



## **And they lived happily ever after? Socio-economic profiles in cases of divorce during the first half of the 20th century, province of Buenos Aires, Argentina**

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*Abstract.* Divorce in Latin America has primarily been studied in those countries where it was legalized earliest. Studies on divorce in Argentina were rare until recently and were of three types: analyses of political discourse and gendered readings of the laws regarding marriage and the causes of divorce; microhistorical studies on the press and letters sent to the government pointing out that there was a consensus on divorce among the population—conclusions of these studies go beyond what was found in their sources and the way these are approached; and statistical studies that provide interesting information on divorce nationwide, geographic distribution, and the difficulties that data series present for reflecting on other aspects. The present study employs a testimonies constructed from a set of judicial sources in order to examine the social profiles that can be reconstructed from divorce filings in the courts of the city of La Plata (province of Buenos Aires).

*Keywords:* divorce, socioeconomic profiles, Argentina

## **Introduction**

The creation of nation states in Latin America led to a process of codification of laws that began in the 19th century and was influenced by the Napoleonic Code. Beyond the particularities of each country, all adopted a civil marriage law. Still, certain characteristics of religious marriage remained due to pressures from the Roman Catholic Church, one of the most powerful forces in the construction of Latin American states (Giordano, 2014; 2012; Giordano, Ramacciotti & Valobra, 2014).

At the same time, the political power of conservative forces meant that legislation on divorce was greatly delayed. Obviously, all along this delayed process, the Catholic church exerted a powerful influence on the social order. Reviewing Latin American experiences, we see that few countries approved laws permitting divorce before 1930. In 1888, divorce was legalized in Costa Rica, the country in which liberalism achieved its earliest triumph (Rodríguez Sáenz, 2006). Venezuela followed (1904), then Uruguay (1907, with reforms in 1913), followed by Mexico during the Revolution (1914).

Despite the existence of legislation that allowed divorce, its actual use as a solution to individual problems was infrequent, and relations between the sexes continued to reflect patriarchal norms (Cano, 1993; Vaz, 1998). Verónica Giordano (2012) points out that in Brazil divorce was legalized in 1977, at the height of the military government and as result of the way that the amendments to the constitution were voted on in the congress—allowing for simple majorities and thereby enabling pro-divorce forces to achieve their goal.

Another interesting case is Chile where divorce was not legalized until 2004 due to the views on marriage and family of the Catholic Church and Christian democracy. However, Brazil and Chile, which stand out for their unique characteristics, are not the only cases where divorce legislation was linked to circumstances or times that are not calibrated by common perceptions regarding the history of divorce in our region.

For example, in Argentina, the 1987 law is normally associated with this history, but in this article, we will focus on a lesser known document (to be discussed later): Article No. 31 of Law No. 14,394 of 1954, approved under the government of Juan D. Perón, which dealt with divorce for the first time in Argentina. For a long time, there were only a few studies that described the originality of the debates and their impact in the press at the time that the civil marriage law was approved, which made it impossible to remarry after divorce (Rodríguez Molas, 1984; Recalde, 1986; Recalde, 2010; Lavrin, 2005 [1995]; Barrancos, 2007). In the last decades, new research stresses that during the Peronist period a familial ideal, which had started to

develop in previous decades, came into its own (Míguez, 1999). There are analyses of the construction of this model as well as of the conjugal model of domesticity, which point to the prescriptive and the ideal character of both models in which a social evolution predominates, combining elements that are not always in harmony (Cosse, 2008a; Acha, 2005).

The family-centered ideal is fully represented in an illustration in an elementary school text entitled *La Argentina de Perón* (1953). In this book, the father, sitting on a couch reading his newspaper, dominates the scene; he is surrounded by his wife who is doing embroidery and his two children: a girl who is sweeping and a boy who is reading. According to some interpretations, this is a metonymic synthesis of the “democratization of welfare” during that period (Torre & Pastoriza, 2002). Others argue that this scene is linked with the image of a nuclear family in which authority resides with the father to the detriment of other family members (Wainerman & Barck de Raijman, 1987). Now, it has been noted above that divorce was incorporated into this familial ideal and later, into the rhetoric of Peronism and succeeding debates about this ideal.

Omar Acha’s (2005) analysis of divorce in the records is based on an analysis of legislative sessions, the press and, especially, eight letters sent to Perón and to the Peronist government calling for divorce (though it is not clear whether the author uses them because they are emblematic of a larger number of letters or whether these were the only ones sent on the subject). Acha concludes that divorce and the familial ideal were not opposites because “[the intent] of divorce is not to sully the institution of the family. Its goal is to be able to end a relationship that has failed, so as to defend the harmony provided by family order”<sup>1</sup> (2005, p. 4).

