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Extradition, Transnational Crime and Diplomacy: the South Atlantic in the Age of Capital

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In the year of 1872 alone, Brazil signed as many criminal extradition treaties as it had in the period since its independence in 1822. Most of these agreements were signed not with countries sharing land borders with the country but rather with nations across the Atlantic: Spain, Great Britain, Italy, and Portugal with unsuccessful concomitant negotiations held with France and the Netherlands. This study examines the negotiations behind these agreements (or lack thereof), highlighting the issues in dispute and the consensus established in the provisions of these treaties. It will be argued how these agreements stemmed both from the perceptions of diplomats around how the impacts of the increasing ease and speed of mobility of criminals might shape the nature of criminal practices and from the awareness that diplomacy had a role to play in the sphere of criminal justice. Extradition thus emerges as a privileged theme for discussing sovereignty and citizenship, crime and penal cultures.

Keywords: Extradition; Transnational Crime; South Atlantic; International Law; Financial Crime.

1. Introduction

On 4 September 1871, a Brazilian merchant, António José Peixoto, was arrested in Lisbon on the request of the Brazilian diplomatic authorities. A few days earlier, Peixoto had disembarked in the Portuguese capital after leaving Rio de Janeiro on 6 August.[1] In Rio, following his departure, he was accused of embezzlement, forging power of attorney signatures in order to sell Brazilian public debt securities that had been entrusted to his custody, as well as of forging signatures on bills of exchange cashed in several banks in Rio.[2] Following his arrest in Lisbon, Brazilian diplomats requested Peixoto's extradition under the agreement for the prevention and repression of counterfeit currency signed between the two countries in 1855.[3] The rumour in the city was that Peixoto, a junior

partner in a wholesale grocery house in Rio de Janeiro, had made a fortune equipping ships for combat in the Paraguayan War. An officer in the National Guard, he had recently been knighted by the Imperial Order of the Rose and elected a substitute member of the city's commercial court.[4] Although far from prominent, Peixoto was a member of the emerging commercial and financial class in the Empire of Brazil's capital city.

In Lisbon, rather than defending himself against the accusations made, Peixoto stated in the press and in letters to Portuguese authorities that the crimes he was accused of did not fall under the auspices of the existing convention between the two countries and thus he could not be extradited. As the existing agreement was designed to deal with money counterfeiting, and not the forgery of private forms of credit or private documents, the Portuguese authorities began to lean towards Peixoto, who looked set to be released. However, at the beginning of October, it was discovered that Peixoto had, in the days prior to his arrest, allegedly committed similar crimes in Lisbon, cashing in a large bill of exchange with a well-known Portuguese banker under a false identity. Peixoto ended up remaining in prison but now facing charges by the Portuguese justice system.[5] At the end of October, the Brazilian authorities realized that Portugal was unlikely to agree to extradite Peixoto under the 1855 convention and so instead requested his extradition in accordance with 'the general principles of international law'.[6] In early November, the Portuguese government confidentially communicated that it would agree to extradite Peixoto but only after he had been tried and served any eventual sentence in Portugal.[7] Criticized in Portugal, the decision contained an implicit condition: pressuring Brazil to conclude negotiations for a new and broad extradition treaty that had been ongoing between the two countries since the beginning of 1869.

Extradition treaties between European and South American countries were almost non-existent and remained uncommon even among South American countries. Only

thirty years after independence, in 1851, did Brazil sign its first treaty for the 'reciprocal surrender of criminals and deserters, and for the return of slaves' with Uruguay in the wake of the Great War and following the Brazil supported *Colorados* victory. In a region with intense cross-border relations, the return of fugitive enslaved persons, more than any repression of crime, was the main intention behind this treaty. Nevertheless, in Uruguay, there was resentment over an agreement that became perceived as an attack its sovereignty.[8] Irrespective, the early 1850s saw a broader movement towards the signing of treaties between Brazil and its adjoining countries. The only exception in this regional movement was the convention signed between Brazil and Portugal in 1855 but which focused exclusively on the repression of counterfeit money.[9] However, in the 1860s, the extradition of criminals began to rise in priority on diplomatic agendas. In November 1869, Brazil and Argentina signed a long-awaited extradition treaty but which would still have to await until December 1872 for ratification. In this year, Brazil signed another five extradition treaties, and, should we add another treaty with Belgium signed in 1873 but negotiated in 1872, we arrive at the finding that the country signed more extradition treaties in 1872 than in the previous fifty years. The overwhelming majority of these agreements were not signed with countries with which Brazil shared land borders but rather with countries across the Atlantic Ocean: Spain, Portugal, Britain, Italy and Belgium. Further south, Argentina had started this movement by signing an extradition treaty with Italy in 1868 but, perhaps due to the treaties there requiring parliamentary assent, unlike the case of Brazil, the process remained slower while advancing with the treaties signed with Portugal, in 1878, and with Spain, in 1881.[10]

The signing of these treaties was not solely a matter of foreign policy or legal innovation. These were agreements between countries that shared deep social and economic relations while also reflecting calculations on future increases in mobility

would pose new criminal risks. This study sets out to analyse the developments in the extradition of criminals in this region of the world between the late 1840s and early 1870s. Without downplaying the foreign policy considerations and the legal debates, the argument here maintains that this process was strongly influenced by the perceptions of diplomatic actors around the transnationalization of criminal practices in the South Atlantic and the corresponding need to establish extradition as a central plank of international cooperation in the field of criminal justice. In the second section, we problematize extradition as a historiographical issue interrelating with an emerging internationalist movement. Through documentation from South American and European diplomatic archives, the third section analyses discourses about crime and criminals and the role diplomats played in the sphere of criminal justice. Subsequently, the fourth part examines the diplomatic momentum underlying the multiple negotiations between Brazil and European countries. These were not isolated, independent negotiations but rather a dynamic period of diplomacy, with, if not multilateral, at least bilateral negotiations that mutually influenced each other. Finally, the fifth section examines the substance of the treaties and how they were embedded in debates about sovereignty and citizenship, crime and penal cultures.

