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Non-criminal murders: A sociological essay about the use of self-defence in Argentina

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Abstract

This article seeks to examine the use of the figure of self-defence in the practices of the Buenos Aires criminal justice system. As we will show with the analysis of some paradigmatic cases, through the use of this figure of exception, this criminal justice system produces certain murders as non-criminal acts to, paradoxically, safeguard individual life as a hegemonic value. Moreover, we will observe that the use of this legal figure reveals that certain killings to protect private property may not have a criminal character either. This in turn suggests that private property is also a hegemonic value for this criminal justice system, and that the alleged supremacy of individual life over private property in its value scale should be at least questioned.

Key words

Self-defence; prohibition of murder; individual life; private property; Buenos Aires criminal justice system

Resumen

Este artículo se propone examinar el uso de la figura de la legítima defensa en las prácticas de la justicia penal de Buenos Aires. Como mostraremos con el análisis de algunos casos paradigmáticos, a través del uso de esta figura de excepción, esta justicia penal produce ciertas muertes como actos no-criminales a fin de, paradójicamente,

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proteger la vida individual como valor hegemónico. Asimismo, veremos que el uso de esta figura jurídica revela que ciertos asesinatos para proteger la propiedad privada pueden no tener tampoco un carácter criminal. Esto a su vez sugiere que la propiedad privada es también un valor hegemónico para esta justicia penal, y que la pretendida supremacía de la vida individual sobre la propiedad privada en su escala de valores debe ser, al menos, cuestionada.

Palabras clave

Legítima defensa; prohibición de matar; vida individual; propiedad privada; justicia penal de Buenos Aires

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1. Introduction

This article seeks to analyse the use of the figure of self-defence in the practices of the Buenos Aires criminal justice system. As we will try to show, this legal figure enables the production of certain murders as non-criminal acts. In our hypothesis, the paradoxical problem of the sanctity of life lies in the core of these penal practices which except these killings from punishment. Since this juridical device is in force in most contemporary penal systems, an examination of the way in which it works in the Argentinean justice may have a general value, or it can at least foster comparative studies to determine the scope of the reflections here presented.

The prohibition of human killing is currently in force in all contemporary Western societies. Its general validity is also accompanied by its supreme character in the cultural value scale. This prohibition, and the primacy of individual life over any other moral value, is as well considered as ahistorical and eternal by the social imaginary. However, as Durkheim (1900) has remarked, all this is part of a socio-historical process which has placed the life of the individual as an object of "religious respect", as a sacred value. According to him, the historical character of this interdiction can be seen when comparing modern with medieval cultures. In the latter, the group was the most important value and, therefore, the most serious crimes (those deserving the harshest penal punishments) were offences against the religious and political order (Durkheim 1900, 85). Moreover, other investigations, such as Muchembled's (2012), have shown that during the 16th century, killings between men were socially desirable and were not defined as criminal actions. A long socio-historical process, which can be understood as part of what Elias (2000) has described as the civilizing process, was then needed to establish what now seems to be obvious: the supreme value of individual life and the fundamental prohibition of human killing.

But it must be added that, even when this prohibition is deeply rooted in Western cultures, modern criminal law introduces, at the same time, an exception to that rule through what jurists call "self-defence". This means that, under certain circumstances, killing an individual is not a criminal act – it is considered neither intentional nor negligent homicide. We may say that, from a statistical point of view, cases of self-defence would be insignificant since they are always a minority.[1] Nevertheless, we consider that they deserve special attention precisely because of their nature of exception; where "exception" does not only, and does not fundamentally, refer to infrequent. Rather, it implies the suspension of the prohibition to kill and of the punishment to its transgressions. Borrowing Carl Schmitt's developments, Agamben asserts that, in the logic of sovereignty, "the exception does not subtract itself from the rule; rather, the rule, suspending itself, gives rise to the exception and, maintaining itself in relation to the exception, first constitutes itself as a rule" (Schmitt 2005, 18). Therefore, if we accept this, we can affirm that the general prohibition of killing and its exception constitute a complex in which the former cannot exist without the latter. In other words, this means that the prohibition of murder structurally entails the licence to kill under certain circumstances. As we shall see, this structure is present in the current use of the

[1] For instance, in Buenos Aires, 3.4% of intentional deaths correspond to cases of self-defence (Ministerio Público de Buenos Aires 2019). In Capital Federal, this percentage rises to 7.7% (Instituto de Investigaciones del Poder Judicial de la Nación 2018).

figure of self-defence and it must be considered in the sociological analysis of this legal figure.

If we examine the Argentinean criminal code, we can confirm certain severity towards the crime of homicide. Intentional homicides are punished with between 8 and 25 years of imprisonment. For aggravated homicides (those called first degree homicides in the U.S.), the code establishes lifelong imprisonment.[2] For other crimes such as a robbery committed with a non-fire weapon, the punishments go from 5 to 15 years of imprisonment. Thefts have lower penalties, very similar to frauds: from 1 month to 6 years of incarceration. Altogether with the general prohibition of murder, the Argentinean criminal code also establishes that killing in self-defence is not criminal. But what is to act in self-defence according to the law? Someone acts in self-defence if she defends herself or her rights provided that: 1) the aggression is illegitimate; 2) it has not been provoked by she who is defending herself; and 3) the means employed for repelling or stopping the aggression is a "rational" one (article 34, clause 6 from the Argentinean Penal Code).

Then, if we merely observe the penal scales established for intentional homicides, we would say that life is certainly one of the most defended legal interests by the criminal justice system. However, as we will try to show, these penal scales do not allow us to see what the structure of self-defence actually does. Namely, that there is a peculiar interplay between valuation and dis-valuation of life, that lives are not all equally worthy. This interplay can be clearly observed when exploring the exception to the prohibition of human killing. As we will see, through the legal figure of self-defence, the criminal justice system treats some killings as non-criminal acts in order to safeguard individual life as a sacred or hegemonic value.

In addition to this paradox, our analysis will also seek to explore another crucial aspect that seems to be overdetermining the use of the figure of self-defence by this criminal justice. As we will see, current penal practices show that private property can be defended even at the expense of someone's death. And those killings would not be criminal acts either. From our perspective, this shows that private property has also a sacred character for the criminal justice system. And it also shows that, beyond any ideological or doctrinal discourses, it can be even worthier than certain lives.

