigation against Pacífica Arguedos Vargas and Rosa Zeledón Vargas because of neighbor complaint of their “conductas escandalosas.” The police confirmed the accusations and in accordance with “ley de 28 de Julio de 1894 ordenan á las prostitutas que viven en el ‘Rincón de Cabillos’ de esta ciudad [San José], que dentro de diez días cambien de domicilio, debiendo trasladar su residencia á un vecindario retirado en que exclusivamente vivan mujeres de tal clase.” Both women had to confirm their new residences with the police.
The legalization of prostitution as a trade reinforced the negative perception of it, especially when the rhetoric continued to make reference to prostitution as an incurable vice. The official register for prostitutes at the Profilaxis Venérea was called “el Registro de las rameras,” which was a derogatory term for women who engaged in prostitution practices. Such references created a strong sense of shame on behalf of registered prostitutes and documents show that these women pleaded to the courts and the office of Profilaxis Venérea to remove them from the registrar. The case of Francisca Lopez on February 5, 1895 illustrates the shame and denial common to those women convicted of prostitution. Lopez was accused by an Italian man named Borjia Natalio and forced to temporarily register with the Profilaxis Venérea office while her case was tried. She responded that she had observed good conduct and was ashamed to have her name associated with the prostitution registry at the Profilaxis Venérea, especially when the man

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42 ANCR. Policía 9492 “Artículo 7 de la ley no. 24 de 28 de Julio de 1896 manda: ‘Ninguna prostituta pública podrá vivir á menos de 200 metros de los planteles de educación ó de asilos de niños de ambos sexos. La policía en caso de faltarse á esta prevención, podrá usar de la fuerza para que sea cumplido rigurosamente.'”

43 ANCR. Policía 12407, Policía 11978, Gobernación 40540, Policía 014435, Policía 14536, Gobernación 40541, Gobernación 034009, Policía 6482, Gobernación 34072.

44 ANCR. Gobernación 40540 Very detailed case of Francisca Lopez in San José. Investigation overseen by Fermín León Quesada, the Chief of Police of Hygiene in the Department of Profilaxis Venérea.
who accused her did so out of bitterness from a personal conflict they had.\textsuperscript{45} Natalio denounced her primarily as his “concubine,” and the office of Profilaxis Venérea initially forced her to register as a prostitute without her testimony, and without witnesses on her behalf. She was acquitted of all charges, however, because the Chief of the office of Profilaxis Venérea had not followed the regulations set by the Constitution, declaring her a prostitute without previously hearing her testimony.

\begin{center} \textbf{Denunciations and Registration} \end{center}

Police records show that men typically accused women of being prostitutes for two major reasons, both of which depended on a pre-existing amorous relationship with the accused woman. The accusing man either 1) found out that she engaged in promiscuous behavior and/or 2) that he was infected with a venereal disease, for which she was blamed. The previously mentioned case of Francisca Lopez and Borjia Natalio is not a particularly rare case. An 1896 police book entitled “Book of denunciations and declarations against women for vagrancy and prostitution”\textsuperscript{46} is dedicated to listing the details of just over one hundred prostitution cases. Unlike the judicial records, these police records note only the final convictions and/or registration cancellations of prostitutes. It should be noted in these cases men accused women without fear of conviction or charges against them. There are cases where married men accused a woman of prostitution because she was not exclusively with that man. A typical charge against women was for living in “concubinato con hombres” (whether married or single). The second motivation for personal male denunciations against prostitutes was the contraction of venereal disease. For a number of cases, men were infected with gonorrhea and concluded that the woman

\textsuperscript{45} ANCR. Gobernación 40540, Francisca López states: “he observado buena conducta y no quiero figurar en el Registro de las ramaras; solo aparecer en la información á que me refiero me da pena y vergüenza, siendo exclusivamente originado tal procedimiento la perversidad de un hombre á quien despedí de mi casa.”

\textsuperscript{46} “Libro de denuncias y declaraciones particulares contra mujeres por vagancia y prostitución”
they had a relationship with was engaging in promiscuous activity, and was therefore to be classified as a prostitute. The cases show that men’s promiscuity was not a topic of discussion and women did not typically use this possibility as a source of defense in court hearings. In the 1890s, cases show that priority was not placed on marriage, but rather on promiscuity. Women were allowed to cancel their registration as public prostitutes if they cohabitated with only one man. Married men would accuse their wives of prostitution, especially if the women had a history of prostitution.

Women’s accusations of other women as prostitutes tend to be male and family related. There are cases of abandoned women who accused their husbands’ lovers of being prostitutes. In such cases, wives accused prostitutes as the reason for their abandonment but, more importantly, for the abandonment of their children as well. Most of the cases recorded where women accused their husbands of abandonment included children. As previously mentioned, the topic of youth and future generations was central to the discourse of family and nation. Police records include documentation of prostitutes involved with male minors,47 a detail that contributed to more severe accusations of the particular prostitute. In spite of the seeming concern with the effect of prostitution on minors, the same police records show the registration of women as young as twelve as prostitutes.

Engaging with minors proved to increase the severity of punishment, as did engaging with “negros.”48 The topic of race is sparingly discussed in congressional documents but found more throughout police records. In 1896 Fermina Badilla Herrera requested to be removed from the prostitution registry for retiring from the commerce but a police investigation showed that

47 ANCR. Policía 14536, “menores de edad”

48 ANCR. Policía 14536
she was living in “concubinato” with a man and that she had children from different fathers. This all in addition to doing “commerce with her body, even with blacks.”  

The police found it necessary to specify when a prostitute engaged with blacks, as can be noted from this case and others where prostitutes engaged “negros franceses” (black Frenchmen). Thus, police documents imply that it was considered more scandalous for women to prostitute themselves to blacks.

Much like those women who resisted their convictions as prostitutes, there are also cases where women voluntarily declared and registered themselves as prostitutes. One of these cases involved a woman of fourteen years of age who voluntarily registered as a prostitute “explaining that she wished to be independent and receive the highest paying male because she did not want to depend on any man.”

There are few anonymous denunciations, as most are either by angry lovers, scandalized neighbors, or voluntary registration by the prostitutes themselves. The lack of shame or fear in initiating accusations against prostitutes was visible from cases as early as the 1830s, prior to the regulations, and in cases in the 1930s. The sense of righteousness by the public to regulate prostitution was consistently justified through religious and national morality. In addition there were no repercussions for false accusations. The voluntary registration of women was more threatening to the bourgeois family structure because it implied an outward rejection of bourgeois family values. In such cases there was no recognizable attempt to conform to bourgeois feminine gender values.

