

## Crime as a Critical Instrument

My subject is “crime,” and this book is a manual of its body. A manual of “crime” in quotation marks (a manual of crime and quotation marks), because I use the word not in its legal sense, but rather in all senses of the term. And because my field is fiction: sexual, racial, social, and economic “crime tales,” tales of professions, trades, and states. Those that form *The Corpus Delicti: A Manual of Argentine Fictions*.

This is a manual of the utility of crime and of crime as a tool. Today, crime is a branch of capitalist production and the criminal a producer, as Karl Marx said in 1863 when he sought to show the consubstantiality of crime and capitalism and, unintentionally, like an astrologer, foresaw this manual:

A philosopher produces ideas, a poet poems, a clergyman sermons, *a professor compendia*, and so on. A criminal produces crimes. If we look a little closer at the connection between this latter branch of production and society as a whole, we shall rid ourselves of many prejudices. The criminal produces not only crimes but also criminal law, and with this *the professor who gives lectures* on criminal law and in addition to this *the inevitable compendium* in which this same professor throws his lectures onto the general market as “commodities.” This brings with it the augmentation of national wealth, quite apart from *the personal enjoyment which . . . the manuscript of the compendium* brings to its originator himself.

The criminal moreover produces the whole of the police and criminal justice, constables, judges, hangmen, juries, etc.; and all these different *lines of business*, which form equally many categories of the social division of labour, develop different capacities of the human spirit, create new needs and new ways of satisfying them. Torture alone has given rise to the most ingenious mechanical inventions, and employed many honourable craftsmen in the production of its many instruments.

The criminal produces an impression, partly moral and partly tragic, as the case may be, and in this way renders a “service” by arousing the moral and aesthetic feelings of the public. *He produces not only compendia* on Criminal Law, not only penal codes and along with them legislators in this field, *but also art, belles-lettres*, novels and even tragedies, as not only Müllner’s *Schuld* and Schiller’s *Die Räuber* show, but also *Oedipus* and *Richard the Third*. The criminal breaks the monotony and everyday security of bourgeois life. In his way he keeps it from stag-

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nation, and gives rise to *that uneasy tension and agility without which even the spur of competition* would get blunted. Thus he gives a stimulus to the productive forces. While crime takes a part of the superfluous population of the labour market and thus reduces competition among the labourers—up to a certain point preventing wages from falling below the minimum—the struggle against crime absorbs another part of this population. Thus the criminal comes in as one of those natural “counterweights” which bring about a correct balance and open up a whole perspective of “useful” occupations.<sup>1</sup>

In this manual we will use crime like Marx, as a critical instrument that will allow us to carry out various types of operations. “Crime” is a particular conceptual instrument; it is not abstract but rather visible, representable, quantifiable, personalizable, subjectivizable; it does not submit to binary regimes; it has historicity and opens onto a constellation of relations and series.<sup>2</sup>

From the very beginning of literature, crime appears as one of the instruments most utilized to define and found a culture: to separate it from nonculture and to mark what culture excludes. For example, the female crime in Genesis or, later, “the murder of the father” by the primitive horde of children in Freud. To found a culture beginning with the crime of the minor, of the second generation, or to found it on the crime of the second sex, would imply not only the exclusion of anticulture, but also the postulation of a second culpable subjectivity. And also a pact. So, at very first glance, would *fictions of cultural identity with crimes* appear to function.

Let us consider what Sigmund Freud calls the “fantastic” construction in *Totem and Taboo* (1912–1913).<sup>3</sup> Freud links his psychoanalytic conception of the totem (his fiction of the totemic animal as a substitute for the father: love-hate ambivalence) to Darwin’s theory-fiction of the primitive horde. Darwin supposes the existence (and he says that this primitive state has not been observed) of “a violent and jealous father, who keeps all the females for himself and drives away his sons as they grow up” (Freud 175); thereafter, each founds his own horde.

Freud relies, then, on Darwin’s positivist fiction of the father in order to continue it with his own psychoanalytic fiction of the father. He adds crime and founds it on *a cultural event*, the “celebration of the totem meal.” Freud imagines: “One day the brothers who had been driven out came together, killed and devoured their father” in the festival, *putting an end to domination* (176). United, says Freud, they managed to do what would have been impossible individually. Perhaps they had at their disposal a new weapon, he adds (*linking technology with crime or linking the founding crime with a certain “modernity”*). They devoured the father’s cadaver, they identified themselves with him, and they appropriated his strength.

For Freud the awareness of guilt is born in the criminal act because the sons, while they eat the father in the festival of liberation, prohibit themselves what he prohibited them, and they renounce sexual contact with the women of the tribe. For Freud the guilt of the sons (*of the “minors”*) would engender the two fundamental taboos (“crimes”) which initiate human morality: murder and incest. The totem meal, “perhaps mankind’s *earliest festival*,” says Freud, would be “*a repetition and commemoration of this memorable and criminal deed*, which was the beginning of so many things—of social organization, of moral restrictions and of religion” (176; italics added).