In the first section of the article, we present the most important conceptual categories that will guide our study of the use of the figure of self-defence. Then, we analyse four paradigmatic cases of self-defence that occurred in Buenos Aires.[3] We will present a brief description of each case and the court's judgement. The details of the case and the judges'

[2] In Argentina, lifelong sentences imply that the person condemned can request a conditional release only after completing 35 years of effective imprisonment. For non-lifelong sentences, conditional release can be requested after completing 2/3 of the sentence. Among the defendants sentenced for intentional homicide, 18% have been punished with lifelong sentences. (Source: Ministerio de Justicia y Derechos Humanos 2019). For a sociological analysis of homicide punishment in Argentina, see Lassalle 2018, 2020.

[3] This article is part of a broader investigation about the punishment of murder in Buenos Aires, Argentina. This research has involved the analysis of trial records as well as of interviews made to judges and prosecutors. For this text, I have selected 4 representative cases that comprise this empirical corpus.

final decisions were taken from the different trial records.[4] For the selection of the cases, we used a "selective sampling" which does not pursue statistical representativeness (Mallimaci and Giménez Béliveau 2006, 187), but that is rather based on our dimensions of analysis and main hypotheses. This article then seeks to contribute to highlight some current patterns of operation of this criminal justice system. The analysis of the cases is structured in two main parts. We first examine two cases in which the criminal justice system uses the figure of self-defence when an individual kills another one to allegedly safeguard his/her own life. Secondly, we examine another two cases in which this figure is used when an individual kills another one after being robbed. We finally draw some conclusions about the legal figure of self-defence, the "logic of exception" that it entails, and the conflict of hegemonic values that its differential use expresses.

2. The prohibition of killing and the structure of the exception

Two main aspects would seem to inexorably describe the prohibition of human killing for contemporary common sense. In the first place, its supreme character. The interdiction of murder would be the most important one for there would be nothing more atrocious than killing an individual. Secondly, its universal and eternal character is also often presupposed: human killing would have always been prohibited in every society. Nevertheless, already at the end of the 19th century, Tarde (2019a) affirmed that, even when intentional homicides and robberies have both been rejected in all societies, not all of them were considered criminal deeds. For instance, in Prehistoric Times, only fratricide was criminal (Tarde 2019a, 113). Similarly, Durkheim (1960) asserted that, although homicide has always been prohibited (for a certain category of individuals), there is no proof that it was considered the greatest social harm. In his opinion, "an economic crisis, a stock-market crash, even a failure, can disorganize the social body more severely than an isolated homicide" (Durkheim 1960, 72). Moreover, he affirmed that, before Modernity, criminal deeds were those committed against the religious order, and not against the individual (Durkheim 1900, 85). In other words, this means that while heresy was a criminal act, killing another individual was not.

The socio-historical character of the prohibition of murder is then evident in these classical thinkers. But, more importantly, in their view it is also evident that the perplexing action of killing a human being has nothing intrinsically criminal. Both Tarde and Durkheim refuse to consider that actions can have an essentially criminal content. Rather, they understand that a crime is what offends, or attacks, intense collective sentiments and beliefs expressed in legal codes. Following Durkheim's canonical assertion, we may then say that what truly defines a crime is that it triggers a passionate, collective reaction that is called penal punishment. This is a moral indignation that constitutes a kind of "social nausea", as Tarde (2019a, 108) would say.[5]

Nevertheless, accepting that the interdiction of homicide is not ahistorical and that there is nothing essentially criminal in the act of human killing, does not mean denying its

[4] Some of them are available online in Centro de Información Judicial 2021, and some others were provided by the judges I have interviewed for the research on the punishment of murder that I am carrying out at the moment.

[5] Despite this accordance, there are crucial differences between Durkheim's and Tarde's criminal sociologies. See the debate between Durkheim (2019) and Tarde (2019b). For a comment on these differences, see Lukes 1984 and Tonkonoff 2018.

supreme status in contemporary societies. Durkheim (1900) has underlined the sacred character that individual life does acquire in Modern Times when he postulated the passage from what he called "religious criminality" to "human criminality". This historical process shows that individual life became a supreme and transcendental collective value, an "object of religious respect" (Durkheim 1990, 109).[6] This in turn implies that it is protected by a fundamental prohibition. But what is a fundamental prohibition? What is its structure like? What kind of social (and legal) dynamics does its transgression trigger?

In Tonkonoff's (2019a, 20) poststructuralist reformulation, fundamental prohibitions are defined as mythic or sacred mandates that delineate the "ultimate frontier" of a socio-symbolic order. They serve as structures of cognition and valuation for the subjects who can recognise themselves as belonging to a common group or culture, in opposition to a radical exterior which is also produced by the prohibition. Therefore, we can say that the fundamental character of these interdictions depends on their structuring position. This position consists in determining the "final limit" of society, establishing what that society will radically reject and positively value – for instance, where the prohibition of murder is in force, individual life is protected and sacralised.

But, if this is the case, the ones who violate these mythical mandates will be seen as mythical transgressors (monsters, savages, and so on). Or, what is the same, since they have attacked a sacred value which is deeply rooted in collective sentiments and beliefs, they will be defined as the representatives of evil, dirt and undesirableness. And, for that very same reason, they will be excluded from the community and, in some way, outlawed. They will be treated as radical alterities, as exceptional and repulsive radical alterities, such as their deeds seem to be. Alexander (1993) refers to them as "impure beings" with marginal status. And he adds that every society needs to produce these impure beings, because criminals (and their crimes) function as its "moral, cognitive and affective antithesis" (Alexander 1993, 302).

But we must add that contemporary criminal justice systems are entirely immersed in this mythical logic because the penal function is crucial in the production of the sacred, or hegemonic, values that define a culture. Or, what is the same, in the production of certain actions (or omissions) as crimes. Therefore, the criminal justice system can no longer be conceived as a mere bureaucratic and administrative apparatus that manages illegal behaviours. It certainly manages illegalities coercively, but it is also involved in the production of sacred societal values when it deals with transgressions to fundamental interdictions. As we have suggested, these prohibitions are not just legal rules but rather moral proscriptions that indicate the ultimate frontiers of a certain societal order. For this reason, we may say, together with Garland (1993), that penal sanctions express deeply rooted collective sentiments and beliefs, they strengthen solidarity bonds and communicate cultural meanings.