49 ANCR. Policía 14536. “comercio con su cuerpo, aun con los negros.”
50 ANCR. Policía 14536, cases of Juana Rosa Chacón and Ester Chavarría Méndez.
51 ANCR. Policía 14536.
52 ANCR. Policía 14536. “manifestando que ella quiere estar en vida independiente para recibir al hombre que mas plata le dé porque ella no quiere depender de ningún hombre.”
Prostitution was identified by a “licentious”\textsuperscript{53} lifestyle of liquor, scandal, and inappropriate conversation between women and men at inappropriate hours of the night. Neighbors were especially outraged by late night outdoors conversations of the sort if they had children, as they argued that they could not fulfill their duties as parents to enforce morality when prostitutes publicly engaged in immoral activities. There were two categories of prostitutes as defined by the state—public and “incubierta.”\textsuperscript{54} Undercover prostitutes referred to those that were not registered with the Profilaxis Venérea as public prostitutes. Oftentimes suspicions on a woman’s status were raised because of her inability to prove how she sustained herself. Maria Mendez Monge was initially inscribed as a public prostitute in 1895, canceled in 1896, and re-inscribed in 1897 as a public prostitute. Her re-inscription resulted from male declarations of simultaneously cohabitating with her. Thus, she was leading “a licentious life like any prostitute.”\textsuperscript{55} A series of witnesses declared and confirmed that she was seen at her house with groups of men with whom she spoke and invited into the private quarters of her home at late hours of the night.

One of the major questions raised in this and other prostitution cases, of which Maria Mendez Monge was no exception, was the issue of how she could sustain herself “with no occupation, profession, rent, or wages. She says she engages in domestic services.”\textsuperscript{56} Even though she had declarations in her favor that she engaged in domestic duties and maintained her expenses from honorable work, she was declared a public prostitute and forced to register as one with the Profilaxis Venérea. A record as a public prostitute, even if canceled, would make future

\textsuperscript{53} ANCR. Judicial 18270.

\textsuperscript{54} i.e. Undercover.

\textsuperscript{55} ANCR. Judicial 18270. “una vida licenciosa como cualquiera prostituta.”

\textsuperscript{56} “cuando no tiene oficio, profesión, renta, sueldo. Ella dice que trabaja en sus oficios domésticos.”
convictions more likely for the woman. Women with a history of public prostitution were more likely to be convicted and forced to register if future accusations were brought against them. If a woman had no history of public prostitution, court documents show that lawyers would argue that the public prostitution laws did not apply to those women who were not previously registered with the Profilaxis Venérea as prostitutes.\(^\text{57}\)

By the early 1900s more denunciations were initiated by neighborhood petitions complaining of scandalous activities as carried out by public prostitutes. In 1903 the neighborhood around “la Iglesia de la Merced” in San José petitioned the police on behalf of “la buena educación de nuestros hijos”\(^\text{58}\) to take legal action against the prostitutes in the neighborhood by requiring their registration and transfer to another neighborhood. As public denunciations initiated by neighborhoods increased during the 1900s, so did the resistance of women charged with prostitution. Prostitution cases continued to include testimonies for and against women, but they were increasingly resistant to the actions of the Profilaxis Venérea. The efforts of the Profilaxis Venérea to regulate prostitution since the 1890s contributed to the normalization of bourgeois values, as it also proved the seeming permanence of prostitution. As cases of voluntary registration increased in popularity, these women resisted the imposed restrictions, especially because the requirement to live at least 200 meters from schools made it difficult to find appropriate housing within the city of San José. They were more willing to register as prostitutes but once within the system could criticize the degree of restrictions, especially when they were cooperative.

\(^{57}\) ANCR. Policía 6497, July 25, 1900—Case of Maria Luisa Román (20 years old) appeals her 30 day sentence for engaging with a minor under 15 years of age. The argument used in her favor was that since she was not registered as a public prostitute with the Profilaxis Venérea, the public prostitute law could not be applied to her.

\(^{58}\) ANCR. Policía 3736.
A well-documented 1907 court case indicates that Agueda Martínez was accused of being a prostitute and appealed her registration with the office of Profilaxis Venérea, accusing the office of abusing its power and spying on her.\textsuperscript{59} In spite of testimonies that confirmed Agueda Martínez’s good conduct, authorities insisted on investigations due to rumors of an affair with Jose Vargas, a married man with three children.\textsuperscript{60} Agueda and Vargas also had a child together. The extensive documentation of this case may be attributed not to the fact that Agueda Martínez was living the life of a prostitute, but that she was outwardly disturbing the developing bourgeois family structure through her involvement with married men.

**Problems with “La Ley de Profilaxis Venérea de 1894” and Venereal Disease**

The growing concern with venereal disease was ultimately justified by the danger it posed to the family unit, also referred to as “the nuptial bed,”\textsuperscript{61} in congressional documents. Families were being formed with the “seeds of syphilis and degeneration,”\textsuperscript{62} thus producing a corrupt or degenerate youth. Since the Costa Rican government accepted prostitution as a “universal” and unavoidable reality and its regulation was an attempt to suppress its effects. Contradictorily, however, regardless of the acceptance of prostitution as an unavoidable and pervasive reality in all modern nations, congressional documents suggest a belief in the temporary regulation of prostitution since its regulation would eventually be unnecessary once Costa Rican citizens were fully socialized. Costa Rican laws to regulate prostitution were altered as the concern with prostitution continued to grow during the 1910s. Laws created in the 1890s proved to be limited in scope and the Costa Rican government had to adjust details.

\textsuperscript{59} ANCR. Gobernación 40736.

\textsuperscript{60} ANCR. Gobernación 40736, The document also mentions other possible “lovers” named Venacio Monge and Victor Mena.

\textsuperscript{61} “el tálamo conyugal.”

\textsuperscript{62} ANCR. Congreso 3685. “germen de una generación sífílica y degenerada”
In 1914, San José seemed to be overcrowded with prostitutes who were released from the Casa de Reclusión or from its Annex Hospital. Prostitutes were released from the hospital or Casa de Reclusión “without money to return to where they came from, thus remaining in the streets, in deplorable conditions while filling the Capital with women of bad customs.” Congress agreed to appropriate money to pay the train fare for women to return to their respective hometowns away from San José. Such a move indicates that prostitution was not successfully progressing towards elimination through its regulation and the development of the educational system.

