

Guy Thomson's review of the career of Juan Francisco Lucas, the caudillo of Puebla, Mexico during the 1850s and 1870s, illustrates how a local political boss could serve as a mediator between Indians and the liberal movement. By taking advantage of local Indian customs, Lucas not only supported liberal politicians with food and recruits, but also preserved a local Indian lifestyle. John Tutino's study of popular Christianity in the Valley of Mexico during the early nineteenth century reveals that veneration of the Virgin of Guadalupe served as another form of mediation between the creole elite and campesinos.

This collection reminds readers of the complex forms of interaction among national elites, local elites, and local peasants who were aware of their ethnic identity and political interests. Maps accompany each regional study, adding to the collection's usefulness.

ERWIN P. GRIESHABER, Mankato State University

Murder and Justice in Frontier New Mexico, 1821–1846. By JILL MOCHO. Albuquerque: University of New Mexico Press, 1997. Photographs. Maps. Notes. Glossary. Bibliography. Index. xiv, 245 pp. Cloth, \$50.00. Paper, \$19.95.

In *Murder and Justice*, Jill Mocho examines all 11 extant records of homicide prosecutions from the Mexican era of New Mexico. Her first aim is to illuminate social history, especially to the extent that witness statements and confessions shed light on the generally undocumented lower class. Her second purpose is to describe the operations of the New Mexico legal system as applied to murder prosecutions. She succeeds with the first goal but fails on the second.

In part, Mocho's inability to adequately describe the New Mexican legal system derives from the paucity of cases and the incompleteness of records. However, it also stems from her failure to read widely enough and to analyze legal materials. She appears to base her assumptions on the operation of the legal system on secondary authorities for the Spanish period, and concludes that the Mexican era was similar. She ignores, except for one passing reference, the laws of March 20, 1837, and May 23, 1837, that provided detailed rules for the operation of the courts. The prosecution of all but two of her homicides came after this legislation.

Furthermore, Mocho did not look beyond New Mexico. Had she looked at California, another frontier Mexican department, she would have seen my own detailed study of California's legal system during the Mexican period, *Law and Community on the Mexican California Frontier: Anglo-American Expatriates and the Clash of Legal Traditions, 1821–1846* (Norman, 1987). At numerous turns, comparison would confirm or challenge Mocho's analysis of the New Mexican legal system. Comparison would shed light on several major points: the number of homicides per capita, the administration of the death penalty, the educational and social levels of judges, the relative importance of community values and tradition over formal law, and the incomplete implementation of the formal legal system on the frontier.

This lack of grounding in the detailed Mexican legislation leads to errors. For example, the title of *jueces de primera instancia* derived from their position in this statutory scheme, not because they handled preliminary investigations. *Bien preso* was not a judicial order that the defendant be shackled, but a probable cause determination needed to justify further incarceration. Most importantly, this legislation provides insight into the role of the prefects in the centralist period of Mexican legal history.

The prefects held general supervisory powers over the *jueces*, although they could not substitute their judgments for those of the judges. Mocho bases her study on the documentation kept by the local judges, and she does not discuss prefects' records. In California, hundreds of complaints about judges made their way to the prefects. New Mexican complaints could not only cast interesting light on the legal system, but also might reveal the ultimate outcome of so many of the homicide cases where the judicial paper trail ends before resolution.

Mocho mentions that the New Mexican legal system was based more on community values and traditions than on formal rules. True enough, but she leaves much of the evidence unanalyzed. For example, in the postinvestigation stage of prosecutions, the *plenario*, arguments focused on punishment, not on guilt or innocence. This Queen of Hearts approach to trial facilitated the reintegration of the defendant back into the community, especially in crimes less serious than murder. It also made it difficult to prosecute any but the most obvious crimes.

Mocho's evidence suggests great judicial inefficiency. Again unanalyzed, this evidence partly relates to the legal system's community basis. Under the 20 March 1837 law, the prefects nominated prospective judges for gubernatorial appointment. Judicial service became a mandatory, unpaid civic duty. If the local judges sometimes appeared hesitant or uncertain, this process of selection helps to explain that. Many lower-class defendants selected prominent men as their lay defense counsel. Although a man could refuse appointment as a *defensor*, social pressure urged acceptance. Lay judges, prosecutors, and defenders gave a very community-based, nontechnical cast to the legal system, but at the price of considerable inefficiency.

The research and analysis here is too shallow for this book to stand as a definitive study of the New Mexico criminal justice system, even as applied to homicide prosecutions. Mocho's contribution is to social history and not as an analysis of the legal system.

DAVID J. LANGUM, Samford University Cumberland School of Law

Ciudad de México: instituciones, actores sociales y conflicto político, 1744–1931.

Edited by CARLOS ILLADES and ARIEL RODRÍGUEZ. Colección Investigaciones. Zamora: El Colegio de Michoacán; Mexico City: Universidad Autónoma Metropolitana, 1996. Map. Tables. Figures. Notes. Bibliography. 343 pp. Paper.

In recent years Mexican scholars have been publishing sets of compiled essays on major themes in the history of their nation, and occasionally of Latin America, at a pace not