

**PSYCHIATRY AND MIGRATION:
HYGIENISM AND CRIME IN EARLY 20TH-CENTURY ARGENTINA**

The connection between psychiatry and jurisprudence emerged in Europe during the mid-1800s, reaching scientific relevance toward the end of the century. These ideas arrived in Argentina through criminologists and physicians who understood the importance of psychiatry as a regulatory and interpretive tool for the shifting social processes brought about by the Industrial Revolution and Positivism. In Argentina, the influx of migrants triggered a reformulation of the concept of the “insane,” which in turn required new theoretical frameworks to define and standardize these transformations. Positivism provided an organicist technical perspective that treated society as a large organism, wherein regulatory agents operated with clearly defined tools, legitimized by a legal system increasingly shaped by contributions from emerging sciences. Psychiatry, at the service of the state’s interests and values, offered the study of human behavior, now understood as directly relevant to individual productivity and quality—within a context ideologically framed by a discourse of social cohesion that was always arbitrary. This paper examines the evolving concepts of responsibility, crime, criminality, and hygiene that formed part of this historical process.

Introduction

Throughout history, every significant social transformation has required an intellectual foundation—a system of ideas capable of sustaining change over time and preserving its internal logic despite the unpredictability of circumstances. Religion has served, par excellence, as a system of large-scale social regulation. In ancient times—and often still today—it was one of the most powerful forces for social homogenization. Islam, for instance, emerged as the normative banner of the nomadic tribes of the Arabian Peninsula in the 7th century CE, following the conquest led by the Prophet Muhammad. Christianity once unified rebels who demanded freedom from the Roman Empire. Judaism, which began as a sect of Abraham’s followers, evolved into a global religion with its own state and a long history of resistance. Names, surnames, flags, codes, languages, borders, and traditions—all function simultaneously as markers of belonging and exclusion for those deemed “different.” These mechanisms of differentiation—whether used to justify tolerance or

hatred—have always been imposed by a few over many, revealing the imprint of leadership throughout history.

The rise of nation-states in Europe, along with the centralization of productive processes and the internal migration of rural populations into urban centers, forced political elites to confront the diversity of the governed and the importance of a judicial system capable of regulating behavior. From the ancient Code of Hammurabi in Babylon to Islamic Sharia law and modern Positive Law, legal codes have always embodied a specific social theory: they exist to order, control, predict, and direct the social body. Capitalism served as the theoretical framework behind the laws of the first nation-states—centralizing power and facilitating the emergence of social theories that could justify the management of wealth (in all its forms) and the control of human lives.

Positivism, with its call for "order and progress," provided the crucial epistemological support for creating tools and models capable of preserving the established order. First in Europe, and later in Argentina, the alliance of capitalism and positivism gave rise not only to certain scientific disciplines, but also to institutional relationships unthinkable in other, more religiously-based or pre-modern societal models. The judicial system became the guarantor of this new social order, and individuals affected by it were increasingly evaluated through the lenses of medicine, anthropology, psychiatry, and eventually psychology. Subjectivity, through these mechanisms, became a malleable attribute—something to be shaped over time. Even so-called "universal" values could be redefined when national survival was considered more important than individual life, justifying wars, ideals of honor, and promises of a better afterlife.

Nation-Building, Immigration, and the Role of Science

After a prolonged period of internal conflict between Unitarians and Federalists—which had hindered any long-term demographic policy—Argentina's national government began promoting European immigration in 1854. This initiative was aligned with the 1853 Constitution and the vision of Juan Bautista Alberdi, who asserted that "*to govern is to populate*." The goal was to construct a rural social fabric and to complete the occupation of the pampas—territories that until the military Conquest of the Desert had remained under Mapuche control.

Local leaders, most notably Domingo F. Sarmiento, viewed the European immigrant as a bearer of modernity, capable of bringing European progress to the young republic. This vision was built explicitly at the expense of what he referred to as the “barbaric races” inhabiting the national territory. Ironically, the gaucho—whom Sarmiento had described as quarrelsome and idle—would later become a national symbol, much like the tango. Local jurists and intellectuals drew on European advances in medicine, law, and criminal studies to confront an unexpected reality: the majority of immigrants arrived with more despair than ideas. They came with hopes, not projects. And the Argentine state was not prepared to absorb additional burdens on top of the many already diagnosed by Sarmiento.