Rather than forcing women into abandonment of the trade, the marginalization of prostitutes appears to have increased their numbers and altered the discourse in defense of prostitution. Police records during the 1910s show that women accused of being prostitutes no longer necessarily denied it but responded with an entitlement of lifestyle unlike that of the previous decades. In 1915, Felicitas Ramírez Barbosa was accused of doing commerce with her body, as it was believed that she was responsible for infecting several young men with venereal diseases and her promiscuity classified her as a “prostituta incubierta.” Her defense was that she sexually engaged men because “le gustan los hombres” and not for business purposes. Prior to the 1910s, the Costa Rican nation identified prostitution as a social problem that resulted from a lack of progress and education. It was believed that the progress of the nation would contribute to the elimination or reduction of social vices like prostitution. As can be noted from Ramírez Barbosa’s case, however, prostitution continued to be a problem as regulations and legalizations

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63 Certain documents refer to the Casa de Reclusión as the Cárcel de Mujeres.

64 ANCR. Gobernación 45550. “sin ningún dinero para su regreso al lugar de donde han sido enviadas, quedando en consecuencia en nuestras calles, pasando necesidades a la vez que se va llenando la Capital de mujeres de tan malas costumbres.”

65 ANCR. Policía 010203, “haciendo comercio con sus cuerpo.”
became outdated with changing notions of sexuality. Cases from the 1890s relied on a defense based on a denial of promiscuity, whereas beginning as early as the 1910s cases relied on altering the view of prostitution as an economic outlet to one that embraced promiscuity to a certain extent.

Cases such as Felicitas Ramírez Barbosa’s are one reflection of the increasing problems Costa Rica began to encounter with its system of prostitution regulation during the 1910s. As San José began to feel the increasing presence of prostitution, it was noted that Profilaxis Venérea offices in other cities were not administrating the prostitution regulations efficiently. Neighborhoods complained about prostitutes living in respectable areas, at times less than two hundred meters from schools. There were instances when the Profilaxis Venérea repeatedly sent the prostitutes notifications to evacuate their unapproved residences, only to have other prostitutes establish residency in the same neighborhoods. Schools also put in requests to have the prostitutes removed and requested help from the police when the Profilaxis Venérea did not respond effectively.

The primary Profilaxis Venérea office in San José showed organizational problems as well as a lack of control of prostitution. Profilaxis Venérea offices in other cities were to report lists of registered prostitutes to the main office in San José. In the 1910s, the office of Profilaxis Venérea expressed complaints about offices in other cities that were not cooperating with registries of prostitutes. It was thought that offices outside of San José were not actually registering prostitutes according to guidelines of the Profilaxis Venérea law, if at all. These problems were partly due to the fact that other cities did not necessarily have official Profilaxis

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66 The 1894 Profilaxis Venérea law determined that prostitutes could not live less than two hundred meters from schools.

67 ANCR. Gobernación 45043, Gobernación 1916.

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Venérea offices, leaving the enforcement of prostitution registration to the subsection of Hygiene within the local police department.\textsuperscript{68}

The primary office of San José had problems regardless of the lack of outside office reports, as the growing prostitution numbers overwhelmed an office that had not expanded at the same rate. Registered prostitutes attacked the government and the prostitution laws as understaffing allowed other prostitutes to escape legal regulations. That is to say, registered prostitutes complained of other women living the life of prostitution but not being held accountable, as police and the Profilaxis Venérea failed to enforce the law with all prostitutes. Registered prostitutes were required to check in with the Profilaxis Venérea every eight days and “were under stricter vigilance as a result, and complained…that the law existed for some but not for others”\textsuperscript{69} As a result of protests from registered prostitutes, there was a move towards allowing the forced registration of women suspected of being prostitutes without the traditional court trials familiar to the 1890s.

The issue of venereal disease continued to be of central importance during the 1910s. The Costa Rican congress began to note that women were leaving the Casa de Reclusión without actually being cured of venereal diseases, thus continuously exposing the public at large to contamination and defeating the purpose of government regulations. Doctors released prostitutes without necessarily curing them as there was no law that indicated women were forced to stay beyond the period determined by the appointed doctor. In 1914, separate neighborhoods were designated for prostitutes.\textsuperscript{70} By 1917, Congress took note of the situation and initiated a series of...

\textsuperscript{68} ANCR. Gobernación 45043.

\textsuperscript{69} ANCR. Gobernación 45043. “se encuentran por este mismo hecho bajo una vigilancia más estricta, y se quejan…que la ley existe para las unas y no para las otras.”

\textsuperscript{70} ANCR. Secretaria de Fomento 005584.
discussions.\textsuperscript{71} Due to the perceived growth of prostitution, the Costa Rican legislature decided to amend the penal code as it related to prostitution in order to repress it more efficiently. The original penal code\textsuperscript{72} punished women who engaged directly in prostitution but not those (men or women) who participated in the business indirectly, as owners of brothels for example. Congress decided to make penalties worse for those that ran brothels or trafficked with girls that were minors, an aspect that had been largely ignored up to this time. Prostitution continued to be regulated through required registrations, indicating that women could continue in the trade as prostitutes but pimps were not legally allowed to operate.\textsuperscript{73}

Three years later in 1920, the police department of San José found it impossible to apply the Profilaxis Venérea law to all of San José’s prostitutes. Overwhelmed by the number of prostitutes and by understaffing, the Profilaxis Venérea office wrote to the General Director of Police complaining of the office’s inability to properly and efficiently enforce prostitution laws. The office of Profilaxis Venérea cited neighborhoods and houses inhabited by prostitutes but were unable to properly conduct investigations, incarcerations, or registration because of the limited personnel. In addition, the primary problem was that the office could not even enforce the law with prostitutes who were already registered. Out of the 330 women in San José registered as prostitutes in 1920, only 142 actually attended their weekly medical appointments.\textsuperscript{74}

\textsuperscript{71} ANCR. Gobernación 45525, Congreso 11354—dated August 8, 1917, this document amended the original penal code to indicate legal punishment for those who ran brothels rather than legally attacking prostitutes exclusively through registration or incarceration in the Casa de Reclusión, if they refused registration. See also note 74 below.

\textsuperscript{72} Article 389 of the Costa Rican Penal code in 1841.

\textsuperscript{73} As Anne Hayes notes in Anne Hayes, \textit{Female Prostitution in Costa Rica: Historical Perspectives, 1880-1930} (New York: Routledge, 2006), 91 “pimps do not appear in great numbers in studies of prostitution in Costa Rica until after the Second World War, apparently due to the structure of a regulation system that offered more protection than harassment to prostitutes.