Isabella Cosse abandons this interpretation of the family-centered model and in her studies, stresses that a divorce culture existed that was propagated in various ways, even though there was no law that made divorce with the possibility of marriage possible, except for the short-lived exception of Law No. 14,934 (1954) (2008a; 2008b, 2010, 2015). Both Acha and Cosse assume that culture and legal normatization do not converge, though undoubtedly such convergence would involve complex and diverse processes in which changes are very slow to emerge and may even not happen at all. However, this is the assumption that seems to underlie the ideal model.

Quantitative studies based on census data show certain trends related to divorce—which was not always included in this data and therefore

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1 All translations from Spanish are by *Apuntes*.

was difficult to estimate. Divorces started to be counted in 1947 and a distinction between separated and divorced individuals was not introduced until 1960. Census data should be treated with caution, since one of the difficulties in gathering information about civil status is under-registration. The data available show that in Argentina less than 1% of the population was divorced in 1947 and in 1960 (Torrado, 2003; Cosse, 2008b, Masciadri, 2013). We can see that divorce was a quantitatively very small but symbolically significant phenomenon, which indicates that this model, along with the family-centrism that was becoming hegemonic, was not forged unequivocally, and that disruptive or residual social practices filtered through the gaps.

Finally, the most recent study qualifies certain assessments and sets them within a much longer-lasting process, and, at the same time, looks closely at another type of archival evidence (Giordano, Ramacciotti, & Valobra, 2014). The study focuses on the law promulgated during the Perón administration and points out that this is a norm that was in effect for only a short time (it was “suspended” in 1956, an unusual juridical action in Argentina) but had a notable symbolic and legal impact. The authors argue that it is possible to detect the political-ideological changes that took place starting at the beginning of the 20th century, and note that the 1954 divorce law should be understood as one of the milestones of these changes. According to the authors, “divorce started to be seen by various sectors not as a social dissolvent but an element of harmony.” They note that legal actions accompanied the demands of various social and political groups in favor of divorce, and some legal mechanisms promoted “divorcist” measures. Nevertheless, in 1954, while the novelty of a divorce with the ability to remarry marked a legal break with the laws that had regulated the institution of civil marriage until then, the following occurred:

The grounds for divorce stipulated in the Civil Code remained the same in the case of requests for conversion, and the new grounds that were included—such as absence with the presumption of death—were thought by parliamentarians as likely to generate fraudulent situations and, as we found in the legal documents, this was what happened (Giordano, Ramacciotti, & Valobra, 2014, pp. 29-30).

The authors’ original database was made up of a series of judicial sentences from the city of La Plata that were summarized in legal case files of the province of Buenos Aires (one of the districts with the largest number of divorce cases). Chronologically, these documents range from the first sentence in the province of Buenos Aires on March 8, 1955, and

to the last, on March 1, 1956, when, in violation of Decree Law No. 4,070 which suspended Article 31 of Law No. 14,394, a judge signed a divorce decree, citing the latter article. The authors used two types of sources for their study. Records of sentences (*libros de sentencias*) that include a register of all the legal case files created in this period by the courts under study and files that are still available in the archives. However, this does not include all case files entered into the records of sentences because some of them were removed and others were lost or destroyed—something that happens with legal documents of a certain age. Verónica Giordano and Adriana Valobra found 376 divorce and separation cover sheets from the total universe of cases that went before La Plata courts (163 of divorce with the possibility of marriage) of the province of Buenos Aires, which is crucial in Argentina both geopolitically and demographically.

In dialogue with the previous analyses and using the same database, we will return to the issue of using the legal documents for historical purposes (Ginzburg, 1993/1991; Ginzburg, 2009/, 1976). Also, rather than stressing the history of these legal documents, we analyze the social interactions portrayed in these cases (Barriera, 2014; Candiotti & Palacio, 2007). That is, we provide a social history of those who accessed the judicial system—or rather, those who turned to the courts and were able to obtain a final ruling.<sup>2</sup> Indeed, the assessment we propose seeks to gain a better understanding of an object of study that, rather than analyzed, has been imagined based on sources that do not directly respond to the questions that historiography asked of them. The purpose of this article is to explore social and economic profiles by age and occupation, as well as in terms of the problems related to how marital ties were ruptured. From the data gathered, we selected those cases that provided the information we were looking for. In total, we chose 52 judicial decrees for this study. These were the only ones available that included complete and comparable data. We also chose a set of 35 legal case files (out of the 52 judicial decrees) that permitted us to follow cases from the time they were initiated until the divorce decree in 1955.<sup>3</sup> We then carried out a non-probabilistic analysis of the demographic values. While the information contained in the records may be heterogenous, it sheds significant light on labor market inclusion at the time of marriage