2. Extradition and Internationalism

The formation of nation-states involved a complex assemblage of meanings, practices and materialities.[11] The delivery of an individual accused or convicted of a crime from one national or imperial jurisdiction to another constituted a point of contact between two core spheres of the state-building process, the recognition of the nation as an independent sovereign actor in a world of states via diplomatic relations, and the monopolization of law enforcement through the criminal justice system. The formalization of international

law through treaties, as opposed to custom, helped consolidate national sovereignty and extradition as a mechanism for reducing tensions between nation-states and promoting the effectiveness of national criminal justice systems within a scenario of emerging liberal and cosmopolitan internationalism.[12]

Nevertheless, extradition has rarely served as the subject of the history of crime and criminal justice.[13] The development of international cooperation mechanisms, formalized in treaties and in judicial and bureaucratic procedures, arose from diplomacy and diplomats. Mark Lewis notes that diplomats, in the 19th century, pioneered the way in advocating for an international criminal justice system but, as 'there was no universal system of extradition' and nationalism 'seized the spirit of internationalism', criminal process remained the preserve of only the national and local spheres.[14] The historiography on police cooperation also tends to disregard the concerted international efforts to combat crime prior to the institutionalization of international police relations in the 20th century, broadly viewing the actions of diplomats as only embryonic and exogenous to criminal justice internationalism.[15] Indeed, the role of diplomats was more of an accident than any assertion of their place in the criminal justice system. It is indisputable that institutions and forms of criminal proceedings of an international nature, alongside cooperation in the fight against crime, are phenomena that essentially emerged after the end of the First World War. However, the 19th century, simultaneously shaped by the formation of nation-states, nationalism, and cosmopolitan liberalism, witnessed the appearance of an awareness of a common struggle against transnational criminal practices that translated into legal intertwining and practical cooperation that deserve greater attention. Diplomacy provides a privileged locus for observing them. At stake was a new diplomacy, practiced by individuals with increasingly specialized training, who gradually acquired professional awareness as they dedicated themselves to managing the intensification of

contacts between states. The issue of extradition presents an early example of the 'dilemma of diplomacy' in which the internationalization of areas traditionally beyond the scope of diplomatic activities made it necessary to involve specialists, for example jurists, policemen and prosecutors, but with diplomatic channels continuing to actively serve as the means of intermediation.[16]

In the 1840s, the extradition of criminals began to gain relevance in political and diplomatic discourses due to the perception that the increasing ease of circulation would pose new criminal risks. The opposition to extradition, for example, was founded in Britain in defence of the right to political exile even though an environment of 'increased protections for political offenders' helped consolidate a broader consensus around extradition.[17] The Paris Commune and the later anarchist violence revived a debate that would continue into the 20th century about whether or not political crimes should be subject to extradition and how to define political crime. Hence, a significant part of the historiography on extradition focuses on political crime.[18] However, in the Americas, the history of extradition is anchored in slavery and how countries, such as Brazil, the United States and Cuba deployed the extradition mechanism to try to recover enslaved individuals who had fled the national jurisdiction.[19]

Whatever the approach, despite its relevance, extradition has rarely gained autonomous studies of the topic with the exception of Legal History. This field has analysed both the legal-institutional evolution of extradition and the ideas that underpinning it.[20] However, these studies tend to approach extradition laws hermetically, examining the content of laws and treaties while overlooking the political and social process and the actors involved in their production. Extradition treaties are thus perceived not as the result of a process of reflection on the state of the world but solely as an almost a-historical legal discourse. Although the 19th century is recognized for its intense

production of treatises, there remains only scant reflection on the causes and nature of this movement. This article argues that the study of extradition should anchor legal innovations in diplomatic and criminal justice debates and practices.

Thus, this requires placing the study of extradition laws in broader contexts and, furthermore, interrelating them with the issue of transnational crime. Only a recent topic in the historiography of crime, the study of transnational crime features two dominant interpretations. On the one hand, there is the chronological focus, with most works focusing on a very specific scope: the 20th century. Extradition as a means of fighting transnational crime emerged at the beginning of the century as a topic widely discussed both by international associations of experts and in the newly created multilateral diplomatic institutions. Working on different regions of the globe, Paul Knepper, Diego Galeano and Katherine Unterman locate the end of the 19th century, but especially in the first decades of the 20th century, as the period when new mobility conditions gave rise to a range of criminal practices on a broader spatial scope. The relevance of transnational crime also emerged from the dissemination of narratives by journalists, national and international public authorities, criminals, and victims in a mass print culture that placed these new risks at the centre of the public opinion debates.[21] A second dominant interpretation encapsulates the study of transnational crime within a standard set of themes: human, drugs and weapons trafficking, money counterfeiting and terrorism. These types of crime entered the international agenda at the end of the 19th century and gained prominence in international institutions such as the League of Nations and the International Criminal Police Commission.[22] This work proposes the chronological and thematic decentring of the historical study of transnational crime. Pointing to the development of extradition as a form of international justice, we argue here of the need

to study criminal practices over a wide spatial scope as from the mid-19th century, especially financial crimes.

By highlighting the diplomatic movements around extradition in the South Atlantic in the mid-19th century, this article posits that the study of extradition, with a focus both on treaty negotiation and extradition practices, represents an essential facet of any global history of crime and criminal justice, seeking, through the study of diplomatic exchanges, to understand not only the place of crime in diplomatic routines but also the negotiation of extradition agreements as part of the professionalization of diplomacy.

3. Diplomats, criminals, and transnational crime.

More than bringing indicted or convicted criminals before justice, in Brazil extradition was an opening to discussing the return of fugitive enslaved people to the national territory. Flight to a nation-state where slavery had been abolished might 'result in a change of legal status from slave to free or freed person' and with the enslaved consciously and in significant numbers deploying the prerogatives of the nation-state to obtain their freedom.[23] However, when Brazilian diplomacy established the first principles regulating what would lead the country to accept handing individuals over to other criminal justice systems, returning the enslaved was not the purpose.[24] In January 1847, the French government had requested the extradition of two individuals, Joseph Blanchet and his daughter Eternnelle Negiraud, convicted by a French court after being accused of forgery and fraudulent bankruptcy in 1844. Arrested by Rio's police, they had a habeas corpus motion denied and ended up being extradited.[25] The case led the Brazilian government to regulate extradition, establishing the premise of reciprocity, not the existence of a treaty, as the necessary condition for Brazil to accept extraditions. With new diplomatic standards based on symmetry and equal rights, reciprocity became the

keyword.[26] In addition to avoiding international conflicts, the regulation of extradition aimed at preventing people under threat of extradition from being able to expose legal and diplomatic inconsistencies in the courts. That the correspondence exchanged between Brazilian and French diplomats was copied and forwarded to London by the British minister to Rio de Janeiro demonstrates how different criminalized subjects and practices were triggering concerns in South Atlantic relationships.