Alberdi himself would later warn:

“To populate is to civilize, when it is done with civilized people—that is, with settlers from civilized Europe. That is why I wrote in the Constitution that the government must promote European immigration. But to populate is not to civilize—it is to brutalize, when it is done with Chinese, with Indians from Asia, or with Black Africans. To populate is to infect, to corrupt, to degenerate, to poison a country, when instead of filling it with the flower of Europe's working class, it is filled with the trash of a backward or less cultured Europe. Because there is Europe—and then there is Europe. Let us not forget: it is possible to follow the liberal letter of the Constitution and still ruin a South American country simply by populating it with the wrong kind of European immigrants.”

The Alberdian project failed in this regard. Anglo-Saxon and Germanic immigrants overwhelmingly chose the United States and British colonies. Argentina, by contrast, received primarily those immigrants Alberdi had sought to avoid: Italians and Spaniards, followed in smaller numbers by Eastern Europeans.

Within this context, this paper traces a constellation of ideas: Darwinian evolutionism and its application to society and human classification; criminal anthropology and the emerging role of psychiatry as a classificatory agent; and ultimately, the way these discourses shaped legal frameworks and individual subjectivity in accordance with the kind of country the elite sought to construct.

Scientific Discourses and the Management of Social Heterogeneity

Disciplines such as anthropology, psychology, biology, psychiatry, and the medico-legal discourse converged historically with a shared purpose: to define, isolate, treat, process—and above all, to regulate—the vast heterogeneity of the human species. I say “vast,” because within artificial systems of social organization—such as states or legally structured

communities—there arises a practical need to generalize individuals by nature: to classify them as useful or useless for production, to impose a common language, a shared religion, and a symbolic framework capable of serving as a banner of national homogeneity.

A nation tolerates heterogeneity only to a point. Argentina is one of those so-called “emblematic” cases: by the end of the 19th century, it held the world record for the proportion of immigrants in its population. Two-thirds of the Argentine population at the time were foreigners: Italians, Spaniards, Germans, Poles, Russians, Jews, and others. Such an influx brought not only settlers, but also ideas, customs, unfulfilled hopes, and refugees from devastating wars (the Franco-Prussian War, the Italian unification wars, bourgeois revolutions, the German unification, the Paris Commune, etc.).

Initially, most migrants came from rural working classes displaced by the Second Industrial Revolution and the mechanization of agriculture in Northwestern Europe. Later waves were driven by economic crises, such as the depression of 1875. Understanding these backgrounds allows us to situate the historical frameworks through which mental illness was addressed in Argentina—frameworks that were always closely tied to the prevailing “nation projects” of the time and to shifting conceptions of the ideal Argentine citizen.

All these projects were deeply influenced by 19th-century scientific trends, especially positivism, which dominated well into the early 20th century. In Argentina, the history of normativity and mental health goes far beyond the boundaries of medicine. It intersects with the formation of the state, the interpretation of national identity, the structure of hospitals, public hygiene, bourgeois moral norms, and a host of other forces shaping Argentine society.

Long before universities and asylums institutionalized the treatment of madness, the concept first appeared in Argentina through the figure of barbarism—as defined by Sarmiento in his book *Facundo*. Barbarism was constructed in direct opposition to civilization, and normality was shaped by “norms” (norm/normal): those things which were permitted, agreed upon, and enforced by the dominant power structures. From this perspective, madness is not an absolute concept, but a politically technical category. In this framework, health was measured through productivity and economic output. One was considered “healthy” if one worked. Those who failed to produce, who created disorder, who exhibited “vices,” were considered “insane”—the mad.

The Construction of the “Argentine Man” and the Rise of Hygienism

Beginning in the 1880s, large numbers of immigrants arrived in Argentina, hoping to escape hunger, unemployment, and misery in Europe and parts of the East. Continuing along Sarmiento’s ideological line, a quasi-utopian vision emerged: the creation of a new race—the “Argentine Man.” This national archetype was imagined as the fusion of the hardworking and fertile European immigrant with the richness and productivity of the Argentine pampas.