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2 Another study employing this approach and analyzing a large number of cases is Calandria (2017). Other recent studies gauge the tensions in the meanings of the familial and the conflict to define the ideal family dynamic, which are aired in the documents more for their impropriety than for what was achieved (Biernat & Vetö, 2018; and Bjerg & Pérez, 2019).

3 For this reason, and just for this purpose, our set was 52 cases, 14% of the total universe of cases.

and divorce as well as on housing conditions, ages, and other social matters that are impossible to measure with other instruments.<sup>4</sup>

### **Who got divorced? Socioeconomic profiles and the gendered division of labor**

In this section, we will analyze the scope of the familial ideal found in the divorce case files. These abstractions were undoubtedly mediated by the grounds for divorce typified by law—as other studies have noted (Giordano & Valobra, 2014b)—but they also illustrate elements that escape this normative logic and express others that emerged from the sordid attitudes of judicial vagaries. They call into question not only the conjugal model of domesticity but the gender order itself.

The grounds for divorce at the time were: adultery by either spouse; an attempt by one of the marriage partners against the life of the other; incitement by one partner of the other to commit adultery or other crimes; cruelty; grave personal injury; pain and suffering; and voluntary or malicious abandonment. Lawyers had to invoke one of these grounds for the judge to accept the filing. Nevertheless, some judges granted divorces in cases in which these grounds were unclear but it was still evident that the marriage had gone wrong—the social interest in harmony took precedence even if the legal categorizations were absent (Giordano & Valobra, 2014a). Lawyers used case presentation strategies that combined the typified grounds and situational components that revealed the breakdown of a relationship. Thus we chose those presentations in which there was agreement among both parties in order to avoid the bias exhibited by those who took extreme positions in order to win their case by any means available.

Next, we consider four issues: first, we present data on the duration of the marriages; second, we look at the socio-economic profiles and some of the problems that led to the breakdown of relationships, such as living together; third, we document the entry of women into the labor market in the wake of the husband's inability to provide for the basic household needs; finally, we examine the age differences between the partners as grounds for divorce that were not provided for under the law.

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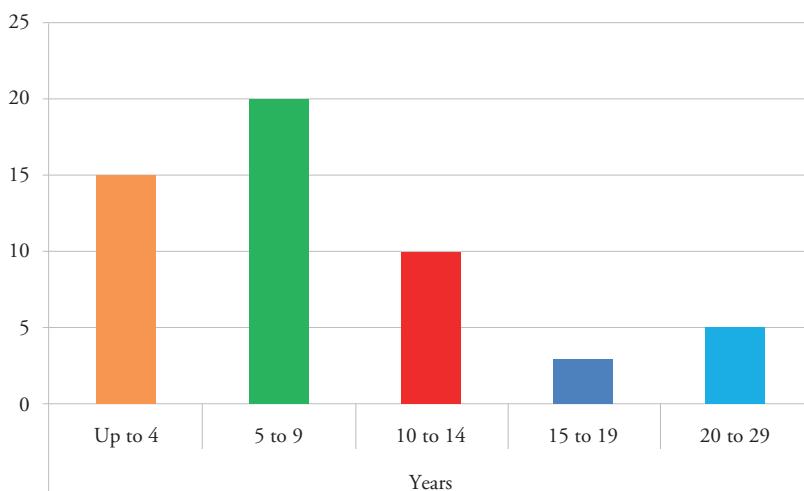
4 Studies that use the complete database focus on these variables (Valobra & Giordano, 2013; Giordano & Valobra, 2014) or they look at the complete set of legal case files (Ledessa Prietto & Ramacciotti, 2014).

## 1. Length of the marriage

As noted above, both the conjugal model of domesticity as well as the gender order were questioned by practices that it was possible to reconstruct through the legal case files. The matrimonial bond did not disappear but continued to hegemonize social practices, although in this high juridical and social synchronicity, the appearance of legal separation—de facto or de jure—or, later, divorce demonstrated that marriage did not have to be for life.