We need to add that penal punishments are always selective, and that they entail the possibility of their own suspension. That is to say, the possibility of not applying to certain cases. This means that, even though human killing is fundamentally interdicted and, for that very reason, criminally punished, there would be some cases in which it

[6] For an analysis of this same process, but from another perspective, see also Abdo Férez 2013.

would be permitted and legally justifiable.[7] In Western modern societies, the so-called "institution of self-defence" illustrates this permission by pointing out singular cases in which the prohibition of human killing is suspended. As we will try to show, killing a person (or many) in self-defence is not a crime for the penal system; it is a "permissible killing" (Uniacke 1994). Therefore, as these killings are not considered criminal transgressions, deaths provoked by individuals who defend themselves are then non-criminal deaths —we will shortly specify what the signifier "defending" means in this context.

In his *Political Theology* (2005), the German jurist Carl Schmitt has analysed the problem of state sovereignty in connection with the problem of the decision on the exception. In his view, sovereign is whoever has the faculty to suspend the legal order; this is his defining trait. Schmitt is particularly interested in reflecting upon the suspension of the legal order (what he calls the "state of exception") because this is a very peculiar kind of suspension. It lies in the core of the order itself and it is not an accident or a special feature of certain societies in certain periods of time. Therefore, in Schmitt's view, the decision on the exception is already included in the concept of sovereignty. It is the intimate (and constitutive) relation between the rule and the exception what we will retain from this perspective. We will connect this crucial question with Agamben's contributions and with the developments of classical and contemporary sociology of punishment.

As Schmitt, Agamben (1998) underlines that the exception entails a very peculiar suspension of the rule because the latter continues in force, although not applying to the case of exception. Therefore, the exception does not simply subtract itself from the rule. Rather, "the rule, suspending itself, gives rise to the exception and, maintaining itself in relation to the exception, first constitutes itself as a rule" (Agamben 1998, 18). The validity of any rule then lies on its intrinsic possibility of being suspended. That is to say, in the possibility of excluding a singular case. From this perspective, we can then affirm that the fundamental prohibition of murder structurally entails the licence to kill under certain circumstances.

This logic of exception, deeply clarified by Agamben, has often been used to analyse "trigger happy" violence as well as violence in *favelas* and towards migrants (Bauman 2004, Žižek 2008). It has also been used to study the state of exception itself, such as concentration camps and dictatorships (Agamben 2002, Feierstein 2011). However, in our view, this structure is also present in the current use of the legal figure of self-defence, something that has not been very much explored. In what follows, we will examine some cases in which the Buenos Aires criminal justice system uses this legal figure and produces certain killings as non-criminal acts. We will try to show that what is at stake in these penal practices is the production and propagation of hegemonic

[7] Uniacke's (1994) philosophical discussion on the principles of self-defence underlines the common law distinction between justification and excuse. As she asserts in her book, self-defence cases are not excusable but rather justifiable acts because they are not considered "wrong" actions. An act can be excusable (for certain and multiple reasons) when it is wrong. Instead, killings in self-defence correspond to the positive right of defending oneself (or another person) (Uniacke 1994, 41, 42). We find this distinction particularly useful for our analysis.

values and of the radical alterities that constitute their negative reverse. That is to say, the production and propagation of certain ideological values as universal.[8]

3. The use of the legal figure of self-defence

The problem of self-defence is often addressed from a legal point of view (Ashworth 1975, Sangero 2006). It is also frequent to find reflections on this topic from a philosophical perspective. Some of these studies try to understand the ethical and moral implications of this legal figure (Uniacke 1994, Nussbaum 2006, Leverick 2006, Steinhoff 2019). In Argentina, most studies on self-defence are legal ones. They are doctrinal studies or analyses of case law which generally discuss the foundations and legal nature of this legal figure as well as questions regarding its rational limits of application (Nino 1982, Zaffaroni *et al.* 2002, Zilio 2012, Kenny 2015). However, there are not sociological analyses about the use of self-defence.[9] Even for those who are focused on the sociology punishment, the use of this figure of exception has remained largely unexplored. This article aims to be a contribution to this vacancy.

3.1. Life vs. life

Case 1: Buenos Aires, May 3rd, 2015. A youth left his home to visit some friends. He was supposed to get back home at around 2am. At 3:30am, when his father realized he had not returned, he started to phone him. Because of the insistence of his father, the young man phoned his mother and told her he was going dancing with friends. When he got back, at 5.30am, his parents were waiting for him. Her mother told him to go to bed because his father was drunk and quite nervous. When he was lying down in bed, his father entered the room and started insulting and beating him because of his delay. The young man tried to escape to the bathroom but, as he could not hide there, he entered the kitchen and picked a knife. When his father attacked him again, he held the knife firmly and penetrated his dad's body. The man died some minutes later. The young man called the emergency himself.

On December 9th, 2015, the judges decided that the young man had acted in self-defence and he was acquitted.

This is a paradigmatic case in which the penal system assumes that someone kills to protect his life, and, for that reason, his action is not considered a crime. It shows a dispute between two lives: the young man's and his father's. We could say that when the death that results of an action in self-defence is produced in order to protect life, the legal justification of that act may not seem very much surprising. It would constitute the result of the intention to repel an attack against a primary value that is in danger. However, even when this assertion may sound reasonable both for judges and for contemporary common sense, it is truly paradoxical for it ultimately shows that both lives are not equally worthy. By treating the father's death as non-criminal, the penal

[8] Here we follow Gramsci's concept of hegemony as both cultural direction and domination of society, that is to say, as "control of social and political society" (Portelli 1982, 67).

[9] We must mention the investigation produced by Briceño-León *et al.* (2006) about the attitudes of citizens toward the right to kill in six cities from Latin American countries and in Madrid. This research did not include Argentina in its scope.

system suggests that the young man's life is worthier than his father's, who turns into a killable being.