This idealization of foreign contribution, however, came at the expense of the moral and racial legitimacy of the native population. It also gave rise to two poles of social conflict. On one side was the countryside and the figure of the gaucho, viewed as idle, quarrelsome, and drunk. On the other was the city, now associated with disorder, vice, and the immigrant masses. This “national moralizing utopia” was ultimately doomed to failure. Even the immigrants, once seen as regenerative agents of the Argentine race, came to be perceived as sources of marginality and disorder.

Some four decades later, José María Ramos Mejía (1849–1914), ideological heir to Sarmiento and mentor to José Ingenieros, would emphasize biological determinism and the theory of degeneration (Morel, 1857), operating firmly within a positivist framework. In *Las Multitudes Argentinas*, Ramos Mejía argued that the immigrant people could not be governed through reason, but through images that either seduced or terrorized—the true engines of mass action.

For Ramos Mejía, the primary school system had to be instrumental in the ritualization of national identity. It was the role of public education to instill emotional attachment to national symbols in order to “nationalize” the population. In this view, health, order, and sanity were no longer just a matter of individual conduct; they became intertwined with social productivity and national cohesion. Those who did not contribute to “order and progress” were removed not only from public space, but from the boundaries of normalcy itself. Work and education—hallmarks of positivism and secularism—became the key instruments of moral and mental health.

Over the following fifty years, an institutional care model took shape, one marked by the same national project—driven by positivist science and the realities of industrial modernity—and further shaped by the impact of urban epidemics resulting from overcrowding. This gave rise to the doctrine of hygienism, which would become a defining feature of state policy. Another crucial factor was the demographic explosion caused by ongoing immigration.

The most prominent figure of this movement was Argentine physician Guillermo Rawson (1821), who in 1873 created the Chair of Public Hygiene at the University of Buenos Aires. For Rawson, public hygiene and political economy were inseparable:

“With money—or its equivalent, labor—we cleanse the people. And by cleansing the people, we achieve economic prosperity and generate wealth.”

In this view, public hygiene was not only a health concern—it was a condition of civilization and national wealth.

His vision, steeped in the positivist ideal of “order and progress,” framed poverty as both a threat and a justification: a threat to social stability and a moral justification for philanthropy and social control. In his 1885 work *Estudio sobre las casas de inquilinato de Buenos Aires*, Rawson described the subhuman living conditions of immigrants, linking them to both biological and social illness. With this, the hygienist focus shifted from the organic material that spread epidemics to the moral and physical environment. Disease was no longer solely biological—it originated in vice and immorality. Thus emerged the figure of the social physician, the hygienist, responsible for prevention, where science and moral values converged.

By this time, Buenos Aires already had two institutions dedicated to mental health:

- In 1854, the Hospicio de Alienadas (Asylum for Women) was founded, where treatment was grounded in the morality of industrious habits. Work and submissiveness were seen as signs of health and reason—again linking mental illness with a failure to conform to the productive national project.
- In 1863, the Hospital de Hombres and the Manicomio de Hombres (Men’s Asylum) were established. In 1876, Lucio Meléndez assumed the directorship, bringing with him the alienist doctrines of Pinel and Esquirol to systematize the asylum.

Alienism found its institutional expression in the asylum. It soon evolved into a distinct medical specialization—one that focused not on the organic roots of illness but on its symptoms and expressions. The foundational values of alienism were:

- Observation and control of madness.
- The figure of the alienist physician as a moral and institutional authority—simultaneously judge, police, father, and spiritual guide—capable of overruling judicial or medical colleagues, and responsible for deciding who should be institutionalized.

Criminal Anthropology, Degeneration, and Psychiatry as Judicial Authority

To place these developments in an international context, we must recall that the relationship between science and criminality in Europe was largely shaped by Cesare Lombroso's theory of Criminal Anthropology. The Italian physician and criminologist claimed that criminal behavior could be detected through measurable physical traits—fixed physiognomic indicators that supposedly marked individuals as deviant by nature.