We can get an approximate answer to the question of how long marriages lasted if we look at the date of the marriage and the date of the separation in fact; that is, when one of the parties, or both, stop living under the same roof. In 15 of the 52 cases, the relationship lasted from a few months to four years; in 20 cases, five and nine years; in 10 cases, 10 to 14 years; in three cases, 15 and 19 years; and in the remaining cases, 20 to 29 years. This information also tells us that in the cases studied, most of the marriages took place between the 1930s and the 1950s.

Figure 1  
Duration of the marriage (date of the marriage until separation in fact)



Source: compiled by authors from legal documents.

On the other hand, if we calculate the time between the date of the marriage and the final divorce decree (which was generally, except for a few exceptions, close to the date that the case was initiated), the length of time that the couples were married indicates that it was common for them to separate but not initiate legal actions until much later. There could be many reasons for this, spanning the economic, social, and emotional factors

involved in filing divorce proceedings. Of the cases filed during the period studied, more than 10%—not a small percentage—were rejected for technicalities, essentially because the complainants did not continue with the action they initiated and did not present evidence.

## 2. Socioeconomic profile

European historiography has identified a series of social models of persons who initiate divorce proceedings. According to Anne Marie Sohn, there were different models of divorce in France and England (2000). In France, “it above all benefited women [...] who were urban [...] manual or office workers, together with women who were able to control their fertility, since half did not have children and the other half only had an average of 0.84 children” (Sohn, 2000, p. 150).<sup>5</sup> In contrast, in England “the procedure was very expensive and could only be carried out in London” (p. 150), which discouraged filings: only 200 cases annually at the beginning of the 20th century in contrast to 15,000 in France—a ratio that barely changed over time.

In Argentina, Isabella Cosse notes that during the 1940s and 1950s, some voices linked to Catholicism or commentators in the press advanced the argument that “divorce is of interest to the well-off classes but not to workers, and argued against it” (2010, p. 122). Based on five letters sent to the government and a poll published in the weekly *Esto es*, the author disputes these claims and concludes that divorce was of interest to persons from all social classes. However, these conclusions would be more convincing if they were based on an analysis of the socioeconomic profiles of those who actually obtained a divorce. Dora Barrancos advanced in this direction when she analyzed a set of 931 cases of marriages that took place in Argentina, both between persons born in Argentina and residents who got married in Uruguay in the 1930s. She reports that 37% of the cases could correspond to people who wanted to remarry. Of this universe, probably because of the costs of going to Uruguay, the majority were office workers, owners of businesses, and a wide range of liberal professions, in contrast to only a few manual workers (Barrancos, 2014).

The set of cases in this study permits a detailed analysis of the cases filed in the province of Buenos Aires. This analysis does not have the quantitative scope of Barrancos’s study, but this is due to the characteristics of the archive rather than a methodological or *a priori* decision. A detailed analysis of 35 case files indicates that those individuals who separated or requested

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5 This is an exact quotation, though it should be noted that it is difficult to use percentages to measure persons—in this case the number of children—which cannot be quantified as less than one.



the conversion of a separation to a divorce were primarily workers: people who earned their living in various activities in the labor market who were on payroll or contracted (manual workers or employees) or people with self-employed forms of working (small and micro business owners). There were also some individuals who were better off, but the number of these cases were minimal.

We start with an exceptional case. This most emblematic case among well-off individuals involved two members of the European nobility. The stated profession of both husband and wife on the marriage certificate and during the divorce proceedings was “family member.” She was German and he was Hungarian. They took refuge in Argentina during the inter-war period. Since their marriage certificate had remained behind in a country destroyed by the ravages of war, they provided clippings from print media showing photos of their wedding. During the court proceedings, the witnesses consisted of almost a dozen of their servants who spoke both German and Spanish. Both parties led a comfortable life though neither owned property nor reported investment income. The grounds for divorce, according to the wife and as validated by the judge, were that she and her children were living in a situation of material decline because the husband did not contribute “directly or indirectly to support” them, and they had to leave the family home in Olivos. In this case, the judge made a very singular distinction. The plaintiff claimed grave personal injuries by the husband, which the judge confirmed given the absence of “manners” and of “respectful language referring to members of the family, especially the wife, within the norms and customs that the title of nobility imposes” (T. de Z., A. vs. Z., G.). Thus, not only did the husband fail to fulfill his duties as a material provider but he also did not adhere to the cultural forms appropriate to his social position.