However, isn't everyone's life sacred? And if this is the case, why doesn't the criminal justice system punish this kind of killings? Some judges would assert that the use of this figure has to do with "the permission that the State gives to individuals to defend themselves when it cannot be present to protect them".[10] This assertion is implicitly present in the sentence itself when the judges in charge of the case underline that "having gripped the knife that was on the table must be interpreted as a correct and rational way of avoiding further aggressions from his attacker". These justifications invoke, above all, individuals' rationality and the necessity to preserve themselves. So, it was reasonable for the young man to defend from his father's aggression, even if the latter ended up dying. However, what this legal explanation is not able to see or accept is that those decisions entail a differential valuation of lives.[11] How can this be possible if individuals' lives are allegedly all equally worthy for the criminal justice system?

Our hypothesis is that what is actually working here is the logic of exception: if the life of the young man's father becomes killable it is because he has transgressed an interdiction that is not merely a legal rule but that has rather a fundamental character. Or what is the same, it is precisely because individual life has a sacred character for the criminal justice system, that the young man was not punished for killing his father. The father who attacked his son's life is built as a criminal because he has violated this transcendental sacred value – in fact, he has violated two supreme values: life and kinship. For this reason, these judges treat him as an exceptional being, as an accursed being (to use Bataille's [1949] expression) who is killable. Or, to put it in Alexander's (1993) words, "he is not deemed worthy in terms of the bad". The absence of punishment toward his murderer (his son) shows that he has been symbolically expelled from the community[12] and that his life is then non-grievable.[13] Hence, he is excepted from the general rule that prohibits murder. And that is why his assassination is not treated as a crime, as a criminal transgression, by the criminal system.

We have previously stated that penal sanctions give visibility and reaffirm fundamental interdictions and sacred values. They also produce the radical alterities (or impure beings) that every society needs to exclude in order to constitute itself as such. We must now add that the criminal justice system does the very same thing when it does not punish. Through the suspension of penal punishment, not punishing certain actions, a hegemonic value is reaffirmed and, thus, an alterity is produced. Therefore, by pointing out certain killings as self-defence acts, and not as crimes, and in this way disqualifying

[10] The quote corresponds to one of the 30 interviews I have done for a broader research about the punishment of homicide in Buenos Aires. However, it is worth mentioning that there are multiple dogmatic discussions regarding this justification.

[11] Although not focusing on the criminal system, and from a different perspective, Gayol and Kessler (2017) explore the differential treatment given to certain anonymous violent deaths which were built as public problems in contemporary Argentina. See as well Gayol and Kessler 2018.

[12] This sovereign logic or this "logic of exception" was clearly exposed by Nietzsche (2009) and then studied by Foucault (1995), who did not however consider it characteristic of contemporary societies. It was later also analysed by Agamben (1998) in his investigations about the *homo sacer*.

[13] Butler has deeply analysed this problem regarding certain specific lives (migrants, sexual minorities, etc.) that cannot be apprehended as injured or lost because they are not apprehended, from the start, as living (Butler 2009, 2). A similar argument has also been developed by this author in her book *Precarious lives* (2004).

certain lives, the criminal justice system produces killable radical alterities to whom the prohibition of human killing does no longer apply. As Agamben (1998) affirms, to except is to exclude in a certain way.

Therefore, in our view, the use of the legal figure of self-defence does not respond to a utilitarian and rational logic, as some judges would underline. Rather, it is directly linked to the paradoxical, quite irrational, way of producing individual life as a sacred value. As we have mentioned, reaffirming this value entails a process of definition of an otherness which ultimately reveals that, even when individual life is safeguarded as a hegemonic value in general, lives are not all worthy to the same extent.[14] Penal processes are always, and simultaneously, universalising and differential. That is to say, they produce and reproduce the myth of sacred individual life and, at the same time, they produce differentiations between different lives (the boy's and his father's in this case).

Another important and complementary question can be identified in the case under study. Family ties are crucial for the Argentinean criminal justice system: any crime committed against a family member (injuries, robbery, homicide, kidnapping) is significantly more serious than if it is committed against a stranger. Therefore, we can affirm that the parricide that our case under study shows is non-criminal, not only because the father has attacked the sacred value of life, but also because this action was committed against his son. The man violated both the value of life and the value of kinship. For this reason, he is "doubly" criminal and, thus, the youth's response is "doubly" legitimate. The importance of the filial relationship is clearly seen in the way in which these judges refer to the defendant and the victim. Throughout the complete trial record, one can read that the prosecutor and the judges underline, again and again, the father-son relationship between them. Several sentences in the trial record show this. For instance: "*The father* attacked his *son*…"; "He picked a knife and introduced it in *his father's body*"; "They stated the physical difference between the defendant and *his father*"; "he stabbed *his father* lethally". In this non-criminal murder, there are not two men involved; instead, there are a father and a son. From our point of view, by using the figure of self-defence in this case and by producing this parricide as a non-criminal act, this criminal justice system reaffirms and protects both individual life and kinship as sacred values.

In what follows, we will introduce another case which will enable us to explore one variant that self-defence frequently assumes in penal practices in Buenos Aires: the so-called "homicide with excess in the self-defence".

Case 2. La Plata, January 26th, 2014. One man was running after another one, throwing stones to him. One of those stones hit on his face. The aggressor could reach him and they started fighting. They fell into a trench and continued punching each other. The aggressor was now lying below the man he was initially chasing. The latter took out a knife (the court could not establish whether he had the knife himself, or if it was the other man's knife) and stabbed him several times. The man died immediately.

[14] As it can be seen, our hypotheses differ from Reeves' conclusions. In his analysis about self-defence, he states that "communicative rites allow citizens to undergo a subjective transformation by which they are empowered to act "above the law", which is in turn "fostered by the existence of vague self-defence codes" in the U.S (Reeves 2015, 288).

In September 2016, the court sentenced the man for "homicide with excess in self-defence" and he was given 3.5 years of imprisonment.

