



REPLY

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Having now read the thoughtful and penetrating comments by Fabrício Prado, Mariana Flores da Cunha Thompson Flores, and Luís Augusto Farinatti, I am immediately aware of how fortunate I am to have the opportunity to receive comprehensive and detailed feedback on the early stages of my work from three outstanding historians of the nineteenth century Río de la Plata. I wish to thank all of the commentators for offering their insights and suggestions. Their knowledge of history and historiography has and will continue to prove invaluable to me as my research advances. I would also like to thank Arthur Avila for providing me with this opportunity to present my research in *Aedos*, as well as his patient work in translating my paper, his timely suggestions, and on-going support.

Having reread my working paper now some nine months after originally writing it, I am equally struck by how inchoate many of the arguments and assertions appear. I believe all the commentators' requests for more historical context and historiographical engagement are entirely proper. My additional research, writing, and contemplation has only further brought this point home to me. Thus, in the spirit of a forum dealing with a work in progress and reflecting the fact that I have only a few minor disagreements with the excellent substantive points in the comments, I want to use this response to explore briefly the evolution of my own research in relation to several of the important themes identified by the three authors.

As each of the commentators identified, one of the main intents of this paper and my broader research project was to explore and understand the process of forging national loyalties and identities throughout the Río de la Plata borderlands over the course of the nineteenth century. Given this stated aim, I am now struck by to extent to

which my working paper conceptualizes states as the moving actors in the story, utilizing borderland institutions to consolidate their own authority along the frontier. I fully agree with Prado's suggestion that the paper assumes too much of a functional state in the middle portion of the nineteenth century.

One way to address this I believe is to focus much more tightly on local forums without losing sight of their impact on broader state and international structures as these local conflicts radiated outwards. Viewed from the perspective of the legal narrative at the heart of my research, this approach conceptualizes frontier courtrooms as arenas of struggle between rival political factions. Legal actions – whether civil or criminal – required mobilizing resources, both inside and outside the courthouse, in order to succeed. Litigants drew upon social ties, political connections, and written doctrine in order to advance their claims.

With so many connections in play, even mundane disputes often could not be confined within the halls of justice. Instead, legal proceedings in the borderlands frequently acted as flashpoints for factional battles in the streets and in the countryside. Law and violence went hand-in-hand. This had profound consequences for the region's national projects as they attempted to recuperate from the regional wars sweeping across the Río de la Plata in the 1840s. Particularly, in the milieu of cross-border factional politics, recourse to legal remedies and to the language of formal law tended to undermine state power rather than signal the increasing consolidation nation-states throughout the borderlands. The blurred boundaries of between law and violence ensured that national boundaries remained blurred, as well. Thus, conceptualizing local forums as an arena for struggle over the meaning of law, factional loyalty, and ultimately national identity, I believe I can avoid papering over much of the mystery involved in processes of state construction along the Río de la Plata's frontiers.

This also begins to address some of Farinatti's valid criticisms that my working paper fails to account for the relationship between military conflict and the creation of legal rights. What I believe emerges from this analysis is that court proceedings and military campaigns shared much in common well into the mid-nineteenth century. By seeing legal conflicts as extensions of rather than derivations from the more militaristic methods of establishing property rights earlier in the century along the frontier, I believe it is possible to complicate narratives of a neat transition from violence to law and from borderlands to bordered lands.

At the same time, this approach also raises important questions regarding Prado's interesting discussion of law and coercion. Prado points out that "Coerção pode ou não ser legal, portanto, o lei poder ser uma força coercitiva, dessa forma, não havendo um limite entre lei e coerção" (PRADO, 2009, p. 274). Prado is correct that law possesses deeply coercive elements and that the *theoretical* boundary between the two is ambiguous at best. However, from the perspective of understanding local uses of law along the frontier, I do not believe that because the law is itself coercive or that because coercion can be at different moments legal and illegal means that the terms lose their "poder explicativo" as Prado contends.

Rather, what my research seeks to describe is the factional struggles to define the very difference between two deeply overlapping terms. What I have found in my own research is that each new legal proceeding offered an opportunity for political rivals to enhance their positions by gaining control over these definitions between law and coercion. For factional elites, ensuring that their political allies were on the winning side in the courts through a mixture of persuasion, corruption, and at times outright violence, competing political factions could enhance their own power in local venues by claiming the ability to define the boundaries between legal rights and illegal coercion. Thus, the line between law and coercion had real meaning precisely because it was so important to the local political and legal actors, themselves.

This is why the decision in the Alegrete courts declaring Joaquim dos Santos Prado Lima's property rights to be the product of mere coercion is so telling. The verdict rendering Prado Lima's meticulously established property rights illegal was the capstone of a strategy that blended court proceedings, political appeals, and coercive violence to win control over the power to define law and legal rights. In a sense, the litigants themselves seek to give meaning to the distinction between law and coercion through prolonged legal and political conflicts centering on frontier halls of justice. The working paper only begins to explore this process, which needs much more practical and theoretical elucidation. However, a narrative that explains how through the intersection of factional alliances and juridical arguments, legal rights come to be declared illegal has real importance in understanding the uses and limitations of the law in forging sovereignty along the frontier. The ambiguity Prado identifies is at the very heart of my project.

Focusing on local forums I believe also permits a more sophisticated understanding of the borderlands legal culture as it existed a mid-century. For instance,

as Flores identified in her comments, notions such as honor played a critical role in defining identities in the borderlands. As Flores suggests, law and honor were tightly intertwined. By way of example, my research has found that honor was critical in asserting a variety of forms of legal proof. In turn, honor and reputation possessed a deeply local character, particularly when connected to one's status as a *vecino*.

Building on these types of observations, my research seeks to explore these shared vernaculars of privilege, reputation, and rights as a mechanism to bridge the gap left by the absence of consolidated nation-states and national legal systems. I argue that the system that supported international trading ties centered on community status and honor in establishing the foundations for claims throughout the borderlands. That is to say, my research argues that local forms of legal rights could be used to underpin broader commercial networks. I believe that Almeida and da Silva's cross-border forum shopping reflected this internationalization of local law, with each seeking to project their local alliances and connections across the borderlands. It is in this sense that I see the men as constantly in search of the law.

Once again, I want to thank the commentators for their thoughtful comments and criticisms. I believe they will provide a sound basis for further discussions beyond the limited pages of this forum and for years to come.

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