\textsuperscript{74} ANCR. Guerra y Marina 12978
The lack of personnel that assisted with the enforcement of the Profilaxis Venérea laws led to a degree of negligence that was noted by the society at large in addition to government departments. In 1921, a series of complaints were filed against the authorities of the Profilaxis Venérea office of San José. The complaints were a result of denunciations against Hortensia Fernández Agüero, who was proven to be a prostitute through the testimonies of several police officers. In spite of charges confirmed twice before, she had yet to be properly registered with the Profilaxis Venérea. Her case was of special concern because she was contaminated with syphilis and thus a threat to society. In summary, the complaints leveled against the Profilaxis Venérea resulted from a concern for the number of male “victimas”\(^{75}\) of Fernández Agüero that were avoidable had she been properly registered and attended the mandatory weekly medical examinations.\(^{76}\) Other cases of negligence included prostitutes living within 200 meters of schools, ordered to vacate the premises within fifteen days but who continued their residence for over two months after the order.\(^{77}\)

As the fear of syphilis expanded and the police and offices of Profilaxis Venérea failed to efficiently enforce prostitution laws, the Costa Rican legislature discussed the establishment of a “Clínica Antivenérea” (anti-venereal clinic) in 1921.\(^{78}\) In the meantime, it was proposed that registered prostitutes who were infected with syphilis be sent to the Casa de Reclusión and remain there either until their cure or the establishment of the Clínica Antivenérea. In addition, the regulations for cancellation in the registry of prostitutes were to be stricter, relying on

\(^{75}\) Here, “victims” refers to male sexual partners who were infected with a venereal disease, syphilis in particular, and blamed Fernández Agüero.

\(^{76}\) ANCR. Gobernación 34610

\(^{77}\) ANCR. Gobernación 45555

\(^{78}\) ANCR. Gobernación 45555
documentation of occupation of honest work and good conduct for a year. The problems with the
police department and the Profilaxis Venérea were also addressed and it was resolved that a
government supervisor would be employed to watch over the police process with regards to
prostitution.79

Medical examinations and confinement to the Casa de Reclusión were only applicable to
prostitutes. If a prostitute was legitimately married, her registration with the Profilaxis Venérea
department was cancelled, regardless of a syphilis infection. These regulations proved to be
problematic as some forged marriage certificates in order to be released.80 Such situations were
especially seen as perilous because of the government failure to properly confine prostitutes, and
by implication syphilis, within the designated institutions. Complaints against the office of
Profilaxis Venérea continued to mount because of such cases, in spite of the 1921 resolutions. In
addition, complaints were also filed because of an overzealous attitude on behalf of police to
capture prostitutes. Problems from other provinces were increasingly appealed to the main office
in San José. In December of 1924, a Señora Clara Duran de Mack complained that the “Principle
Police Agent of the Profilaxis Venérea of Puntarenas”81 had unjustly denounced and arrested her
for prostitution. She stated that he had no scruples and failed to employ the correct procedure as
she sent medical proof that she was not contaminated with any venereal disease. Since the
Profilaxis Venérea officer disputed her claims the case was sent for examination to the main

79 ANCR. Gobernación 45555, “Se necesita enderezar los procedimientos erróneos, absurdos, ilegales e ilógicos de
aquel funcionario. Tal determinación ha consultado no solo el interés social por la arbitrariedad de sus resoluciones,
sino el propio, librándolo de ese modo de la responsabilidad penal en que induce a cada rato, al resolver contra
disposiciones claras y precisas de la ley.”

80 ANCR. Gobernación 34555. 1922 case in the Casa de Reclusion where the doctor released Olga Hernandez from
the venereal hospital, within the Casa de Reclusion, even though she was not cured. Upon investigation, it was
determined that she was released because Carlos Durán claimed to be married to her and the doctor was obliged to
release her since prostitution laws were no longer applicable. The marriage was later discovered to be a lie.

81 “Agente Principal de Policía de Profilaxis Venérea de Puntarenas”
office of San José. Such cases were a reflection of the problems within all of Costa Rica that, by the mid-twentieth century, seemed to be entrenched rather than closer to being resolved.

In 1934, on the forty-year anniversary of the Profilaxis Venérea law, a petition was sent to Congress to alter the law. Initiated and signed by ninety-four school teachers and parents from San José, the petition asked that the distance prostitutes had to maintain from schools be increased from two hundred meters to eight hundred meters within the capital and five hundred meters elsewhere. If a prostitute surpassed the limits of the proposed changes she would be interminably confined to the neighborhoods specifically designated for prostitutes. Congress did not alter the distance required from schools but did agree that if sufficient complaints were filed prostitutes could be relocated to designated prostitution neighborhoods.

Mid-twentieth century documents show a continuation of the same problems with Profilaxis Venérea offices, prostitution laws, and society. Controversies over the legality and procedures employed by the police continued to arise as the hunt for prostitutes continued to be very much the same. In 1949, a complaint against a Judicial police officer was filed for capturing a group of women and incarcerating them as prostitutes without an explanation as to who gave the order for the arrests. Pressures from the public at large were noticeable through anonymous complaints about prostitution. In addition to the anonymous complaints to local police and Profilaxis Venérea departments, at least one notable letter was written to Presidente José Figueres explaining the strife of mothers and wives who suffered because of prostitutes who took money from their respective sons and husbands. Similar to arguments of the 1890s, prostitutes continued to be blamed for the destruction of the Costa Rican nation at large through the ruin of

82 ANCR. Gobernación 38456.
83 ANCR. Congreso 16944.
families and marriages, in both health and economic aspects. Prostitutes were and continued to be “las flores negras” of Costa Rica in 1950.\textsuperscript{84}

\textsuperscript{84} ANCR. Gobernación 13708.
CHAPTER 4
EDUCATION AND DISCIPLINE

Education

The national socialization of Costa Rican citizens was partly achieved through the explicit marginalization of prostitutes. During the 1890s, the Costa Rican state’s approach to prostitution changed from one of prohibition to one of control. As a “universal” reality, prostitution had to be managed in order to curtail its negative effects on the Costa Rican nation. Youth had to be protected and shielded from the negative influences of prostitution. In addition, changes in the Costa Rican education system, specifically as related to girls, would parallel changes in the approach to prostitution.

The Liceo de Niñas\(^1\) in San José was established as the first Costa Rican girls’ high school in 1841 and taught “reading, writing, drawing, sewing, and embroidery.” By 1847, the curriculum had expanded to include “accounting, religion, morals and virtue, urbanity, geography and history, world and natural history, physics, music, Spanish, French, and Italian.”\(^2\) Schools were also established in Alajuela, Cartago, and Heredia. Nonetheless, the majority of women’s education was still privately funded until the mid 1880s with a series of educational reforms that attempted to standardize curricula.

Established in 1878 the Colegio de Nuestra Señora de Sión would become a point of contention for the Costa Rican nation.\(^3\) French nuns initially directed the school, an aspect that occasioned a debate regarding the desirability of the education of Costa Rican citizens by

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1 Later known as the Colegio Superior de Señoritas.