What represented a procedure of detention for the authorities and then delivery to another nation-state or empire, for criminalized subjects constituted a way of taking advantage of ease of movement to start a new life again in a distant place. However, a fresh start did not take place in a relational vacuum. Those who fled had already calculated the prospects of successfully restarting their lives. Among these fugitives were already criminalized subjects who had, against their will, been sent to distant destinations. In what Clare Anderson called 'punitive mobility', European empires sent thousands of convicts to Africa, South America, and Asia.[27] Penal transportation to the colonies as a form of punishment also contributed to the development of extradition. In 1857, the first treaty negotiations between France and Brazil on the extradition of criminals began following the former's request for the extradition of nine French convicts who had fled from Guiana to the Brazilian territory of Amapá. Although Brazil was receptive to extraditing the men with only the promise of reciprocity, French diplomacy wanted to go further and proposed a broad treaty to regulate extradition between the two countries. On the other side of the Atlantic, Portuguese convicts in Africa perceived Brazil either as a destination or as a facilitator for their return to Europe on a route familiar to them following their involvement in the Atlantic slave trade.[28] In 1857, a Portuguese senator complained in parliament about the convicts who 'flee to Brazil and return later, on any ship, so we can see them wandering around in droves.'[29] In December 1868, following a

complaint to the Legation in Rio that a man who had fled from Africa was now living freely in the city, Portugal asked Brazil to negotiate an extradition treaty that would expand on the 1855 convention.[30]

Deserters were not technically criminals even if evading military service was perceived as a criminal practice the state had to suppress. The inclusion of deserters in the negotiations for criminal extradition treaties became a common complement to such treaties. Both Portuguese and Spanish diplomats unsuccessfully attempted to include the extradition of deserters in negotiations with Brazil. When preparing for negotiations with Brazil, the Portuguese diplomatic corps heard from the Ministry of War about the need for a deserters' extradition treaty. Indeed, the ministry deemed a treaty with Brazil on this matter was 'essential'. Portugal and Spain had signed a treaty on the extradition of deserters in 1867. Spain had considered this essential on account of how Portugal, as a neighbouring country, 'offered easy emigration'. Thus, according to the Portuguese Ministry of War, the country had to follow suit when negotiating with a country, Brazil, to 'which emigration is constant', and that 'has already become a refuge for a large number of young people.' 'Our interest in Brazil is exactly the same as Spain has in us.'[31] The Brazilian government also began including the extradition of deserters in its treaty negotiations, for example, in the treaty signed with Paraguay in January 1872. However, on analysing the Iberian request, the Brazilian State Council ruled the Iberian request 'unusual'. The extradition of deserters might be justified between neighbouring countries but not between countries separated by the 'immensity of the seas.' Moreover, Brazil needed to counter with 'particular effectiveness' the obstacles that Portugal had been placing on immigration to the country.[32]

On the surface, extradition appeared as a form of cooperation enabling states to repress individuals who, on committing or facing accusations of a crime in one state, flee

to another to escape justice. However, diplomatic concerns extended to other types of behaviours. In June 1869, Portuguese diplomats in Rio de Janeiro classed the signing of an extradition treaty with Brazil and the River Plate republics as increasingly urgent. There were 'frequent cases of fraudulent bankruptcies and simple robberies' in which criminals, after 'first taking refuge in the River Plate', passed back through Rio de Janeiro 'under the protection of a foreign flag' on their way to Portugal where they 'calmly enjoy the fortunes they have dishonestly obtained' and 'prepare new attacks on private property.'[33] In the margins of this letter, a diplomat in Lisbon noted the need to propose an extradition treaty to Argentina. Diplomats produced knowledge about criminal practices that deliberately took advantage of the ease of circulation and the limitations of national borders with such knowledge serving to inform the state repression strategies. This renders discernible the emergence of the 'two sides of internationalism': the formal, supported by state power and here represented by the diplomats, and the informal, with a transnational nature, visible in the actions of criminalized subjects.[34]

In the mid-19th century, diplomats in the South Atlantic were facing cross-border criminal practices. At the beginning of 1855, Brazil and Portugal signed a convention for the 'prevention and repression of the crime of counterfeiting currency and credit papers.'[35] As the title indicates, this convention did not limit its scope to regulating for the extradition of criminals engaged in counterfeiting but rather also established the commitment of the two countries to prevent and repress this type of crime. Furthermore, Brazilian actions to combat currency counterfeiting reached beyond the national territory with Brazil maintaining the funding of resources deployed in London specifically to repress the production of counterfeit Brazilian currency in Europe.[36] The production of Brazilian currency in Portugal, transported and sold across the Atlantic, impacted on the relationship between the two countries for decades. Annual reports written by Brazilian

diplomats in Portugal registered the surveillance of dozens of individuals. In 1871, months before the Peixoto case broke, Brazil presented two proposals to the Portuguese authorities. In response to the acquittals or light sentencing handed down by Portuguese courts, Brazil requested that counterfeiting ceased to be judged by juries. The second proposal implied that the Portuguese authorities were broadly turning a blind eye on the counterfeiting of Brazilian currency in requesting Portugal take concrete measures to repress this crime. The Brazilian consul to Oporto even suggested he be attributed the status equivalent to an agent of the public prosecutor. Realizing this proposal would be interpreted by the Portuguese as an attack on their sovereignty, Miguel Maria Lisboa, the experienced Brazilian minister to Portugal, asked solely for more proactive actions from the Portuguese police. The police should not wait for a complaint from Brazilian diplomats, calling for concerted actions between the country's Attorney-General, the police, and Brazilian diplomats, who should be allowed to directly contact the Portuguese authorities.[37] The Portuguese allowed the situation to drag on. On 28 November 1871, the Brazilian government threatened Portugal that should its requests not be met, especially the withdrawal of trial by jury, the Brazilian customs authorities would have to take 'preventive' measures by carrying out 'rigorous searches' of the goods, luggage and passengers arriving in Brazil from Portugal.[38] The counterfeiting of Brazilian currency produced in Portugal and smuggled to Brazil showed Atlantic criminal networks reaching beyond national borders. Furthermore, production was not carried out exclusively in Portugal, it also took place in Spain; Vigo was as important a shipping port as Oporto. In addition, if the Portuguese and Spanish were counterfeiting Brazilian currency, Italians or French might equally establish this type of network in the future. Hence, extradition would equip states with a mechanism for dealing with these criminal networks.