“Crime” is, then, one of the tools or *critical instruments of this manual* because it functions, as in Freud, as *a cultural frontier* that separates culture from nonculture, which founds cultures, and which also separates lines in the interior of a culture. It serves to draw limits, to differentiate and to exclude. With crime, guilty consciences and fables of foundation and of cultural identity are constructed.

But in this manual the “tool” of crime serves not only as a divisor, as a fiction of the foundation of cultures (and also as an instrument of definition by exclusion), but also as an articulator of different zones. “Crime,” which is a mobile, historical, and shifting frontier (crimes change over time), not only serves to differentiate, separate, and exclude, but also to link the state, politics, society, subjects, culture, and literature. As Marx and Freud well knew, it is an ideal critical instrument because it is at once historical, cultural, political, economic, legal, social, and literary: it is one of those *articulating notions* which is in or between all fields.<sup>4</sup>

Let us attempt to see how the instrument of crime may be used in literature, since this is what *The Corpus Delicti: A Manual of Argentine Fictions* is about. In literary fictions, “crime” can be read as *a constellation* articulating criminal and victim, which is to say, articulating subjects: certain voices, words, cultures, beliefs, and bodies. And also linking law, justice, truth, and the state to these subjects.<sup>5</sup>

Thus, according to the literary representation of the constellation of the criminal, the victim, justice, and truth (elements that seem to meet in literary fictions with crimes), crime as a frontier or line of demarcation can function in the interior of a culture or national literature (and the manual is about this). It can serve to divide certain times of this culture, and it can also divide and define various lines or levels. In each time and in each line the constellation is different because, depending on the literary representation of crime (and its verbal complex of subjectivities, justices, powers, and truths), the frontiers are more or less clear. We will have various lines and times according to who speaks the “I” in the configuration of criminal, victim, investigator, witness (which is to say, according to where crime is subjectivized in the fictions). And we will also have different lines and times

according to the type of “justice” or “punishment” applied to crime (in other words, whether or not there is state justice). And we will have different lines according to the relation established between this justice (state or otherwise) and truth: according to the specific type of justice and truth postulated by the fictions.

The constellation of crime in literature not only allows us to mark lines and times, but also to read in the fictions the tense and contradictory correlation of subjects, beliefs, culture, and the state. And this in a multiplicity of times, for cultural beliefs are not synchronous with the division of states, but rather drag along with them previous and sometimes archaic phases and temporalities.

This manual stages crime as a tool, the dividing and articulating power of crime in literature, and at the same time it stages two Argentine dramas or passions: the cultural drama of beliefs in differences, and the political drama of the state at each historical juncture.

### The “Stories” of the *Corpus Delicti*

The manual is made up of a mass of “crime tales” from Argentine literature which form the *corpus delicti* (and “the body of crime” can also be “evidence”). The “stories” have subjects and families, they have crimes, criminals, and victims, and they also have “final solutions.” They are the type of stories that are found not only in Argentine literature, in fictions, but also in Argentine culture. They are situated beyond the difference between fiction and reality; they are situated between text and context, between literature and culture. Or, if you like, between “literature” and “life,” in one of the spaces connecting them. For “crime tales” are stories we can tell among ourselves: they are the conversations of a culture.

Stories of education and marriage, stories of exams, stories of operations, “Argentine” stories (of tango, newspaper vendors, Juan Moreira), stories of writers’ manuscripts, of Jews, women, geniuses, artists, famous men: *all with crimes*. And also “stories” of truth and justice with crimes. This is a “manual of conversations” of a culture beginning with the crime tales of its literature.

A “crime tale” can be a moment, a scene in a story or a novel, a quote, a dialogue, but also a long “history” encompassing many novels. The destructuring of narratives in stories and the alteration of their scale; the oscillation of the stories between text and context (between literature and life), the fact that they are all on the same level, allows for the establishment of the desired links. For this reason, the stories of this manual are organized in different forms and move along various

temporal trajectories: in pairs, series, networks, families, chains, genealogies, superimpositions, ramifications. These forms and trajectories proliferate and draw the body of the *corpus* of crime, which is a specific field, made up of “crime tales.”

This manual’s *corpus delicti*, therefore, is neither a corpus of books nor of authors nor of texts (understood as autonomous entities), but rather a narrative *corpus* of stories organized in various ways; a great mobile space-time of “crime tales” that is between fiction and reality: in the conversations of a culture. In the *corpus delicti* all the “stories” relate to each other; they trace trajectories and frontiers and tell “histories.”

*The Corpus Delicti: A Manual of Argentine Fictions* is a floating zone with neither depth nor permanence, a zone in which I can move as I like, in which I can jump from one “story” to the next and also cross (traverse) times and realities. This is the diversion of this manual tool, which uses the very fictions of literature to tell all sorts of tales. A temporary diversion, subject to reformulation.