3 ANCR. Congreso 8937.
foreigners. In 1882 the school requested money for the construction of a new building and argued that the new school was essential for the development of national civilization. Education was essential to the nation, both in intellectual and moral aspects. In particular, women’s education, whose social mission of maintaining domestic bliss was increasingly noted, was of high importance to nation-building projects.

The Colegio de Señoritas, an all-girls school, was primarily an option for wealthy families but there were scholarships available with the condition that the graduates would teach at a public school for two years in addition to working at the Colegio de Señoritas for one year. Students wrote essays to qualify for scholarships that included national topics like “el verdadero patriota,” what it meant to be a true Costa Rican patriot. These essays reflected the teachings of primary Costa Rican education that defined the true patriot as a man who was focused on his studies and was thus useful to his nation, rather than a military man who was focused on war. Students from all Costa Rican provinces were eligible to apply for scholarships, and their national socialization was well reflected in their essays.

In 1886, the Colegio Superior de Señoritas became a “four-year teacher-training institute” and taught “calisthenics, home economics, sewing, drawing, and hygiene, as well as reading, writing, arithmetic, geography, history, and pedagogy.” In 1903, and until 1841, it functioned as a professional school that primarily granted degrees in secretarial work, providing limited options for women who wished to pursue university studies. The changes in the curricula and

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4 ANCR. Educación 6150.
5 ANCR. Congreso 8937.
6 ANCR. Congreso 8937. The Costa Rican government provided primary education only.
opportunities within the Colegio Superior de Señoritas reflect the perception that the primary goal of women’s education was to train future wives and mothers.

Bourgeois morals of interaction between the sexes were of specific concern for 1890s Costa Rican elites, as is especially noticeable through education documents. In 1891 the Colegio Superior de Señoritas requested two police officers during the opening and closing hours of the school to “keep the order and prevent young men from disrespecting the girls.”

The focus on the interaction between the sexes revealed a growing concern with insuring the proper socialization of children. The Colegio Superior de Señoritas was not singular in its efforts to oversee the appropriate interaction between the sexes, however, as the Liceo de Costa Rica, a major mixed-sex public school in San Jose, made similar requests.

The separation of the sexes was of major concern to parents during the 1890s, especially as society was still struggling to accept mixed-sex schools. In 1892, parents in Cartago were morally offended to discover that teachers from the neighboring schools for boys and girls inappropriately visited each other during school hours.

Concerns were raised if female teachers did not teach girls because it was believed male teachers could not appropriately or efficiently teach young girls. The difference in education was not only defined by sex but also by class. Curricula were partly determined by the viable opportunities for young women depending upon their status as regular students or as “bequistas.” In 1895, a government inspector suggested that “clases de teoría” should only be taught to “bequistas” since they would need it as future

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8 ANCR. Policía 14747. “vigilar el orden e impidan que lleguen ahí jóvenes a cometer faltas y desacatos contra las niñas.”

9 ANCR Ministerio de Educación Publica 8938.

10 ANCR. Educación 6351.

11 “Bequistas” was the term Costa Rican documents used to refer to girls who had scholarships.
teachers. It was suggested that music classes not be offered to regular students since their wealthy parents could afford private lessons at home.12

The limitations on education programs, such as theory and music classes, were due to economic shortages dating back to 1882 when the Colegio de Señoritas was established. The Colegio de Señoritas was exceptional in its education programs because much of its funding was private, from wealthy parents. Classes taught were meant to create good domestics and were supervised by officials within the school. By the 1900s, an Escuela Superior de Niñas was established in provinces throughout Costa Rica.13 At this moment it was clear that education problems were not solely rooted in economic woes but also in lack of standardization. While certain courses, such as Religion, were required, the actual information taught was not monitored or specifically designed.14 In 1903, information about education plans circulated between the Escuela Superior de Niñas of San José and Heredia.15 These education plans were meant to initiate a standardization process that would better prepare future teachers. At five scholarships per province,16 Costa Rica noted a shortage of teachers for its public schools, as bequistas were the primary, if only source of national teachers.17

It was common for parents, in particular mothers, to write complaints about school procedures or events they found morally objectionable. Such events usually consisted of inappropriate interaction between the sexes, be it students or teachers. In 1905, a group of

12 ANCR. Educación 8041.
14 ANCR. Educación 1902.
15 ANCR. Educación 8094.
16 ANCR. Educación 11133.
17 ANCR. Educación 8094.
mothers threatened to remove their children from the Escuela de Niñas in the Guadalupe neighborhood of San José because male teachers from the neighboring boy’s school were teaching students inappropriate habits.18 These complaints were exacerbated by changes in the education system that conjoined the education of both sexes.

Costa Rica’s adoption of puericulture19 ideas involved the establishment of mixed-gender schools as a way of preparing women and men for appropriate interaction within society. This implementation and practice was met with a certain amount of controversy, especially from “mothers of families” that found it morally problematic to have their young daughters interacting with boys at an early age. In these cases, they blamed the science of puericulture for changing the traditional gender-based separation of schools. In 1908, fifty-two mothers signed a petition mailed to the President of the Republic arguing against the establishment of “escuelas mixtas de ambos sexos, y al de impartir una enseñanza que llaman puericultura.”20 They argued that mixed-sex schools should not exist in Costa Rica because of the “national customs, the climate, and environment.”21 The fear was that mixed schools would jeopardize the innocence of female

18 ANCR. Ministerio de Educación Publica 005618. “Algunos maestros de la Escuela de Varones tienen por costumbre en las horas de receso irse á la sombra de los árboles de la plaza, y se han permitido la falta de respeto de inclinarse hacia el suelo para verles mejor las piernas á las alumnas del V año, la mayor parte de estas jovencitas bastante desarrolladas físicamente y lo bastante intelectualmente para comprender la malicia que enciende ese procedimiento.

19 Rodriguez, 118. Puericulture (or puericultura in Spanish) literally means the science or practice of growing children. It originated in France in the 1900s and “was intended to instruct mothers, female health care professionals, and teachers; female medical nursing students were encouraged to specialize in puericulture or related fields like obstetrics.

20 ANCR. Presidencia 9104. As Julie Rodriguez noted in Civilizing Argentina, puericulture was popular in the early twentieth Century and Costa Rica was no exception in following modern trends. Documents reveal that there was public resistance to its implications, mainly because of the changes in the school system by the mixing of the sexes in schools, as it was deemed inappropriate for the Costa Rican nation.