Diplomats were now acting consciously to bring about the repression of crime and with such diplomacy activated by the expectation of 'mutual legal assistance'[39], especially in the case of letters rogatory, when one country's justice system asks another to comply with an act of proceedings taking place in the former. Letters rogatory on criminal matters turned into a source of diplomatic conflict. In 1868, for example, a court in Seia, in the northern interior of Portugal, attempted to summon a witness who was in Brazil in a money counterfeiting case. Despite Portuguese insistence, Brazil refused to comply, arguing that letters rogatory for criminal cases depended on the existence of an extradition agreement.[40] In June 1869, when writing to Lisbon, a Portuguese diplomat in Rio did not hide irritation over the situation. Portugal had been accused in Brazil of being lenient over money counterfeiting, 'our courts were insulted, and the government was criticized' and now it was the Brazilians who were raising obstacles to justice.[41] The issue was so relevant that, in January 1868, the Brazilian Legation in Madrid forwarded the correct procedures for letters rogatory to be complied with by Brazilian justice and clearly stating they would not be enforced in any criminal matters. In March 1872, when the Spanish minister to Rio de Janeiro sent the recently signed treaty to Madrid, he highlighted the inclusion of a clause regulating the fulfilment of letters rogatory in criminal matters as a 'grand triumph'.[42]

Enslaved people, convicts, deserters, and even money counterfeiters were taking advantage of national borders and the ease of transnational mobility in their strategies for resistance and recommencing. Nevertheless, António José Peixoto, the Brazilian merchant arrested in Lisbon, did not belong to these groups in class or social status. Indeed, the development of extradition went hand in hand with Atlantic financial capitalism. The 1840s reflected a period of change in capitalism with the marked globalization of the circulation of money through private credit instruments and

consequently greater opportunities for fraud and embezzlement.[43] The risks associated with the ease of capital circulation brought subjects traditionally beyond the surveillance of the criminal justice authorities. South America was a region of opportunity and, just as poor immigrants did not get asked whether they had deserted or committed a crime, capitalists were not asked about the origins of their money. When requesting Peixoto's extradition, Brazilian diplomacy noted that 'given the extremely important commercial relations' between the two countries and the 'communication facilities', impunity would only encourage 'repetition.'[44]

In the treaty negotiations between the two countries, Brazil unsuccessfully tried to attribute provincial presidents with the power to request the preventive arrest of individuals against whom an extradition request was pending. The rationale was that Bahia and Pernambuco, the last ports of call for packet boats on the American continent, provided criminals with the opportunity to embark there before heading to Portugal and then potentially onto other European countries. Should the extradition request have to be transmitted from Bahia to Rio de Janeiro and then to Lisbon, 'then rare will be the case in which the criminal can be captured.' To defend their position, Brazilian diplomats in Rio put forward a hypothetical scenario that involved neither a convicted nor an enslaved individual but a banker and a clerk instead. In cases involving these individuals, the crime is 'known precisely after the criminal's escape', which required speed of action, thus justifying the scope for provincial presidents to requesting preventive detention.[45]

Criminal risk was assessed in accordance with reflections on past experiences and calculations about the future. Brazilian diplomats noted that 'experience has sufficiently shown' that these individuals get 'warned of the extradition request' gaining the time to hide or flee to another country.[46] In 1866, Liverpool-based timber merchant, Campbell Edward Bennett, accused of forgery in Britain, fled the country on board a French liner.

His final destination was not known but, with the help of the French authorities, he was arrested in Salvador da Bahia when the liner docked in its first South American port. A few days later, however, he managed to escape from the jail, frustrating the extradition request that had been submitted by the Liverpool police force.[47] For the British government, the anger about the Liverpool police's procedure outweighed any disappointment over Bennett's escape. In July 1861, in response to an increase in the number of cases in which British police forces came into direct contact with British consuls abroad or foreign police forces, the British government issued a circular stating that extradition requests had to be first approved by the government with the Liverpool police force having 'acted most irregularly' in directly requesting Bennett's extradition from the Bahia authorities.[48]

These concerns over businessmen underpin a questioning of the traditional interpretation that the *laissez faire* attitude of the authorities and class prejudice in the criminal justice systems led to the criminal practices of the *respectable classes* getting overlooked by the authorities. In mid-19th century, the criminalization of fraudulent practices involving private credit instruments, such as bills of exchange and promissory notes, expanded from a precursory movement in 18th century.[49] In the world of global capitalism, credit and finance depended on the trust deposited in participants, any criminal breach of this trust implied exclusion from the community, thus the frequent flight from justice of the individuals undertaking these types of crime. The banker and the clerk posited by Brazilian diplomats pointed to a criminal different to the typical counterfeiter, technically skilled, but almost always from the working or lower middle classes. Whether Blanchet in Rio de Janeiro, Peixoto in Lisbon or Bennett in Salvador, these were individuals with the means and resources to dispute the decisions of governments and courts while the crimes they committed threatened the established order due to the sheer

volume of capital involved and the distrust this cast on financial capitalism. In the mid-1860s, groups associated with commerce and business constituted the main pressure group lobbying the British government for more incisive action on matters of extradition, with these groups especially concerned about the 'great facility with which unprincipled Tradesmen can evade their creditors by quitting this country'.[50] In 1866, the British Foreign Office noted that the question of extradition had taken 'such a hold on the Mercantile Mind' that the practice of extradition 'shows a strong bias towards commercial offenses.'[51] Between February 1843, when they signed an extradition treaty, and August 1851, when the French authorities internally discussed the difficulties posed by Britain in implementing the treaty, France authorized fourteen extraditions to the other side of the English Channel, including seven for fraudulent bankruptcy and five for forgery. However, of the forty-one requests made, including twenty-nine for fraudulent bankruptcy and ten for some type of forgery and/or fraud, only two were successfully completed.[52]

Financial crime lay at the centre of diplomatic concerns around extradition. While a murderer or a common thief might hope to escape criminal justice by starting a new life on the other side of the national border, they could even go on to commit new crimes, but the impact of their actions would almost always be limited to the direct victims of their actions. On the contrary, crimes committed by money counterfeiters, bankers or clerks could generate systemic impacts on a country's economy. The forms of capital circulating and the very materiality of paper-money opened up a field of criminal opportunity; a risk decisively perceived through the knowledge accumulated by diplomats. The role of diplomacy in the field of criminal justice thus became more than a channel for the circulation of information. Diplomacy embodied functions of risk analysis and surveillance in a period when increasing mobility and surges in migration began to

produce more significant impacts on criminal practices. Moving between countries and continents, diplomats gained a privileged vantage point for assessing a changing world. The prominence of extradition treaties on the diplomatic agendas in the South Atlantic reveals the extent of governmental internationalism in the field of criminal justice.