While this couple is among those with a privileged socioeconomic profile and status, there is a huge gap between them and the rest of the cases, even if we include the small group of merchants (four cases) among the well-off. When it comes of salaried individuals in a situation of dependence, the profile of the married couples highlights the social composition of the sector that is best positioned in the labor market: 14 men and one woman employed in the public sector when they married. Nevertheless, their living standards as revealed in the case files are limited. It is enough to point out that in most cases, the married couples do not own a home and instead rent and or live with parents or relatives of the husband or wife. Some examples are emblematic. A worker in the Roadways Division (Dirección de Vialidad) and his wife, a dressmaker, went to live with her parents who rented them

a room since they could not manage financially when they tried to live on their own (G., B.N. vs. A. de G., E.). A government employee and bookseller were in a similar position and went to live with their in-laws and, when they did try to make it on their own, they lost the small conveniences they enjoyed in their previous arrangement. Thus, as a divorce action states, a couple went from living in a house “which had [...] three bedrooms, two baths, living-dining room, breakfast room, and kitchen,” and to one that “had one bedroom, a kitchen with a zinc slab roof, and a bathroom without fixtures” (P., A. J. vs. L. E. C.).

In another social strata, a case of an East European couple stands out. The wife brought a suit for grave personal injury, as well as pain and suffering caused by word and action. Their economic hardship is evident in that even though they were able to build their own house in Sarandí, the size of the mortgage payments forced them to ask for small loans to pay for their daily expenses. The plaintiff alleged that her husband, a mechanic, earned too little and budgeted around 20% of what he earned to support her and their children, and he complained and assaulted her when there wasn't enough food. She added that the situation was so difficult that she couldn't buy clothes and was forced to survive on loans. At the same time, the wife recounted that before they went to live in Sarandí, they lived on the produce from the rural land that she farmed while the husband was unemployed for six months. The husband did not want to continue his work as a mechanic because of his deteriorating health and was instead working for less pay as a bricklayer, infuriating his wife.

These types of situations converge with those of the previous case: the lack of money, the sacrifice that didn't make up for it, and the way that this leads to miseries that in turn lead to deteriorating relations between wife and husband. Among the 19 individuals who were manual workers at the time they got married, 16 were men (rural and urban day laborers, a mechanic, a painter, a bricklayer, and others) and three were women (a laborer and two seamstresses/dressmakers) who were not able to meet their needs for food, shelter, and clothes—among other aspects related to living conditions—and their matrimonial relations deteriorated more directly as a result of their dire situation, which was even more difficult when there were children involved.<sup>6</sup>

In general, in cases where there were problems related to housing and co-habitation with family as well as pressing economic needs, the resulting

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<sup>6</sup> Of the 35 cases reviewed in this section, only half of the couples had between one and three children, while the other half did not have children.

conflicts were found to be key to understanding the obstacles to harmonious coexistence, and even changed the character of the husband or wife to such a degree that living together became impossible. Nevertheless, one wife who was a defendant stated that “she was de facto separated from the plaintiff, whom she always loved and loves as a husband,” and that her separation was not due to an “incompatibility of characters or a lack of affection between them” but rather “outside influences” related to living with her parents.

### 3. Work and gender

Changes in accepted gender roles were often cited in the judicial testimonies. In general, such testimonies sought in various ways to follow the dispositions of the Law on Civil Matrimony, which clearly allocated specific roles to the wife and the husband. In the cases where the men were the defendants, the wives pointed directly to the inability of their husbands to be the provider. Here is a very eloquent example of such testimony from a defendant:

Bound to a lazy man, without any sense of responsibility and lacking an understanding of the moral and material obligations he took on when he married, who afterwards continued his life of revelry and vices... The plaintiff never concerned himself with getting a job to provide for his household; he found it more convenient and easier to live without doing anything and to gratify himself with the help of others. During sixteen years of marriage, he worked for about eight, and that was at my request and because we—my relatives and I—found him work. When a job was found for him, he always found a reason not to accept it (B., B. R. vs. I. de B., A. S.).

In some cases, the men recognized that their income was only enough for a modest life but argued that this did not mean that they could not provide for the household and, therefore, it was not necessary for their wives to enter the labor market, far less for them to indulge whims that their situation did not allow for. Indeed, female employment implied a set of moral questions that went along with issues linked to the non-fulfillment of the roles expected of a wife. In the sources selected for this study, these were recurrent and generally arose when the husband was the plaintiff.

The employment situation of women at the time they were married was a problematic element. On most of the marriage certificates (18), the woman's occupation is listed as “housewife”.<sup>7</sup> In ten other cases, the certificate reads

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<sup>7</sup> Translator's note: women's occupations provided in Spanish on the marriage certificates: “*quehaceres del hogar*,” “*labores de su casa*,” “*su casa*,” or “*del hogar*.”