21 “condiciones propias de nuestras costumbres, de nuestro clima, y de nuestro medio ambiente.”
students by prematurely exposing them to males. The petition was made “in name of the high morals of Society.”

In 1915, an internal survey was conducted at the Escuela Superior de Niñas concerning its educational programs. The two major questions posed were: “a) what should be the general goal of the school b) What end should the Costa Rican school pursue as an expression of the nation’s independence?” The main responses set by the directors of the school were “a) the school should aim to educate man. But what is man? A diamond in the rough.” Thus, the point of education was for man to expand his faculties, which were directly related to the Costa Rican environment of “peace and love for agricultural life.” Ideally, the Costa Rican school was to function as “microscopic nation.” To this extent, it was proposed that schools be mixed to create and maintain social harmony. Few differences were necessary in the education of girls and boys, other than training in domestic life for girls. It was argued that much like women could fulfill the role of “wife” they could also “struggle alongside men, in government, the arts, science, etc.”

The underlying idea, however, was that one was born with the ability to engage in a certain profession and should be taught with the appropriate preparation. Regardless of occupation

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22 “en nombre del alto interés de la moral de la Sociedad.”

23 ANCR. Educación 9331. “a) que debe proponerse en general la escuela? b) Que fin ha de perseguir la escuela costarricense como expresión de su vida de nación independiente?”


25 “paz, y amor por la vida agrícola.”

26 ANCR. Educación 9331. “una patria microscópica.”

27 “luchadora al lado del hombre, en la arena ardiente de los combates del Foro, el Gobierno, el Arte, las Ciencias, etc.”
students were to be taught “love for freedom and labor”\textsuperscript{28} that was at the core of the Costa Rican nation and could therefore only be taught by fellow Costa Ricans.\textsuperscript{29}

The effort to define specific goals and curriculum plans for schools made visible the differences Costa Ricans noted between rural and urban populations. While the opinions of teachers on male and female education varied in some ways, there existed a general consensus that rural customs, or those that were attributed to rural areas,\textsuperscript{30} were undesirable and should be combated with proper education. Agriculture should not be taught to urban populations because it was neither useful nor were urban children naturally skilled for such work. Nonetheless, agriculture would remain important in rural education. Overall, the survey showed that the consistent emphasis and focus of the Costa Rican school was to “form useful men for the Nation, society, and family…with the improvement of morals, above military training or education, being the utmost important goal.”\textsuperscript{31}

Discipline

Costa Rican prostitution regulations demonstrate that politics and culture are inherently linked in the practices that collaborate in and produce “governmentality.”\textsuperscript{32} The state, as a structure of governmentality, successfully functions if the population adopts state practices or rationalization to the degree of normalization. Prostitution regulations were effective in

\textsuperscript{28} “el amor a la libertad y al trabajo”

\textsuperscript{29} ANCR. Educación 9331.

\textsuperscript{30} ANCR. Educación 9331. The document mentions ignorance and superstition as customs or characteristics of the rural population.

\textsuperscript{31} “formar hombres útiles á la Patria, á la sociedad y á la familia…dando siempre mas importancia al mejoramiento moral que á la instrucción.”

\textsuperscript{32} Foucault proposes the term “governmentality” to refer “generally to all projects or practices intending to direct social actors to behave in a particular manner and towards specified ends in which political government is but one of the means of regulating or directing action.
convicting prostitutes because most denunciations were from the public rather than police investigations. To become “normalized,” bourgeois ideals of domesticity required a repressed sexuality for women, since their position as “angels in the home” included modesty and a semblance of sexual innocence. On the other hand, the state’s involvement in prostitution regulations unifies and solidifies the state as a source of moral authority. In short, prostitutes, as marginal figures and subjectivities, were essential to defining the accepted ideal bourgeois family for the modern nation and for shoring up the moral authority of the state.

Practices to control sexuality were enthusiastically implemented by modern nations throughout the late nineteenth and early twentieth century. These developments functioned to define the modern nation through bourgeois family ideals that were rationalized through a series of references to particular national narratives. These particularities, however, were present as a result of consciously and artificially formulated national narratives. Scholars have argued that these practices are rooted in colonialism or that they are roots of authoritarianism, but it is clear that they are the normalizing byproducts of nation-building.

Disciplinary institutions in the late nineteenth century, such as Costa Rica’s Casa de Reclusión, aimed to “train” more than to punish. The punishment aspect of such disciplinary institutions forms part of the greater process of normalizing and training modern national society. The regulation of prostitution reflects the process of discipline through classification and

33 ANCR. Congreso 8947.

34 In Reproducing Empire Laura Briggs argues that the policing of sexuality is about colonialism, as those practices of control originate there, in particular Spanish colonialism. While Brigg’s work focused on colonialism because of Puerto Rico’s lack of official national status, the concept remains the same as the policing of sexuality still contributed to the formation of the U.S. nation through Puerto Rico’s otherness. In Sex and Danger in Buenos Aires Donna Guy states that the roots of authoritarianism are found in practices of policing sexuality. In Compromised Positions Katherine Bliss looks at the Porfiriato as the source of unbalanced gender relations that were carried on in the revolutionary and post-revolutionary period. In this case the policing of sexuality was founded on authoritarian relations that normalized gender roles to the point that they continued afterwards. Together, these arguments show that the policing of sexuality can indicate several things and that its position either as origin or product of authoritarian politics is not necessarily as primary as its role in uniting the modern nation.
differentiation. Much as the modern nation is founded on contrasting concepts of exclusion and inclusion, disciplinary institutions function within spheres of homogenization and differentiation. The normalization of bourgeois values was successful because of the institution of correct training through practices like prostitution laws. The effectiveness of prostitution laws in establishing gender constructs was due to the degree of public acceptance and adoption of the implied values of such laws. Costa Rica’s archives show that neighbors who found a woman’s behavior morally unacceptable initiated the majority of denunciations against prostitutes. The normalization of bourgeois female behavior was achieved through the classification, analysis, and differentiation of unacceptable female behavior. This classification is predominantly visible in prostitution cases that list the number of unacceptable activities women could engage in. Costa Rican prostitution cases document inappropriate behavior as single women who could not account for their incomes, any woman seen with men on the street, especially after dark, and an excessive amount of male visitors.

Prostitution transcended the limited space of religious morality as health and sickness were problematized and disease became a political and economic problem relevant to state policy. The problematization of health created a politically justified space for state involvement in prostitution as well as in the private space of the family. The direct involvement of the state in public health was part of the consolidation of the nation as an effective and affective structure.

35 “The chief function of the disciplinary power is to ‘train,’ rather than to select and to levy; or, no doubt, to train in order to levy and select all the more.” In The Foucault Reader, ed by Paul Rabinow, 188.