In cases such as this one, we can see that the act that ends up with the aggressor's death seems to be treated as a crime since the man is found guilty of "homicide with excess in self-defence" and punished with 3 and a half years of imprisonment. As we have mentioned at the beginning of this article, the Argentinean criminal code establishes that an action can be considered as self-defence only if: 1) the aggression suffered is illegitimate; 2) it has not been provoked by she who is defending herself; and 3) the means employed for repelling or stopping the aggression is a "rational" one. The judiciary insists over this third condition related to the rationality of the action for, according to them, it is a limit to self-defence. Many legal theorists also underline this question by claiming that defence actions must always be reasonable[15]. However, although no legal code can acknowledge it, this is certainly an ambiguous and controversial condition. What is exactly a *rational* means? Isn't it a condition truly interpretable by judges and prosecutors? To what extent is this a limit to self-defence?

The "excess" that judges and prosecutors underline in cases such as this one refers to the rationality of the means employed in the action of defence. In the case under study, as the aggressor was lying below the man who he was initially attacking, judges considered that "it was not necessary to stab him several times", or that "he could have left". For that reason, the court considered that the man defended in an excessive or disproportional manner and sentenced him for "homicide with excess in self-defence". According to the Argentinean code, this behaviour is punishable. The punishments established are similar to those set for negligent homicides – 1 to 5 years of imprisonment.[16] However, we consider that what is actually being punished is not the "murder" itself, but rather the fact of having surpassed certain "rational" limits. The punishment is then a response to an excessive behaviour; to having killed in a way which judges do not find "rational". When they were asked about "homicides with excess in self-defence", many judges underlined that: "To be able to talk about an excess in self-defence, we have to be first in front of a self-defence case".[17] In our view, "pure" cases of self-defence and cases of "excess" are then structurally alike. These "excessive" killings are all the same part of the paradoxical structure of the exception, and they ultimately show that the life of the aggressor, or criminal, becomes unworthy for he has attacked the sacred value of life.

Although the Argentinean criminal code establishes that the three conditions must be present in an action in self-defence, this case shows certain priority of the first two over the third one. It does suggest that the definition of certain killings as self-defence acts is mainly related to the kind of aggression, rather than to the means employed by she who defends, which seems secondary. We can then say that it is the action that represents an attack against the sacred value of life what sets in motion a process of production of an otherness which defines the aggressor as a killable, exceptional being.

[15] See, for example, Ashworth 1975, Uniacke 1994, Nussbaum 2006 and Sangero 2006.

[16] In most cases, the sentence established by judges does not exceed three years of imprisonment. If the person had not committed a previous crime, these are "suspended sentences". This means that the person is not sent to prison.

[17] The quote is from one of the judges from Buenos Aires I have interviewed for this research.

3.2. Life vs. property

In addition to the paradoxical structure of self-defence, which permits a killing to safeguard the value of individual life, we should now add a second question which seems to be overdetermining the use of this legal figure. The Argentinean criminal code clearly establishes that any personal right is as defensible as life. Actions in self-defence would then admit not only the defence of life, but also the defence of private property. So, in these cases, we do not have an opposition between the victim's life and the aggressor's life. Instead, we can identify a struggle between the victim's private property and the aggressor's life. How to explain that the defence of private property could entail permissible killings? Isn't life the most important and supreme value for this criminal justice system, as the social imaginary would expect?

The supremacy of the value of life over the value of property (and over any other value) seems to be deeply rooted in contemporary common sense, although a careful look at the Argentinean criminal code challenges this assumption. For instance, if we compare the punishments that the penal code prescribes for crimes against property and for crimes against life, we can see that a robbery with a fire weapon can be punished harsher than certain non-aggravated homicides.[18] However, it is specially in the use of the figure of self-defence where this assertion can be really questioned. As we will show, one of the most striking aspects of the use of the figure of self-defence is that life may become killable if the right of private property is intended to be violated. And this clearly conjugates a very particular relation between life and property, relation in which the primacy of the former over the latter tends to be questioned.

Rather than referring to a problem of rationality and necessity, often stressed by the legal logic, what the use of this figure of exception seems to reveal is the complex and conflictive relation between two hegemonic values: individual life and private property. Let us explore some cases.

Case 3: Buenos Aires, September 14th, 2016. Two young men of around 25 years old (both from a low social class) robbed a small butcher and escaped by motorbike with 5,000 Argentinean pesos. Immediately, the owner of the butchery started following them with his car. During the persecution (according to the butcher, the robbers shot 5 times), the robbers fell off their motorbike and were run over by the butcher. One of them was badly injured and could not move. He was lying in the street, between the car and a light pole, when some neighbours approached him and started insulting and beating him. Some videos also recorded the butcher shouting at him: "I will kill you. I don't care if I go to jail". The robber was rescued by some police officers who took him to a hospital where he finally died.

The prosecutor accused of "homicide with excess in the self-defence". On September 13th, 2018, the jury in charge of deciding on the culpability or innocence of the butcher

[18] The legal discourse would assert that those robberies are "more serious" because the use of a fire weapon increases the risk of the victim's death. However, could a robbery be more grievous than a homicide? Would there be anything more violent and serious than killing another individual? For a deep analysis and comparison between the punishments established for crimes against property and for crimes against life in the Argentinean penal practices, see Lassalle 2021.

concluded that he had acted in self-defence, and not in an excessive manner. He was acquitted.

Case 4: Buenos Aires, October 24th, 2019. At around 6am, a young couple of about 27 years old was entering home when they were robbed by 3 young men. The robbers were around 24 years old and belonged to a low social class. The couple could manage to close the outside gate, but they could not enter they house. One of the three robbers shot his fire weapon (without injuring the victims of the robbery) and the young man finally threw over the gate his belongings (which included the keys of the car). The three robbers caught the objects and started to run. When they were scaping from the residence, the victim's uncle appeared in the terrace of the house and shot them six times. One of them died.

The man, who shot and killed one of the robbers, was not arrested because the prosecutor and the judge considered that he had acted in self-defence.

In her analysis about self-defence, Nussbaum (2006) asserts that both life and property are meaningful legal interests for which it is reasonable to fight. However, from our point of view, it would be more precise to underline that one can kill to defend them without being punished. In other words, that individual life and property are both deadly and legally defensible. The use of the same legal figure in the four cases presented shows that killings to safeguard individual life and killings to protect private property may not be criminal acts. The young man who killed his father because his life was threatened (as we saw in case 1) and the butcher who killed the man who had stolen a petty amount of money from him (as we saw in case 3) did not commit crimes but they rather defended life and property legitimately. They were not considered criminal subjects for their killings. We could then say that these penal practices tend to "equal", to produce certain levelling of these two values by using the figure of self-defence in both cases. In our hypothesis, this shows that the life of she who is attacked is as fundamentally inviolable as her property. Or, to say it in other words, that robberies are as fundamentally interdicted as killings for this criminal justice system. For that reason, the same logic of production of an otherness, of criminalization of the transgressor, is active and can be identified in the four cases presented.

