

The Feminist Research Institute

presents



Defining Rape: Sexual Violence and Jurisprudence in Coahuila, México, 1871-1931

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SUB Luminaria

Drawing on archival and legal research, I examine sexual crimes taking place in the northeastern state of Coahuila, Mexico from the time of the passage of the criminal code of 1871 until the revised 1931 version. Before 1931, rape was legally considered a disgrace against morality and good customs and prosecuted as a crime against the family. However, with the 1931 revision of the penal code, rape laws changed to define these cases as crimes committed against the individual victim. The legal codes defined rape as employing physical or moral violence, copulation, and required the victim to be chaste and honest. Court transcripts depict how these legal concepts were treated in actual cases. At the same time, victims and their relatives perceived the laws and crime differently than law makers and the courts. Therefore, the law was not only a vertical process, in which judges ruled and dictated verdicts on sexual crimes, rather it was also a horizontal process, in which gender as well as social and cultural factors shaped the elucidation and enactment of laws.



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