36 It can not be appropriately determined what defined an “excessive” amount of male visitors, as some neighborhood denunciations may have been exaggerated or never defined through numbers.

37 Paul Rabinow, ed., The Foucault Reader, ed. Paul Rabinow (New York: Pantheon Books, 1984), 274. Health and sickness, as characteristics of a group, a population, are problematized in the eighteenth century through the initiatives of multiple social instances, in relation to which the state itself plays various different roles.
The involvement of state institutions in the physical and moral health of the general population took effect through a number of activities, of which the regulation of prostitution was but one.

Health concerns justified the regulation of prostitution well into the twentieth century, especially since antibiotics for syphilis were not developed until near the middle of the twentieth century. Such justifications were especially necessary for the protection of the family as the building block of the nation. Attributed to prostitution, the spread of venereal disease would produce degenerative populations that inhibited the successful propagation of the nation.

Prostitution regulations may not have been effective in eliminating the sometimes “necessary vice” or even in appropriately controlling it, but they were effective in defining boundaries of proper social behavior. The degree of public concern with prostitution was exacerbated by the overt public policies employed by the state. The sense of panic surrounding prostitution was possible through the official state concern with venereal disease, particularly syphilis, and the dangers it posed to future generations. The appeal was made to mothers of families in particular, as bourgeois gender roles were already widely appropriated in the late nineteenth century. Appealing to morality and domesticity with “angels of the home” empowered the preoccupation with prostitution, as prostitutes were a direct insult to the morality of these angels. Thus, the danger of prostitution was transformed from a threat to “society” and “nation” as abstract notions, to a tangible threat and conflict between the “prostitute” and the “mother.”

Self-discipline, resulting from the normalization of certain attitudes and behaviors, effectively perpetuates and mediates the conflict between “mother” and “prostitute.”

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38 Rodriguez, *Civilizing Argentina*.

39 From the research on Argentina, Mexico, Costa Rica prostitution was legalized primarily so that the state could maintain control on an aspect of social behavior that abounded and existed with no set limitations. Establishing prostitution as a legally public priority because of its health implications contributed to the consolidation of political power for the state.
characteristics of “mother” as a female subjectivity are applicable to socially respectable women, defined through their limited interaction with men and their confinement to domestic activities, be they married or single. “Woman,” when prudently defined according to bourgeois morality, included the roles of “wife” and “mother” as caregivers and nurturers to their respective husbands and children. Regardless of marital status or children, the bourgeois “woman” always had a position as nurturer. In Costa Rica resentment between the normalized bourgeois “woman” and the deviant “prostitute” was reflected in public denunciations against prostitutes.

Disciplinary institutions are primarily effective once the intentioned discipline becomes normalized and publicly enforced on a social level that extends well beyond official spheres. The regulation of prostitution contributed to the normalization and institutionalization of bourgeois values. The adoption of female bourgeois subjectivities is especially noticeable as female denunciations against prostitutes predominated. Costa Rican women tended to be insulted by immoral activities, such as being out late at night or engaging with men after dark. While these accusations may seem trivial, they were evaluated as serious evidence in court cases on the argument that women who were engaging in immoral activities were threatening to children. They set negative examples for future generations, or prevented others from effectively teaching acceptable morals. If immoral activities were not appropriately punished and banned, the fear was that children would learn that such behavior was acceptable, and worse, that the efforts of “mothers” to produce good future citizens were in vain.

Such accusatory behavior is an example of the ways in which self-discipline functions. Denunciations demonstrate that the police did not necessarily actively prosecute prostitution, but that self-discipline allowed for an atmosphere where prostitutes were accused by neighbors before the police sought them out. Women of good moral standards initiated public
denunciations during the late nineteenth century and early twentieth century, but by the middle of the twentieth century prostitutes were equally responsible for denunciations. The main difference between denunciations made by prostitutes and those made by non-prostitutes lay in the specificity and self-interest of the charges. Whereas women who were not prostitutes had traditionally raised denunciations against particular women, prostitutes raised accusations against groups of women who enjoyed all the benefits of living “la vida licenciosa” without the state imposed regulations. Accusations initiated by prostitutes focused on entire neighborhoods, streets, or houses where non-registered prostitutes were not being forced to adhere to prostitution laws.

During this period the old tension or rivalry between “mother” and “prostitute” is transferred to the “registered prostitute” and the “clandestine prostitute.” Nearing the middle of the twentieth century, registered prostitutes in Costa Rica were more likely to file complaints of unequal treatment for prostitutes that were not registered. Registered prostitutes filed complaints to the department of Profilaxis Venérea concerning their legal position and adherence to the strict regulations imposed by law, while non-registered prostitutes escaped the legal impositions. Registered prostitutes did not argue about their status as “prostitutes” but rather identified other women whose lifestyles were similar to theirs but who had not been identified by the police as such. Such activity and behavior reflects the level of self-discipline that permeated society, but also the need of registered prostitutes to use the law to control competition from unregistered or informal prostitutes.

Registered prostitutes worked within the legal system for equality. Their focus shifted from the validity of registration to an acceptance of the prostitution lifestyle, with all its

40 More generally between the bourgeois “woman,” which implies “wife” as well as “mother.”
implications, both restrictions and degrees of sexual and economic freedom. This acceptance was not due to an understanding or approval of prostitution regulations, but developed from a comparative judgment of advantages between registered and clandestine prostitutes. Registered prostitutes noted their geographical restrictions, especially as the expansion of San José included an increase in schools and consequently a decrease in the areas they could legally inhabit. Clandestine prostitutes had more economic and personal freedom since they did not have to attend weekly doctor’s appointments and check in with the Profilaxis Venérea nor be outside of San José’s bustling centers and away from commerce. The reality of prostitution and the choice of registered prostitutes to remain within the trade contributed to the tension with clandestine prostitutes. Registered prostitutes worked within the limited boundaries and were subject to restrictive and invasive legal vigilance while clandestine prostitutes avoided that aspect of prostitution, developing noted inequalities that registered prostitutes resented.