We have suggested that, beyond any legal justifications and proceedings, the reason why the killing analysed in case 1 was not a criminal action is that the boy's father had previously transgressed the fundamental interdiction of killing (and he had also attacked the value of kinship). Fundamental interdiction which is deeply rooted in collective sentiments and beliefs and that cannot be absent in penal practices. This transgression had transformed him into a criminal. That is to say, into a radical alterity who is killable. Likewise, to affirm that the prohibition of robbery has as well a fundamental character means that whoever transgresses it also becomes a criminal subject. As such, she becomes an exceptional being (killable in limit cases) to whom law does no longer apply. In our view, those are the very reasons why the murder of one of the men who robbed the couple (case 4) and the death of the man who assaulted the butcher (case 3) were not considered criminal actions (just like the murder of the man who intended to kill his son). Therefore, the use of the figure of self-defence in cases where life or/and property are in danger, or threatened, reveals that both values are equally sacred for the criminal justice system. As their violation is fundamentally

interdicted, killing or intending to kill a member of the group and robbing or intending to rob him/her have similar consequences: the definition of the transgressor as a criminal whose life is unworthy or devoid of value.

In addition, we have also observed that private property is defensible even at the expense of the robber's death. Legal theorists, prosecutors and judges usually affirm that, when self-defence is employed in cases of robbery, the criminal justice is primarily protecting the victim's life. This could be accepted specially if we consider that the victims were robbed with fire guns and that their lives were threatened. One could say that they were indeed "violent" robberies, like we can see in our examples. However, our cases also show that the robbers were escaping when they were killed: in case 3, they were escaping by motorbike and in case 4 they were running away. Therefore, we definitely cannot affirm that life was still in danger.[19] Are these judges and prosecutors justifying those killings because they "mistakenly" considered that life was still exposed? This does not seem to be the reason since the cases we have presented tend to constitute a pattern in penal practices in Buenos Aires. Instead, from our perspective, it does suggest that the victim's private property is worthier than the attacker's life. The importance that the value of property has for this criminal justice system is then clear and it explains why killing a person who robbed is not a criminal action. These acquittals are a way of reaffirming this value scale and of communicating it socially.

In short, the cases analysed highlight two main questions. In the first place, that killings to safeguard life or/and private property may not be criminal. Therefore, they show that life is as sacred as private property and that any violation of these hegemonic values can imply deserving death. But these cases also seem to exhibit certain primacy of property over life. Or, at least, a primacy of property over the life of she who has transgressed the fundamental interdiction of robbery. That is to say, over the life of she who is considered a criminal.

Our cases reveal another important aspect of this problem. Those lives which are treated as unworthy and, in limit cases, as killable belong to a very specific group of society: they are young men from low social classes. As many studies have shown (Rodríguez 2012, Di Marco and Kessler 2013, Guemureman 2016, Caro 2017, Lassalle 2020), this sociological type (poor young men) is the most pursued by the criminal justice system. Hence, it is not accidental that these groups are who predominantly populate Argentinean prisons.[20] At his point, we should remember the criminal justice system's selective functioning (Foucault 1995, Baratta 2000, Tonkonoff 2019b): it does not pursue all forbidden actions equally. Among many possible offences against property —such as frauds or price hikes executed illegally by companies against consumers—, the criminal justice system focuses mainly on those committed by groups of the lowest social classes: thefts and robberies basically. These are the "real" property attacks for the criminal

[19] This seems to be different from what Ashworth has asserted regarding the use of self-defence in England: "Far less force is justifiable to protect property than to protect life (…) it is indeed reasonably to use greater force to protect individuals than to defend property, but unless it is shown that the use of force was necessary for the stated purpose the issue of reasonableness does not arise" (Ashworth 1975, 303).

[20] According to the last penitentiary census, 95.2% of the whole penal population are men and 88% have not completed secondary school. This indicates that most of them belong to very disadvantaged social classes. Statistics also show that more than a half (60%) of the inmates are under 35 years old (Ministerio de Justicia y Derechos Humanos 2019).

justice system. Considered serious and shameful crimes, they can be legitimately repelled at the expense of a human life.

It could be said that the reason for this is that these crimes imply the use of force, of violence. However, as we have just seen, some killings do not even deserve punishment because they do not have a criminal character for the Argentinean criminal justice system. So, could there be anything more violent than a killing? The acknowledged "violent" character (if we stick to a definition of violence as use of force) of these acts cannot be the explanation for these penal decisions. As we have suggested at the beginning of this article, the criminal (or non-criminal) character of an action is not an intrinsic aspect of it. Rather, it is in the complex relations between fundamental prohibitions and penal sanctions – which are always traversed by power and property relations – where certain actions and individuals/groups acquire their criminal character. As we have seen in cases 1 and 2, not all attacks against life are criminal actions. Moreover, and this is clear in cases such as 3 and 4, very specific attacks against property, committed by certain groups and individuals, transform the aggressor's life in a life devoid of value which is, in limit cases, completely killable.

4. Conclusion

The present study has shown the productivity of studying the use of the figure of self-defence, even when these cases seem to be insignificant from a statistical point of view. Our analysis has revealed that it is a privileged place to observe, at least, two crucial things. In the first place, the way in which the hegemonic, or sacred, values of individual life and private property are reaffirmed through penal practices. Secondly, that the allegedly supremacy of individual life over private property in the value scale of the Buenos Aires penal system should be at least questioned.

As we could observe, the differential imposition of penal punishments, which includes the possibility of their own suspension in certain cases, makes visible that, even when it is asserted that the prohibition of murder rules in general, it does not apply to all cases in the same manner and, as we have seen, there are always cases to which it does not apply at all. These cases reveal the paradox of the exception for they show that, although life is sacred in general, killing to protect it is not a criminal act. This production of certain murders as non-criminal deaths reveals, in turn, that those penal practices are nothing but practices of differentiation between lives.