“no profession” or the space for this information was left blank. In fact, there are some inconsistencies in how women listed their profession since some who did have professions often chose not to state them. For example, we found cases in which women worked from home as a seamstress or doing embroidery but did not reveal their contributions to the family income and hid behind their domestic identity. These types of behavior could also be found in census data. This practice resulted in the invisibilization of women’s contributions to the productive sector (Wainerman & Recchini de Lattes, 1981).

In any case, the women’s employment situation did come up in the argumentation of the parties during divorce proceedings. The records show that when they got married, 18 women stated that they were housewives and 10 did not provide information on their labor status. On the other hand, by the time they got a divorce the situation had changed. Only ten continued to be housewives while eight did not provide labor status information. It is worth noting that of the 28 women who stated they were housewives or did not list a profession, when they had divorced, ten had already changed their status and were employed.

According to normative gender principles, salaried work constituted an exceptional activity for women that only material necessity could justify (Queirolo, 2020). Let us look at three cases in which the wives were employed. The first worked in the Ministry of Agriculture as an administrative assistant and that was where she met her future husband. She complained about the postponement of her occupational advancement, citing her interest in having a career, possibly in the administrative sector (Queirolo, 2018). In the case file, her husband described things in this way:

She absolutely does not care about her obligations as a housewife and she isn’t even careful about her personal hygiene. A short summary of the facts will suffice: refusal to prepare dinners or even breakfast; refusal to put the house and clothes in order and even to wash her own underwear.

She retorted:

Never were the clothes that he wore every day dirty, or in need of repair, or uncared for. Among my responsibilities or my work, which was necessary and indispensable for keeping the house and the housework in order, I understand that I went to considerable and even too much trouble, far beyond the strength that might normally be expected of a woman whose sole concern is the home and whose goal is harmony with her husband and the organization of the family. (B., J. J. vs. P., M.M. A.)

The defendant not only legitimized her paid employment as necessary to fulfill the family budget but also complained about the superimposition of workplace and domestic responsibilities that she endured daily.

The second office worker got an administrative job in the provincial government in 1946. According to her statement, her objective was as follows:

I am a woman who works, which doesn't mean that I neglect my duties as a wife and mother [...] while I did take on an administrative job, I did it in order to contribute, to the extent possible, to the support of my elderly mother, who is poor and doesn't have any resources other than her food pension.

On the other hand, her husband claimed that:

Three years ago, my wife insisted that she wanted to get a job in order to—according to her—have the independence enjoyed by women who work. I was opposed to this because in my view, her primary obligation was to be with her daughter and her husband, to take care of the house, and see to the care and welfare of the home. [...] Since [she started working] I have had to be the housekeeper—dressing, feeding, and taking our daughter to school; the defendant's neglect of the house was so serious that I had to make dinner more than once. (F., C. E. vs. S. de F., F.)

Here the argument regarding needs and the juxtaposition of tasks competes with the subversion of the gendered division of labor in which the husband reveals a wounded masculinity that led to him file for divorce.

Finally, we look at a woman who entered business, where she went from a sales assistant to a supervisor and decided to start a career. According to the husband, she did it “to amuse herself”: “Our relationship is cordial thanks to my character and bonhomie, because my wife, under the pretext of her responsibilities, became estranged from me and her responsibilities at home.” According to the wife, however, she entered the labor market “to fix our economic setbacks, not to amuse myself [...], I was able to find a job supervising a place of business, with an income that allowed me to take care of the expenses” (B., B. R. vs. I. de B., A. S.). In this case, arguments about economic necessity compete with those of the banality associated with entertainment. It was precisely this operation of signification that was used frequently to devalue women working; for example, in the words of a husband whose wife started to work in a factory: “Of everything she earned, she didn't allot anything to the house. Rather, she used her salary to buy alluring dresses and luxuries than don't go with our humble home” (E., S. vs. S. de E., A. R.). Of course, there were also testimonies of wives

who claimed that it was their husbands who were not fulfilling their role as providers, which they then had to take on (A. de L., S. vs. L., J.).

According to the information provided above, both women in paid employment and men who did not fulfill the role of providers altered the gendered division of labor that was implicit in the institution of marriage. It was precisely the fulfillment of these segmented roles that embodied the responsibilities of maturity, irrespective of the age of each partner. Nevertheless, the case files show that this was certainly problematic.