“Prostitutes” were then not all equally under the same category as they were in the late nineteenth century, and those within the trade noticed the effect. There continued to be resistance to prostitution regulations through clandestine prostitution. Outcries of registered prostitutes pointed to clandestine prostitution and showed the ineffective enforcement of the law and more importantly the lack of equal treatment under the law. The reasons for such an approach may be several, primarily that the unequal treatment led to unequal success or failure within the prostitution trade to the benefit of clandestine prostitutes. In addition, denunciations against clandestine prostitutes shifted police focus from registered prostitutes to those who escaped police control and by association perhaps helped decrease in police attention and/or harassment of registered prostitutes in San José.
It is significant to note that the tension between registered and clandestine prostitutes was not as prevalent in port cities like Puntarenas. “Public women” in Puntarenas often voluntarily registered with the Profilaxis Venérea office because aside from weekly medical examinations, they were free to move within the city and were not harassed if they were registered. Being a port city, Puntarenas was devoid of the multitude of schools that existed in the capital of San José, and therefore the stipulation to remain within two hundred meters of schools was not necessarily a hindrance for prostitutes.41

Registered prostitutes, through their denunciations of non-registered prostitutes, argued for equality under the law. The legalization of prostitution as an official trade meant less police harassment but it also implied more restrictions, especially spatially. The restrictions implied that prostitutes could not practice their trade in some of the most populated centers of San José because of the distance required from schools. Registered prostitutes took note of the advantage that clandestine prostitutes inevitably had in the trade and, motivated by self-interest, used the legal system to establish a more tangible equality between women in the trade. It is clear from such cases that resistance to prostitution laws continued to exist since clandestine prostitution continued to be a problem. This resistance, however, was not as primarily predominant as it was at the close of the nineteenth century as more women abided by the regulations and demanded others to do the same through their own denunciations.

Thus, decreasing court cases document women arguing against prostitution charges and more registration documentations based on prostitutes accusing other prostitutes. This is a reflection of the cementing of the definition of “prostitute,” and of the acceptance of the definition even by those that would be defined as such. Court cases and police records reveal a

decline of the early arguments\textsuperscript{42} by women defending their honorable position in society through their engagement in appropriate domestic activities. The space for the “prostitute” in society was delimited and largely unquestioned by the middle of the twentieth century. While the official aim of prostitution regulations was to eliminate the space for prostitutes in society, they appear to only strengthen their position, especially as the “prostitute” provided a legal contrast and alternative to the “wife” and “mother” of the nation.

\textsuperscript{42} Particularly those of the late 1880s and 1890s when regulations on prostitution were altered and the Ley de Profilaxis Venérea took effect in Costa Rica.
CHAPTER 5
CONCLUSION

The case of the Costa Rican nation demonstrates that the policing of sexuality does not so much foreshadow authoritarian politics, as has been argued by Julia Rodriguez for Argentina, as it exposes the “normalizing” disciplinary practices common to modern nations everywhere. I have argued here that while it may be true that Costa Rican prostitution regulations were not successful in fulfilling the original official goal of eliminating prostitution, they were successful in establishing the normalizing boundaries of acceptable sexual and moral conduct. The definitions of “prostitution” and “prostitute” in Costa Rica as deviant were increasingly questioned as more legalized prostitutes argued for equal treatment of all women living “la vida licenciosa.” Thus, “prostitutes” came to accept their marginalized and morally inferior position in society and use it to argue for legal equality with other “licentious” women. This contention was self-interested, since it reflected an attempt to protect themselves from unfair competition from “informal” prostitution. Prostitution implied a rejection of motherhood and thus nation. Engagement in prostitution represented an abnormality that, through science, could be corrected with rehabilitation that included teaching proper domestic behaviors. Nevertheless, the rehabilitation and legalization of prostitution led not to its demise, but to its spread and democratization. Registration ultimately meant women could continue to practice prostitution as a trade and their denunciations against non-registered prostitutes implied a push towards egalitarian treatment of those within the trade.

Prostitution practices common to Mexico, Argentina, Costa Rica and Peru, do not make any of those nations exceptional or novel, especially as most of the practices are parallel to European practices. What these practices demonstrate, however, is the prevalence of the bourgeois family as the ideal infrastructure of the modern nation. The bourgeois family unit is
significant on a political level as much as on a cultural level. Prostitution laws took center stage in congressional debates with the protection of the family being the main justification. The politicization of the “family” was important to the state as it assumed the education of youth as future citizens. Women, as the central figures in the home, were responsible for proper inculcation of morals, and thus served as excellent teachers when marriage was not possible. Although the Costa Rican state and its official nation would unlikely say so, prostitutes also made excellent teachers of another kind, and they carved a democratic legacy for themselves, if only out of self-interest.

Studying disciplinary practices unveils connections between modern nations that extend beyond political or economic development. Costa Rica’s master narrative of political democracy and peace was created through its education system. The normalization of masculine and feminine behaviors was essential to the family infrastructure of the nation. The connection between gender and the state is reinforced by the study of the policing of sexuality in Costa Rica. Figures that were consciously marginalized, like the “prostitute,” eventually and inevitably became less marginalized through legality, even if they continued to be morally marginalized. The voluntary registration of prostitutes may indicate a decrease in the shame associated with prostitution through a defense of its legal position within the Costa Rican legal code. If nothing else, registered prostitutes were law-abiding citizens whose harassment, public or private, was not warranted. The laws of “la Patria” were prioritized above older morals.

Anti-prostitution practices were one way the state consolidated its power as Liberalism ushered in a secular change of power away from the Catholic Church in Latin America. Prostitutes adapted to the ordered society of the modern nation, Costa Rica not being the exception, and established a legally accepted position in the nation, whose initial “necessary but
evil vice” justification was increasingly irrelevant. Working within the parameters of Costa Rica’s valued democratic narrative prostitutes sought democratization within the population of prostitutes. The legacy of the policing of sexuality proves to resonate as the ideals of bourgeois feminine and masculine behaviors continue to be accepted as “normal.” Understanding how this normalization was possible and the institutions that contributed to it can perhaps be a better tool for altering current and future gender constructs more effectively.
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BIOGRAPHICAL SKETCH

Griselda E. Rodriguez graduated with a bachelor’s degree in history from the University of Florida in May of 2006. After graduation, she moved to Miami where she enthusiastically engaged the arts through her employment at the Miami Art Central Museum. Her intellectual growth was continuously inspired, as the museum provided exposure to a combination of philosophical, artistic, and historical subjects. This exposure reoriented her academic interests from political history to cultural and gender history. This led to a focus on national narrative as related to sexuality and public institutions in Latin America during the late nineteenth and early twentieth centuries.

Currently, she is focused on the development of the modern Latin American nation, particularly Costa Rica, through public institutions and practices that normalized particular behaviors and attitudes as related to sexuality. In her studies, she hopes to contribute to changing the use of dichotomies and binary approaches found in traditional political, cultural, and gender historiography. After graduating with a master’s degree in Latin American Studies in 2010, Griselda hopes to apply her knowledge of gender, the modern nation, and public institutions to the field of international relations or public art and cultural programs before pursuing a PhD in Latin American history.