4. A Diplomatic Momentum

Until the late 1840s, extradition was essentially a regional issue in Brazil aimed at obtaining the return of escaped enslaved people to their masters. In 1857, the Brazilian State Council accepted that the country 'cannot make advantageous extradition treaties without stipulating the return of fugitive slaves in them.'[53] With the outbreak of the Paraguayan War, Brazil and Argentina once again launched negotiations over an extradition treaty. Signed at the end of 1869, the treaty included an additional protocol on 'criminal slaves', in which Brazil committed to returning enslaved persons to Argentina after their sentence had been served or in the case of acquittance. Even following this concession, Argentina took a long time to ratify the treaty, doing so only in December 1872.[54] Prior to this, at the beginning of the year, Brazil had signed an extradition treaty with Paraguay. The Baron of Cotegipe, who negotiated and signed it on behalf of Brazil, was no stranger to the subject of extradition as, when acting minister of foreign affairs, he had been involved in Brazil negotiating extradition treaties with European countries.

By the 1860s, extradition was no longer just a regional issue. Internationally, a pro-extradition consensus had developed within the framework of a broader process of formalizing international law. In Florence, in May 1867, Italy proposed an extradition treaty to Brazil. The Brazilian diplomat seemed somewhat surprised by this proposal, then justified by the Italians as due to the need to ensure the smooth and regular actions of 'international justice'.[55] Brazilian diplomacy responded with a counter-project and asked

the State Council for an opinion. Issued on 21 April 1868, this stated that extradition was now perceived as an instrument of cooperation among states in view of the increasing ease and frequency of relations between countries, and not as a doorway to the recovery of fugitive enslaved individuals.[56] The counter-project submitted to Italy would later be presented to Argentina and to other European countries. In December 1869, Brazil did not accept an amendment to its project proposed by Italy on the grounds of deficiencies in Italian criminal law, specifically the differentiation between crime and delict. The Italian minister to Rio de Janeiro, Cavalchini Garofoli, took this as a national offense; no representative from the land of Filangieri, Beccaria and Romagnosi could ever accept criticism of its criminal law. Following this wounding of the Italian diplomat's pride, negotiations were interrupted in February 1870.[57]

Almost a year after the initial Italian request, in February 1868, France requested the extradition of two Bordeaux merchants, Aaron Block and Hyppolito Lafont, arrested in Recife on French justice charges of fraudulent bankruptcy. The case was an opportunity to resume the negotiations broken off ten years earlier. As they shared land borders, the issue of extradition between Brazil and France became simultaneously regional and Atlantic. The abolition of slavery in the French colonies in 1848 ensured French Guiana was endowed with the promise of freedom for any enslaved individuals in Brazil.[58] However, it was flight in the opposite direction, from Guiana to Brazil, that led to the first negotiations between the countries in 1857. The French project established that enslaved fugitives would not be returned and becoming free when setting foot on French soil. The Brazilian State Council advised the government to reject the project and as a counterproposal present a treaty similar to that signed with Uruguay in 1851, an agreement that the Council already knew would be unacceptable to France.

Ten years later, when invited to resume negotiations, Brazil declared, in a note dated 13 June 1868, that it would not insist on any clause regarding enslaved fugitives.[59] On 7 January 1869, the Brazilian foreign minister, Silva Paranhos, delivered a draft treaty to French diplomats without any 'slave' related clause. Paranhos expressed 'great repugnance at writing that word in an international document' after having, he maintained, agreed with the French representative that 'slaves' would be 'equated, for the purpose of extradition, to Brazilian citizens', a formula that would be included in the treaty with Argentina.[60] The French government would have agreed and dispatched the well-known racism theorist and prominent French diplomat Arthur de Gobineau to Rio to conclude the treaty. Nevertheless, Brazilian and French positions diverged in June 1869. According to the French, Brazil had proposed that the issue of enslaved people be addressed via an additional protocol that established French discretion for analysing the extradition of enslaved persons on a case-by-case basis. According to Brazilian diplomacy, this proposal had been French and they had difficulty in accepting any such protocol due to its lack of reciprocity. In June, Cotegipe, the interim replacement of Paranhos, confided to a Portuguese diplomat that negotiations were at an impasse as France wanted 'complete freedom of action'.[61] Faced with a clause like that in the treaty between Brazil with Argentina, the French Legation in Rio broke off all negotiations. In 1868, as in 1857 and later in 1874, disagreement over the issue of enslaved fugitives prevented agreement between Brazil and France.[62]

Just as negotiations with France were reopened, Brazil was approached by Dutch diplomats to begin talks with a view to signing a criminal extradition treaty. In response to a project sent by the Netherlands, Brazil presented what may already be considered its model project as it had already been submitted to Argentina, Italy, and France. In October 1869, the Netherlands responded by raising the issue of enslaved fugitives. An additional

protocol would be necessary to establish that any enslaved person taking refuge in Dutch territory 'for any reason' would be considered free and would continue to enjoy that freedom even if handed over back to Brazil. On 13 December 1869, Brazil responded by 'recognizing in principle the freedom of the extradited slave'. Perhaps out of suspicion of the Brazilian response and probably also aware of the obstacles in the talks between Brazil and France, Dutch diplomacy simply did not respond to the Brazilian note. The issue of enslaved fugitives became the main obstacle to reaching an agreement even though the Netherlands was also internally involved in a process of reforming the legislation restricting extraditable crimes.[63]

At the end of 1868, when Brazil was already negotiating with Argentina, Italy, France and the Netherlands, Portugal approached Brazil with similar intentions. In November 1869, Cotegipe did not await any Portuguese project and rather sent the Brazilian model proposal to Portuguese diplomats in Rio. Contrary to other European countries, Portugal had not first sent a proposal as it wished to first discuss the location for the negotiations. As the 1855 convention had been negotiated in Lisbon, Portugal wanted this precedent to apply for the new treaty. However, Cotegipe was intransigent that negotiations were to take place in Rio on the grounds that all other negotiations on extradition treaties were taking place in the Brazilian capital. When Portugal sent an experienced diplomat, Mathias de Carvalho e Vasconcellos, to Rio de Janeiro in October 1869, his instructions from Lisbon were still to try to reverse the Brazilian government's refusal to negotiate the treaty in Portugal. Nevertheless, Cotegipe insisted with Vasconcellos that the Brazilian government wished to bestow 'unity' on the multiple treaties under negotiation.[64]