In addition, our analysis showed that, through the differential use of the figure of self-defence, these judges reaffirm not only individual life as a hegemonic value, but also private property. The cases under study suggested that one can defend private property even at the expense of someone's death, and that action does not constitute a crime for this penal system. Hence, in these penal practices, we can see certain supremacy of the value of property over the value of life, even when the social imaginary tends to assume that individual life is the most defended value.

Furthermore, we could also see that those aggressors, whose deaths are not criminal, have very well-defined characteristics: they are mostly young men from low social classes and they commit very specific attacks against property (mainly robberies). Therefore, not only the conflictive articulation between these two hegemonic values but also the classist character of this criminal justice system seems to be overdetermining the

use of the figure of self-defence. And we need to add that this occurs in a context in which the Argentinean criminal justice system (like others in Latin American) shows a remarkable increase of punitiveness.[21] For instance, the rate of incarceration has grown from 143 people every 100,000 inhabitants in 2009 to 213 in 2018, and the number of sentences per year has increased from 30,005 in 2009 to 40,468 in 2017 (Olaeta and Ciafardini 2020).

Let us finally stress that, beyond any legal explanation of the way in which this legal figure is (or should be) employed, the production of certain killings as non-criminal acts does not respond to a rational or utilitarian logic. Instead, it is linked to the production and reaffirmation of mythic hegemonic values, process that is immersed in a network of unequal power and property relations. As Ruyer (1969, 88) claims: "Values seem to recruit and arm the combatants for their cause, and they demand a heavy tribute of blood from them". We may then say that the criminal justice system is disposed to permit and forgive a killing in the name of a value, but only if that value is a hegemonic or sacred one. Individual life and private property seem to fulfil this condition for the Buenos Aires criminal justice system. But let us remark that the institution of this hegemony is a political dispute and that the defence of these values is always differential. The tribute of blood is not paid equally by all.

References

Abdo Férez, C., 2013. *Crimen y sí mismo: La conformación del individuo en la temprana modernidad occidental.* Buenos Aires: Gorla.

Agamben, G., 1998. *Homo Sacer: Sovereign Power and Bare Life*. Trans.: D. Heller-Roazen. Redwood City: Stanford University Press.

Agamben, G., 2002. *Remnants of Auschwitz: The witness and the archive.* Trans.: D. Heller-Roazen. New York: Zone Books.

Alexander, J., 1993. Citizen and Enemy as Symbolic Classification: On the Polarizing Discourse of Civil Society. *In:* M. Fournier and M. Lamont, eds., *Where Culture Talks: Exclusion and the Making of Society.* Chicago University Press, 289–308.

Ashworth, A.J., 1975. Self-defence and the Right to Life. *The Cambridge Law Journal*, 34(2), 282–307.

Baratta, A., 2000. *Criminología crítica y crítica del derecho penal.* Ciudad de México: Siglo XXI.

Bataille, G., 1949. *La Part maudite : Essai d'économie générale. (Tome 1. La Consumation).* Paris: Minuit.

Bauman, Z., 2004. *Wasted lives: Modernity and its outcasts*. Cambridge: Polity Press.

Briceño-León, R., Camardiel, A., and Avila, O., 2006. Attitudes Toward the Right to Kill in Latin American Culture. *Journal of Contemporary Criminal Justice*, 22(4), 303–323.

Butler, J., 2004. *Precarious Life: The Powers of Mourning and Violence*. New York: Verso.

Butler, J., 2009. *Frames of War: When Is Life Griefable?* New York: Verso.

[21] For an analysis on the evolution and characteristics of penalty in Argentina, see Sozzo 2016.

Caro, E., 2017. *Jóvenes de sectores populares, estigmas y violencia policial en Córdoba y en el Conurbano Bonaerense* [online]. Universidad Nacional de Villa María. Available from: http://biblio.unvm.edu.ar/opac_css/doc_num.php?explnum_id=1417 [Access 10 June 2021].

Centro de Información Judicial, 2021. *Buscador de fallos* [online]. Available from: https://www.cij.gov.ar/sentencias.html [Access 10 June 2021].

Código Penal de la Nación Argentina. Ley 11.179 (T.O. 1984 actualizado) [online]. Available from: http://servicios.infoleg.gob.ar/infolegInternet/anexos/15000-19999/16546/texact.htm [Access 10 June 2021].

Di Marco, S., and Kessler, G., 2013. Jóvenes, policía y estigmatización territorial en la periferia de Buenos Aires. *Espacio Abierto* [online], 22(2), 221–243. Available from: https://www.redalyc.org/pdf/122/12226914003.pdf [Access 10 June 2021].

Durkheim, E., 1900. Deux lois de l'évolution pénale. *Année sociologique*, vol. IV, 1899–1900, 65–95.

Durkheim, E., 1960. *The division of labor in society.* Trans.: G. Simpson. Glencoe: The Free Press.

Durkheim, E., 1990. *Lecciones de sociología: Física de las costumbres y el derecho.* Ciudad de México: Quinto Sol.

Durkheim, E., 2019. Criminalidad y salud social. *In:* E. Durkheim *et al*., *Crimen, castigo y sociedad.* Buenos Aires: Pluriverso, 69–76.

Elias, N., ed., 2000. *The Civilizing Process: Sociogenetic and Psychogenetic Investigations.* Hoboken: Wiley-Blackwell.

Feierstein, D., 2011. *El genocidio como práctica social: Entre el nazismo y la experiencia argentina*. Buenos Aires: Fondo de Cultura Económica.

Foucault, M., 1995. *Discipline and punish: The birth of the prison*. New York: Vintage Books.

Garland, D., 1993. *Punishment and Modern Society*. University of Chicago Press.

Gayol, S., and Kessler, G., 2017. Violent death, public problems and changes in Argentina. *Current Sociology*, 65(5), 663–679.

Gayol, S., and Kessler, G., 2018. *Muertes que importan: Una mirada sociohistórica sobre los casos que marcaron la Argentina reciente*. Buenos Aires: Siglo XXI.