#### **4. Age at marriage**

The last aspect that we analyze is age difference as a factor in explaining the deterioration in marital relations. In our sample, only three women married men younger than they were (up to six years). In the whole set of cases, the most common age difference in those cases where the husband was older than the wife was five years, and, in a few cases, up to 10 (only 3 cases); in 7 cases, there was an age difference from 11 to 19 years.

Age presents itself as a problem in those cases in which women marry men who are much older than they are or when both partners are very young. For example, a 44-year-old office worker did not think that his wife of 17 would quickly become enamored of dancing in social clubs to which she had not wanted to accompany her husband. In her counterclaim, she stated that her love of dancing was “logical for every young woman,” even though she went only occasionally. She did not prevail in the suit brought by her husband nor in her own counterclaim, although she was given custody of her daughters while the plaintiff got custody of their son (E., S. vs. S. de E., A.). Another similar case was that of a 25-year-old teacher who wed a 15-year-old girl. She soon left him, arguing that she had a pulmonary disease that prevented her return to the damp conditions of the school in Santa Fe where he lived and worked. The teacher asked to be transferred to Córdoba but when he sent her a telegram to this effect, she told him she wanted a divorce. During the divorce proceedings, she revealed that she was in a new relationship—which would last until her death—with a doctor who was apparently treating her.

A 25-year-old day worker who married a girl of 16 complained about the defendant as follows:

While we lived in my parent’s house, she never paid attention to anything except herself. At most she cleaned up her room; I don’t know if she ever helped in the kitchen. My mother-in-law and my mother were in charge of washing our clothes, and often got up at night to take care of our son. (A., H. vs. F., M.)

The judge was satisfied that the plaintiff had proved his case and ruled in his favor, declaring that he had granted the divorce because the young woman did not fulfill her responsibilities.

In some cases, age was not an extenuating factor that justified the non-fulfillment of responsibilities, and in others, such as the young girl who liked dancing, the judge ruled in favor of the husband but noted that:

The fact that a married women left with her children to seek refuge in the house of the mother is a logical reaction to a weak matrimonial bond, given the serious disagreements, differences in character, age, and the irritations of daily life, especially when culture does not create obstacles that limit the possible consequences of these circumstances.

Nevertheless, one of the plaintiffs noted that everything has its limits:

I married the defendant [...] despite terrible omens and family opposition, as I was forced into it by despicable circumstances that, crushing my spirit and my will arbitrarily, were imposed on me as a gentlemanly duty in order to avoid a greater evil. Soon after starting married life, it became clear that I was mistaken in thinking my wife was capable, **because of her youth**, of reining in her libertine temperament and her free-and-easy ways to adapt to the obligations of conjugal decency that should be observed by a woman who shares a home with a man who is worthy of respect. My wife, following her wayward inclinations, abandoned, almost immediately after marrying me, our home in order to give herself over without any self-control to a disorderly life (S., V. vs. G. de S., A.).

In other cases, the advanced age at which the couple married was noted by judges as an element of proof that it was impossible to save the marriage. This occurred in the case of a Romanian woman and a Czechoslovak man who got married when he became a widower. She was 41 and he 48, and both had older children from previous relationships: "The reading and the rules for fair criticism of the evidence indicates that this is a marriage of people of advanced age [...], a situation that was made worse by the lack of common offspring," and the economic conditions that affected what was considered as the normal evolution of marital life. In another case, the judge stated that he took into account the age of the parties in order to effect a reconciliation that would have brought them the spirit of tranquility and peace necessary at that stage of their lives, but that it was foolish to think that it possible to reconcile a couple that got married when she was 40 and he, 35, and who wanted a divorce 20 years later (A. de L., S. vs. L., J.).

## **Final considerations**

As research has shown, the social representations of matrimony display clashing views on how the relationship of the married couple should evolve from the start. Research on divorce cases in the judicial record prove that the model of conjugality—and, by extension, of domesticity—was questioned even when this was not the goal of the individuals involved. Still, we would like to illustrate this by quoting a few sentences that stand out: “The coming of a child [...] seemed to consolidate the newly formed home—promising a happy future” (R. de D. T., C. vs. D. T., F.).

I went into marriage at a very early age and with the hope that my dreams would come true, creating a home with the goal of a life that was happy and full of affection and respect, which forms the foundation when there are true feelings (A., H. A. vs. F., M. E.).

I don't deny the sacrifice that a woman can and should make so that happiness, good fortune, and prosperity prevail in her home, even coming to excuse on multiple occasions the misdeeds of my husband in his personal life in relation to little amorous adventures because I thought they were of little importance and could not alter the solid foundations of our union. (H. de B., E. vs. B., J. I.).