Later, Enrico Ferri expanded Lombroso's theory by introducing the notion of the criminal temperament, a constellation of characteristics that included patterns of speech, writing, secret symbols, art, literature, and most importantly, a moral insensitivity—a lack of repugnance toward the idea or execution of a crime, and the absence of remorse afterward. He argued that abstract ideals such as religion, honor, and loyalty had little bearing on criminal behavior, as they were too complex to influence basic moral impulses. Instead, simpler feelings such as hatred, love, and vanity were the true motivators. In short, Ferri defined criminal psychology as the result of a deficient resistance to criminal impulses and temptations—an unbalanced impulsivity akin to that found in children or “savages.”

Other currents, such as phrenology, were already attempting to identify personality traits and criminal tendencies based on skull shape, head size, and facial features. This theory, popularized in the early 1800s by German neuroanatomist Franz Joseph Gall, was highly influential throughout the 19th century.

The theory of degeneration, developed by French physician Bénédict Morel, also shaped medical and psychiatric thinking in Argentina. Drawing on pre-Darwinian ideas of evolution—particularly those that emphasized acclimatization—Morel saw mental deficiency as the final stage of a process of hereditary deterioration. In the 1850s, he developed his theory based on mental disorders observable from childhood through adulthood, and in 1857 published *Traité des dégénérescences physiques, intellectuelles et morales de l'espèce humaine*, outlining the nature, causes, and implications of human degeneration. He initially emphasized heredity, but later acknowledged the role of alcohol and drug use in triggering mental illness.

José Ingenieros, an influential Argentine intellectual, later built on these ideas. He suggested that social evolution was not necessarily governed by natural selection alone: capitalism, he

argued, had created the conditions for a degenerative selection, in which degenerates might achieve social success—not in spite of their deficiencies, but perhaps because of them.

These scientific approaches—particularly those rooted in biology—had already begun to shape legal thinking. They influenced classifications of criminal liability, definitions of social order, criteria for punishment, and most importantly, they provided a segregative discourse aligned with the state’s ideological and legal structures.

Psychiatry developed in parallel. Though its institutional power grew more gradually, its eventual integration with legal systems was decisive. As Michel Foucault notes in *The Lives of Infamous Men*, the convergence of psychiatric and legal knowledge was catalyzed by a series of unusually cruel crimes committed between 1800 and 1835 across Europe. Foucault points out that most Napoleonic legal codes held that a state of “alienation” was incompatible with legal responsibility, and therefore exempted individuals from punishment. Up to that point, the law had considered madness in only a few forms: dementia, idiocy, or violent delirium. But the irrational and extreme nature of this new wave of crimes raised serious doubts about the classical attributes traditionally used to define a criminal subject.

From then on, criminal responsibility would no longer hinge solely on the awareness of having committed a crime. It also had to consider whether the act could be interpreted coherently in light of the subject’s behavior and history.

Returning to Argentina, the early 20th century saw the conflictual entry of the labor movement into the national stage. The ideas and realities imported through immigration—and the impact of local economic crises—pushed the state to respond. In 1902, the Law of Residence was passed, giving the Argentine government the right to expel foreigners deemed disruptive, without judicial oversight. The state thus claimed for itself a sovereign “right of admission” over individuals whom the medico-legal system classified as threats to social order.

This segregationist logic bundled together mental degeneration, popular immigration, anarchism, and revolutionary ideologies into a single framework. Within it, the rebel—even a simple dissenter—became a criminal.

The Alienist as Judicial Expert in Argentina

In this framework, the figure of the alienist physician—the psychiatrist trained in alienism—took on the role of a sort of engineer of the national body, tasked with repairing, cleansing, and adjusting the “human parts” of the system to ensure they functioned according to the country’s economic goals. Concerns about labor quality and the capacity for submission became matters of state relevance.

The imposition of positivist models, together with the theory of degeneration, defined the approach to criminal behavior within forensic medicine. In 1875, Eduardo Wilde established the first Chair of Forensic Medicine at the University of Buenos Aires. Within that institutional context, the role of the alienist in judicial proceedings was formalized in the figure of the expert witness, responsible for determining whether a defendant was legally accountable or not.

The importance of this role rested on the evolving concept of criminal responsibility, which increasingly relied on psychiatric judgment. One of the key historical cases was the Vivado case, analyzed by Lucio Meléndez, Director of the Men’s Asylum, which exemplified how psychiatry had come to hold decisive authority in determining legal outcomes.