Guemureman, S., 2016. *Adentro y afuera: Juventudes, sistema penal y políticas de seguridad.* Buenos Aires: Clacso.

Instituto de Investigaciones del Poder Judicial de la Nación, 2018. *Informe sobre homicidios dolosos 2018.* Buenos Aires: Consejo de la Magistratura.

Kenny, P., 2015. Los límites de la legítima defensa. ¿Podemos matar aun cuando existe la posibilidad segura de huir? *Lecciones y ensayos* [online], no. 95, 305–326. Available from: https://core.ac.uk/download/pdf/148090497.pdf [Access 10 June 2021].

Lassalle, M., 2018. Sobre el castigo del homicidio doloso en la Argentina contemporánea. *Revista Pilquen* [online], 21(2), 95–108. Available from: https://www.redalyc.org/jatsRepo/3475/347558973008/347558973008.pdf [Access 10 June 2021].

Lassalle, M., 2020. Differential penalization of murder. A sociological examination of the Argentinean case. *Espacio abierto* [online], 29(3), 184–200. Available from: https://produccioncientificaluz.org/index.php/espacio/article/view/34469 [Access 10 June 2021].

Lassalle, M., 2021. Vida y propiedad privada: Una mirada sociológica sobre el funcionamiento del sistema penal argentino. *Dilemas: Revista de Estudos de Conflito e Controle Social* [online], 14(03). Available from: https://doi.org/10.4322/dilemas.v14n3.34275 [Access 2 December 2021].

Leverick, F., 2006. *Killing in self-defence.* Oxford University Press.

Lukes, S., 1984. *Émile Durkheim: Su vida y su obra.* Madrid: Centro de Investigaciones Sociológicas/Siglo XXI.

Mallimaci, F., and Giménez Béliveau, V., 2006. Historia de vida y métodos biográficos. *In:* I. Vasilachis de Gialdino, ed., *Estrategias de investigación cualitativa*. Ciudad de México: Gedisa, 175-212.

Ministerio de Justicia y Derechos Humanos, 2019. *Sistema Nacional de Estadísticas sobre Ejecución de la Pena - SNEEP* [online]. Last update: 31 December 2019. Available from: http://datos.jus.gob.ar/dataset/sneep [Access 10 June 2021].

Ministerio Público de Buenos Aires, 2019. *Informe de relevamiento de las investigaciones penales preparatorias por homicidios dolosos* [online]. Buenos Aires: Ministerio Público. July. Available from: http://www.pensamientopenal.com.ar/system/files/2021/03/miscelaneas49299.pdf [Access 10 June 2021].

Muchembled, R., 2012. *A History of Violence: From the End of the Middle Ages to the Present.* Cambridge: Polity Press.

Nietzsche, F., 2009. *On the Genealogy of Morals*. Ed. and trans.: D. Smith. Oxford University Press.

Nino, C., 1982. *La legítima defensa: Fundamentación y régimen jurídico.* Buenos Aires: Astrea.

Nussbaum, M., 2006. Las emociones y el derecho. *In:* M. Nussbaum, *El ocultamiento de lo humano: Repugnancia, vergüenza y ley*. Trans.: G. Zadunaisky. Buenos Aires: Katz, 33–88.

Olaeta, H., and Ciafardini, M., eds., 2020. *Punitivismo en Argentina: Un abordaje del sistema penal (2000–2016).* Buenos Aires: Sb.

Portelli, H., 1982. *Gramsci y el bloque histórico.* Ciudad de México: Siglo XXI.

Reeves, J., 2015. License to kill: Trayvon Martin and the Logic of Exception. *Cultural Studies*, 15(4), 287–291.

Rodríguez Alzueta, E., 2012. Circuitos carcelarios: el encarcelamiento masivo-selectivo, preventivo y rotativo en la Argentina. *Question-Revista especializada en periodismo y comunicación* [online], 36(1), 81–96. Available from: http://sedici.unlp.edu.ar/handle/10915/35386 [Access 10 June 2021].

Ruyer, R., 1969. *La filosofía del valor*. Trans.: A. Ezcurdia Hijar. Ciudad de México: Fondo de Cultura Económica.

Sangero, B., 2006. *Self-defence in Criminal Law.* Oxford: Hart.

Schmitt, C., 2005. *Political Theology, Four Chapters on the Concept of Sovereignty.* Trans.: G. Schwab. University of Chicago Press.

Sozzo, M., 2016. Postneoliberalismo y penalidad en Argentina (2003–2014). *In:* M. Sozzo, ed., *Posneoliberalismo y penalidad en América del Sur*. Buenos Aires: Clacso, 189–283.

Steinhoff, U., 2019. *Self-defense, necessity, and punishment: A philosophical analysis.* New York: Routledge.

Tarde, G., 2019a. ¿Qué es el crimen? *In:* Pluriverso, ed., *Crimen, castigo y sociedad.* Buenos Aires: Pluriverso, 95–116.

Tarde, G., 2019b. Criminalidad y salud social. *In:* Pluriverso, ed., *Crimen, castigo y sociedad.* Buenos Aires: Pluriverso, 77–94.

Tonkonoff, S., 2018. El crimen como normalidad paradójica: Durkheim versus Tarde (y los demás). *In:* I. González Sánchez and A. Serrano Maíllo, eds., *Durkheim y la criminología*. Universidad de Gerona, 143–162.

Tonkonoff, S., 2019a. ¿Qué son las Prohibiciones fundamentales? Un abordaje postestructuralista de la cuestión criminal. *Revista Pilquen*, 22(4), 36–49.

Tonkonoff, S., 2019b. *La oscuridad y los espejos: Ensayos sobre la cuestión criminal.* Buenos Aires: Pluriverso.

Uniacke, S., 1994. *Permissible Killing: The Self-defence Justification of Homicide.* Cambridge University Press.

Zaffaroni, E., Alagia, A., and Slokar, A., 2002. *Derecho Penal: Parte general*. 2nd ed. Buenos Aires: Ediar.

Zilio, J., 2012. *Legítima defensa: Las restricciones ético-sociales a partir de los fines preventivos y garantísticos del derecho penal.* Buenos Aires: Didot.

Žižek, S., 2008. *Violence: Six Sideways Reflections.* London: Profile Books.