When the actual negotiations began, a question that lay at the heart of the extradition debates – what crimes should trigger extradition? – threw the likelihood of

any treaty between the two countries into a deep impasse. In April 1870, Portugal responded to the Brazilian project with a counterproposal that contained a substantive innovation: instead of the type of crime, the sentence would serve as the basis for extradition.[65] The Portuguese project did not contain any list of crimes that the two countries would agree provided the basis for extradition but instead established that all individuals sentenced to terms equal to or greater than three years, whether imprisonment, transportation or public works was susceptible to extradition. The Portuguese proposal was rejected vehemently by the Brazilian government.[66] In a long note from February 1871, Lisbon nevertheless instructed the Portuguese representative to persist with the punishment and not the crime serving as the basis for extradition. 'The punishment is the measure of the seriousness of the offense; It's as if the currency that represents the value of the crime.' No crime received the same consideration in the two countries and therefore punishment as the basis for extradition would provide a true guarantee of reciprocity.[67]

A few months after this note, in May 1871, the Spanish minister to Rio de Janeiro wrote to Madrid informing how it would be 'easy' to obtain a criminal extradition treaty with Brazil through adopting the treaty signed between Portugal and Spain in 1867 as the basis.[68] The Spanish minister also reported that the British and Argentine representatives were negotiating treaties with Brazil with the former seeming close to achieving agreement and with negotiations at a standstill with Portugal and Italy. In July 1871, the Spanish diplomat put forward a draft treaty but the Brazilian government, without even sending its model proposal, in September requested that he wait due to the ongoing and intense parliamentary debates that would lead to the Free Birth Law.[69]

Throughout the first half of the 19th century British parliament put up resistance to enacting extradition treaties beyond those signed with the USA in 1842 and with France in 1843. However, a parliamentary commission was set up in 1868 with the purpose of

examining the country's extradition policy. Three main recommendations emerged from this commission: the need to facilitate extradition by introducing more extraditable crimes into treaties; the need to expressly exclude extradition for political crimes; and establish the right to habeas corpus for individuals threatened by extradition requests. In August 1870, the Extradition Act was approved by the British parliament.[70] Two months later, on 6 October 1870, the British representative in Rio proposed the opening of negotiations for an extradition treaty between the two countries.[71] After the rupture of diplomatic relations between the two countries due to slavery related tensions in the early 1860s, extradition might provide another step towards rapprochement and Brazil quickly accepted the British proposal. Although Britain and Brazil also shared land borders, British Guiana remained a more difficult destination for Brazilian enslaved fugitives and was not a British convict's destination of choice.

In May 1871, the British representative delivered an extradition treaty proposal to Brazilian diplomacy. As with Spain, Brazil did not propose its model project to Britain. However, in the following months, no noticeable developments took place. Negotiations between Brazil and Great Britain posed a particular difficulty. In Briain, the extradition process took on a judicial nature, despite being conducted through diplomatic channels, requests for arrest and extradition still had to be validated by a judge. The theory of 'double criminality' – for an extradition to be carried out the crime had to be punishable in both countries – meant that the potential crime in common law countries had to be proven by evidence produced in their own judicial system instead of the simple acceptance of the judicial process drawn up in the country requesting extradition.[72] The Brazilian State Council raised the question of whether this character could translate into greater ease in extraditions requested by Brazil and difficulty in those requested by Britain, recalling that French extradition requests had rarely been granted by Britain. In

what might be considered an attack on Brazilian sovereignty, a British judge would thereby be evaluating decisions made by Brazilian judges and juries.[73]

Between 1867 and 1870, six European countries proposed extradition treaties to Brazil. This does not seem to have been any concerted movement but rather that the exchange of information accumulated by European diplomats stationed in South America led to a diplomatic momentum that stretched beyond the bilateral nature of treaty negotiations. In 1869, Brazilian diplomacy was fully aware it was engaging in multiple negotiations to formalize agreements on an emerging form of bilateral international cooperation in the field of criminal justice. From the Brazilian diplomatic perspective, the country's inclusion in this movement would help to mitigate the international isolation caused by the persistence of slavery which the outcome of the American Civil War only served to further deepen.[74] However, by the early months of 1871, the extradition momentum seemed to have already faded. The extradition agreement with Argentina remained outstanding and had not come into effect, negotiations with France and the Netherlands had stopped at the beginning of 1870 while those with Italy were also interrupted and, at the end of 1870, the negotiations with Portugal had reached an impasse. Requests from Spain and Britain did not receive the same diligence. The reason for this deadlock mainly stemmed from the internal Brazilian political situation with a new government taking office on 7 March 1871. When questioned by a Portuguese diplomat, the new Brazilian foreign minister responded that the matter was not a priority. ‘There was a much-desired convention in this country’, that of 1855, ‘now what is noticeable in public opinion is a less favourable disposition towards the conclusion of treaties.’[75] Of greater importance to the country's political agenda was that which would become the Free Birth Law.

Following the approval of this legislation, a first step towards Brazil abolishing slavery, at the end of September, and the culmination of the Peixoto case in Lisbon, at the beginning of November, Brazilian diplomacy again turned its attention to the issue of extradition. Negotiations with Italy were resumed and, in mid-November, Brazilian diplomacy sent new draft treaties to the Spanish and Portuguese representatives in Rio.[76] At the beginning of January 1872, the Spanish government announced that it accepted the Brazilian proposal, and the treaty was signed in Rio de Janeiro on 16 March. When sending a copy of the treaty to Madrid, the Spanish minister was pleased to announce this was the first Brazil had signed with a 'European power.'[77] Having already given up on punishment as the basis for extradition, at this point any treaty was better than no treaty for Portugal. The information that Brazil and Spain were signing an agreement helped to foster a sense of urgency in Lisbon. On January 27th, the Portuguese government authorized Vasconcellos to sign the treaty that would subsequently be formally signed on 10 June.[78] In March, the British representative in Rio informed London of the signing of the treaty between Brazil and Spain, which seems to have rekindled British interest. In August, the Foreign Office placed some reservations regarding the crimes for inclusion in the treaty, the preventive arrest of individuals, the impossibility of forcing British courts to comply with letters rogatory and its vehement position against the commutation of death penalties for those extradited but still encouraged Buckley-Mathew to proceed with negotiations.[79] In September, the Brazilian State Council noted the lack of rigorous reciprocity but, weighing the advantages of signing a treaty with the world's most powerful empire, ended up taking a favourable position on the treaty.[80] The treaty was signed in Rio de Janeiro on November 13. Just one day earlier, the treaty between Brazil and Italy had also been signed in Rio. Negotiations between Italy and Brazil had been

ruffled by ego conflicts among the diplomats and, when the extradition momentum resumed, it was easy to reach agreement.