Conclusion

Conducting this research allowed me to explore an extraordinarily rich body of literature, each contribution helping to weave together a broader understanding of the topic. The investigation was primarily documentary in nature, combining historical data with my own interpretive framework—not only to inform, but also to craft a personal and reflective narrative.

This work stems from a deep personal interest in systems of social control, their histories, and their symbolic dimensions. I am particularly drawn to the aesthetics of subjugation—the poetry, if you will, of propaganda in times of war, of promises of paradise, and other techniques used to stir passion, loyalty, and fanaticism. These strong emotions move me and compel me to study them.

My aim was also to trace these dynamics back to Argentina’s past—to understand our history, our origins as a people “from the ships,” and to explore the deeper meaning of how and why we arrived here. I realized, as I wrote, that history itself becomes a new form of

social cohesion and division—one that, as beings of memory, we cannot escape. Argentine identity is, in part, the product of a history carried from afar.

Law, as a system of control, also holds my attention—particularly in the context of forensic psychology and its application in the field of emergency response, where I have professional experience. But through this work I also came to see how legal evolution, in relation to a given social environment, can help us understand the nature of social groups—how they are shaped by the very systems that regulate their passions and delimit their expression. Law, in this sense, becomes a lens for reading history. Because law is malleable. It reflects the criteria for coexistence between people, and by studying it, we learn how a society defines itself. This was a challenging project—but I ended up enjoying it, because the more I engaged with the topic, the more it engaged with me.

On Subjectivity and Law

My topic opens the door to a reflection on the relationship between subjectivity and law. Psychiatry, as a system of social control, imposes decisions (madness vs. sanity) based on standards of generalization, often ignoring the individual particularities of subjects—let alone their desires. When we speak of heterogeneity, we are referring to precisely that: a diversity that must be approached through shared traits, elevated above any one individual's singularity.

In the context of this work, those traits were functionality vs. non-functionality within the productive model of the state. We are free to think what we want, to enjoy whatever we like—but that only becomes relevant to the dominant system when our thoughts or preferences affect the criteria by which it evaluates us: whether we are useful or not.

If we are not useful—even if we are brilliant and hardworking—we are labeled insane. And if we are submissive, unimaginative, and mediocre, we are declared functional and normal—provided that these are the parameters in place.

This reduction of the person to a few characteristics lies at the core of legal systems of social control. The law speaks of what “should be.” It exists to enclose us within a dimension compatible with the dominant discourse—within a normative framework that, in its very construction, also reveals its limitations. The human being is far too complex to be fully

addressed by the law. That is why concepts such as creativity or imagination are so difficult to regulate: they are achievements of subjectivity, not legal categories.

And yet—even here—there is room for a “not always.”

To understand that “not always,” we must turn to alternative legal systems. One such system exists in Somalia, a country marked by civil war, Islamic fundamentalism, and brutal colonial legacies. After the collapse of the Somali state (2003–2012), a traditional system called Xeer (or Jher) gained prominence. In the absence of public law, justice was administered through community-based negotiations: the two parties, seated under a tree with an elder acting as mediator, would argue for days until reaching a mutually satisfactory agreement.

In these discussions, the history and background of each family played a central role in determining rights and responsibilities. While not entirely subjective, the system did allow for the recognition of individual and family histories, in contrast to the individualist model that dominates Western legal systems. The legal and the legitimate were both recognized in Xeer: even without written statutes, legitimacy emerged as a collective need to maintain a community governed by shared survival rules—rules more aligned with natural law than positive law.

In contrast, Western legal systems often derive the legal from written law—regardless of whether that law is legitimate in the eyes of those subject to it. This distinction is central: legitimacy is rooted in the common good, as perceived by those directly affected. Legality, on the other hand, is what has been dictated—often without regard for justice or equity.

In the case of psychiatry and law as systems of social control, we are faced with a merger of legal dictates that lack legitimacy. These systems erase the personhood of those who are different—not in theory, but in practice. And though their condemnation may be legal, their recognition as human beings—as persons with an inherent right to life, regardless of ideology—remains a matter of justice.

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