5. Meanings of extradition

Negotiating extradition treaties involved mobilizing a specific political-legal discourse through exercises comparing the criminal law systems of the respective two countries. Despite intense writing and rewriting processes, the agreements signed in 1872 were remarkably similar, defining who could and could not be extradited, which crimes were and were not eligible for extradition and the procedures leading to extradition. Thus, the mechanics of extradition were established through evoking debates on the issues surrounding sovereignty and citizenship, crime, and penal cultures.

Extradition treaties constituted an assertion of national sovereignty and normative commitment to an international order settled on European standards. While recognizing non-European political entities as equal, the dissemination of European standards of international relations established a paradigm for this recognition as an idea of *civilization* which, if not fulfilled, opened the door to European occupation. The continuation of slavery placed Brazil in a position of isolation, thus the extradition treaties not only constituted a form of recognition of Brazilian sovereignty but also, and even more relevantly, that the country belonged to civilization. By committing itself through a treaty to extradite individuals to Brazil, Great Britain, for example, recognized both the sovereignty of Brazilian justice and the country's inclusion in the civilized world. The signing of criminal extradition agreements with Britain and Paraguay constituted a diplomatic instrument recognising national sovereignty by two countries with which Brazil had recently severed diplomatic relations. In the British case, these relations had only been reestablished in 1865 and there were still outstanding thorny issues for

resolution. The treaty with Paraguay was signed at a time when Brazil occupied the country and controlled the Paraguayan government. Confirming Paraguayan sovereignty, which Brazilians perceived as threatened by an Argentine desire for annexation, also included an agreement to extradite criminals. Furthermore, this validation of sovereignty was not an exclusively South American objective. In a period that saw an intense redrawing of the European political map, for countries such as Italy, these agreements represented an affirmation of newly acquired sovereignty. Brazil and Germany signed an extradition treaty in 1877. Extradition diplomacy, more than the creed of absolute sovereignty, reflected a critique of this concept through fostering relative rights through placing at stake the integration into the international community.[81]

All the treaties signed in 1872 established the refusal to extradite one's own nationals, a point that was not devoid of dispute. In the years following the signing of the 1872 agreement, on two occasions, in 1884 and 1887, Britain sought to change this provision by proposing to make it optional with each government able to decide on a case-by-case basis whether or not to extradite one of its nationals. On both occasions, Brazil refused.[82] Diplomatic activities surrounding extradition cases therefore implied the protection of its own nationals. In 1874, the Portuguese government requested its Brazilian counterpart desist from extraditing Peixoto. Brazilian diplomacy framed its refusal in terms of its defence of the rights of its citizens, 'in addition to being inconvenient as a political act', withdrawal would constitute 'an abandoning of the interests of Brazilian citizens.'[83] In August 1869, Italian diplomats protested over the extradition of the Italian Félix Forno from Uruguay to Brazil. Forno had been arrested in Montevideo after his identification in testimony given to a Brazilian court in a case of printing and smuggling counterfeit Brazilian currency. Forno was then extradited, tried, and convicted in Brazil. However, after appealing to the Rio de Janeiro Court of Appeal,

he was acquitted. The Italian government then complained that his extradition had never been legitimate as he was a citizen of a third country. The Brazilian authorities responded by pointing out how the agreement between Brazil and Uruguay, as the case with most extradition treaties including that then under negotiation by Italy and Brazil, provided for the extradition of citizens holding another nationality.[84]

Forno's case posits another dimension in which a modern conception of citizenship was mobilized in extradition diplomacy, a citizenship that extended beyond defence by state agents and invoked by those facing the threat of extradition. Extradition helped reinforce the awareness of citizenship among criminalized subjects.[85] In July 1871, France requested the arrest and extradition of Joseph Moos on accusations of fraudulent bankruptcy in Paris. Brazil began by refusing to arrest him on the grounds of the lack of an extradition treaty between the two countries but disclosed that, with the promise of reciprocity, it would authorize the extradition as soon as the official court documents arrived in Brazil. Moos then tried to take advantage of the outcome of the recent Franco-Prussian war to avoid extradition, invoking his Alsatian status to request protection from Germany. Noting that even if Moos was now considered German that would not prevent his extradition, Brazil acceded to his extradition.[86]

The non-extradition of nationals did not mean the nation could become a refuge ensuring impunity. In July 1867, in a broad reform of the country's criminal justice system, including the abolition of the death penalty, the adoption of the penitentiary system and the founding of professional police forces, the Portuguese government approved a law that established for the trial of nationals who had committed crimes abroad by the national justice system. The parliamentary committee that analysed this law highlighted how ‘civilization requires that different states cooperate in the work of justice’ through extradition.[87] This penal reformist agenda, with restrictions on the death

penalty and corporal punishment, and new guarantees and rights for defendants in court, including those of enslaved defendants, was also emerging in Brazil and a similar law, simultaneously reaffirming national sovereignty and the nation-state's role in the struggle of 'Humankind' against crime, was approved in 1875.

Up until the 1860s, any resistance to extradition mainly related to political crime in Europe and to slavery in the Americas. The second seemed to gradually disappear following the outcome of the American Civil War and initiatives such as the Free Birth Law. The former, ensuring that protection devices for those accused of political dissent were included in extradition treaties, also seemed to be on the decline. For Brazilian diplomacy, extradition treaties provided an opportunity, through protections for political dissidents, to display its cosmopolitan liberalism. In addition to directly stipulating non-extradition for political crimes, the 1872 agreements also included the so-called 'specialty doctrine' establishing that extradited individuals could only be tried for the crime that had led to their extradition and not for any previous or other crime. The aim here was to avoid a strategy of requesting extradition for a crime, for example murder, to achieve the main objective, either arresting a political opponent or the recovery of an enslaved person. Disputes around political asylum resurfaced when the political context took on more violent contours with the assassination attempt against Napoleon III, the Paris Commune and the First Spanish Republic presenting political elites with additional difficulties in differentiating between political crime and common crime. The 'Belgian clause' or 'attentat clause', which excluded attempts against the lives of sovereigns and heads of state from protection against extradition conceded to political opponents, was another legal doctrine on extradition in international circulation during this period and also established in the 1872 agreements. When the draft Italian treaty of 1868 established

extradition for ‘slander and insults against the head of state’, the Brazilian State Council was swift to deny the request.[88]

Should political crimes be placed beyond the scope of extradition, what crimes would then trigger such processes? An essential component of extradition agreements is the list of extraditable crimes established through a complex exercise of comparing and equating different criminal systems and laws. As already noted, negotiations between Portugal and Brazil were broken off after the European country proposed that the punishment should constitute the basis for extradition instead of the crime. Brazilian diplomacy then observed that, if accepted, there would be few non-extraditable crimes. In the negotiations with Britain, Brazil pushed to reduce the list of extraditable crimes. Larceny or ‘threats by letter or otherwise with intent to extort’, were too light as crimes to merit extradition. Echoing the refusal to include deserters into the extradition treaties with Portugal and Spain, the opinion of the Brazilian State Council issued on 28 August 1871 was that a country in need of immigrants, ‘cannot expect without serious inconvenience a perfect past life of immigrants to the point of handing them over for minor crimes.’[89]

Thus, the crimes featuring in extradition treaties did not just derive from some abstract legal-technical discourse, but rather incorporated risk assessments anchored in a specific historical context. The British parliamentary commission signalled an internationally experienced need to expand the treaty lists of crimes, especially regarding so-called financial or white-collar crimes.[90] The treaties signed by Brazil with Belgium, Spain, Italy, and Portugal were almost identical in the crimes they covered. The only exceptions, in the case of the treaties with Belgium and Italy, were the inclusion of the crime of ‘criminal association’, and in the treaty with Portugal, the crime of ‘enslavement of a free person’. The treaty with Britain extends the scope of extradition to accomplices

to crimes. The treaty with Paraguay incorporated differences reflecting the more intense border relations ongoing between the two countries. Crimes such as abortion and the bribery of witnesses, stealing court and other public records, resistance to authority and the extraction of prisoners from prison were all absent from the treaties with European countries. In the latter agreements, white-collar crimes feature prominently. In the treaty with Britain, for example, six of the eighteen paragraphs related to financial crimes. Extradition treaties were a form of criminal justice adjusted to an age where the vocabulary of capitalism had been established and the circulation of capital was expanding its frontiers.[91]

Extradition also constituted a way of internationally exhibiting national penal cultures with the abolition of the death penalty a hallmark of liberal reformism.[92] In July 1867, Portugal abolished the death penalty and the commutation of this type of punishment then became a core priority in the country's extradition diplomacy. For example, this issue prevented the conclusion of an extradition treaty with Britain.[93] The agreement between Portugal and Brazil included the commutation of the death penalty for all those extradited between the two countries. After signing a treaty with Portugal that included a similar clause, Spain requested it be included in the treaty with Brazil.[94] The treaty between Brazil and Belgium also included the same clause, established in an additional protocol with this inclusion taking place on the insistence of Brazilian diplomats.[95] The treaty between Brazil and Britain does not include any such clause. The British Foreign Office noted that should Brazil insist on including a similar clause then the treaty between the two countries would not be signed.[96] The commutation of the death penalty in extradition treaties was yet another way of exhibiting civilization. Signalling the relevance of the international sphere, where humanitarian ideas had gained a relevant role, the Brazilian abolitionist movement invested in the internationalization as a strategy

to isolate the local slavery system.[97] Brazilian diplomacy thereby joined a broader struggle for civilizational progress. As diplomat Arthur Briggs noted in 1909, the commutation of the death penalty contained in the three treaties was 'unique' as the death penalty option still existed in Brazilian criminal justice and the clause was not included in any subsequent treaty signed by Brazil.[98]

6. Conclusion

Agreements such as the extradition treaties signed in 1872 assisted Brazil in mitigating its international isolation. A legal innovation and a response to new criminal risks, extradition treaties thus served as a means of integrating the country into the community of civilized nations. They were signed both with countries with which Brazil maintained intense economic and financial activities and with those with which the country engaged or planned to engage in deep social relations. The failure of negotiations with the European empires it shared land borders with reflects how the continuation of slavery still shaped Brazilian foreign affairs. However, this did not result in complete subalternity. The insistence on undertaking negotiations in Rio demonstrated the assertiveness of Brazilian diplomacy, especially towards the Iberian countries where immigration destined to replace slavery was expected to come from. On the other hand, diplomatic discourses on criminal mobility and transnational crime and the negotiations over formalizing extradition treaties demonstrate how extradition had become part of the assemblage of meanings and practices that emerged with state-formation.

Within the framework of the development of international law, extradition in the mid-19th century reflected a wider movement of governmental internationalism. These treaties might be bilateral, but they reflected a political strategy of multilateral cooperation with the objective of standardizing international procedures for combating

crime. At the end of the 1860s, the South Atlantic witnessed a significant moment in the establishing of a global network of international criminal law and Latin America would prove a fertile region for founding multilateral extradition regimes.[99] Legal historians have hitherto examined extradition treaties solely based on their principles and legal foundations. The exclusion of political crimes from those eligible for extradition, the 'attentat clause', the doctrine of specialty, the comparative discussion of crime nomenclatures and the regulation of extradition processes between different systems of legal decision-making transformed extradition treaties into a relevant source for the field of legal history. However, these treaties constitute more than the sum of their legal provisions.

This study argues that extradition is an intrinsic feature of a global history of crime and criminal justice. For European diplomatic corps, the criminal risks arising from increased mobility ranked extradition as a priority. The New World was and would remain a destination for criminals and a focus for new criminal practices that departed from or arrived in Europe. The extradition agreements signed in 1872 were simultaneously based on the present risks and on projections of future risks. Indeed, extradition was not limited to responding to the greater ability of individuals to move between national jurisdictions but rather the perception that this increase in mobility and global finance capitalism would give rise to increasing instances of transnational crimes. Criminalized subjects fled to places where there was a chance of a fresh start and taking advantage of pre-established networks. In the case of white-collar crime, financial networks helped to provide these relationships. The internationalization of capital did drive a rise in the number of crimes such as fraud, embezzlement and money counterfeiting, extradition emerged as a privileged mechanism for mitigating this risk and

diplomats were conscious actors in its development. A symbol of civilization, criminal justice reform was also disputed in the diplomatic arena.

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[59] Briggs, *Extradição*, 187.

[60] Secretaria, Conselho Estado 1868-1870, 153.

[61] Fausto Guedes to Sá Bandeira, 07 Jun. 1869. AHMNE, CTPB.

[62] Briggs, *Extradição*, 189-190.

[63] Memorandum by Joaquim Macedo, 20 Jul. 1874. AHI, E.372, P.4, L.622, Mç.004.

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