True or not, these testimonies advance the idea that getting married is the beginning of happiness: an emotional charge that is absent in the models of conjugality that are present in the judicial discourses. This idea permeated social representations and from there entered legislative debates on divorce—which were not free of casuistry—over the years and especially during 1954 (Giordano & Valobra, 2013; 2014).

After the act of marriage, the lay element of the institution returned to the religious commandment that “what God has joined, let no man put asunder,” consolidated in the phrase “till death do us part” with which the priest blessed the sacrament and which the law emulated until 1954. Nevertheless, the promise of happiness was not always fulfilled: “The happiness of the new couple does not last long” (S., de G., A. vs. G., A. I.); or it was recognized that “there was no more hope for amelioration or happiness between us” (B., B. R. vs. I. de B., A. S.).

Indeed, in 30% of the cases, the marriage did not even last five years, while in 38% of the case, it lasted between five and nine years. These cases evidence pain and anguish in which the only thing the parties seem to have wanted was to end something they believed would last forever and which



had become unbearable for them. This indicates a rupture in the ideal of conjugality.

Another aspect of these social representations is their limited scope, even though they very often used by moviemakers, for example. In these representations, the social incompatibility of the protagonists was highlighted as an obstacle to be overcome in order to be legally married. In the cases studied here, the romantic relationships that ended up in marriage were sustained by individuals with the same social background and similar levels of education, except in two cases: one in which the women had a higher level of education, and another in which the man was better educated.

It was precisely these differences in social background that most often led to divorce proceedings. Indeed, when they were unable to solve financial problems, struggled under the burden of debts, and lived in precarious conditions, the couple got divorced, even when they conceded they loved each other. While these types of conflicts were not taken into consideration by the Law of Civil Matrimony as grounds for divorce (and nor did they necessarily mean the unfulfillment of roles), they often were framed as such when describing motives. Complicated issues related to living together compounded difficult relationships. In this way and based on our sample, we have provided more evidence that divorce was not solely an issue that mattered to well-off sectors.

Indeed, the available sources indicate that popular sectors had access to divorce and show how they used it. While we did not intend to include this subject in the debate on the concept of class, since this is an unresolved issue in the studies that critique the intuitive use of the concept (Adamovsky, 2013), the cases studied incline us to consider the fragility of the concepts of the middle class and the proletarian class, when some of these people were property owners but almost illiterate and while others were renters and educated, living in crowded conditions and suffocating cohabitation. They all sought and received divorces, which were not exclusive to the so-called middle classes, hidden behind the euphemism of well-off classes.

Now, as a consequence of such situations, the wives often changed their occupation from that on their marriage certificate (housewives) and entered the job market. In some cases, the reason provided is that the wife intended to contribute to the household income or fully cover what the husband was unable to provide. In response the husbands said that the wife was working against his will and that she did not adapt to their modest circumstances, buying luxuries that he thought were inappropriate for their station in life. The different interpretations of the facts reveal the way each party used their own situation in the marriage and, at the same time, how they used

it legally. These ideas grew more common as the participation of women in the labor market constantly increased and diversified. This participation challenged the gendered division of labor that assigned the role of material provider to the masculine identity, and maternal and domestic responsibilities to the feminine identity. When the husband's failure to provide was denounced by the women, the moral and sexual connotations of women's entering the labor market were characterized by the husbands—through their lawyers—who based their arguments on the social representations of working women that were common since the beginning of the 20th century. These women were not able to balance their marital, familial, and working situations—at least according to their husbands—and not a few judges ending up agreeing with them. Finally, we dealt with issues that brought to light the generational tensions that affected marriages, above and beyond socioeconomic and gender profiles.

Our study attempts to contribute to one of the issues around divorce in Argentina that has received the least attention: the relationship between socioeconomic, gender, and generational profiles. Thus, we analyzed the scope of the model of conjugality and uncover the causes that upended it. The title of our article alludes to the desires for opulence indulged by those who got married. However, in the cases we analyzed this did not happen, because the socioeconomic situations in which the individuals found themselves did not allow them to *comer perdices*<sup>8</sup> at their wedding and, in general, nor were they able to do so at the time of their divorce. Indeed, socioeconomic problems were one of the most common grounds for divorce.

We hope that this approach, based on socioeconomic dimensions constructed through the triangulation of data, will open up discussions on the subject in Argentina and beyond. Our study also proposes a way of dealing with the subject of divorce that involves taking advantage of a greater number of available documents and thinking creatively about how to fill gaps in the archival record, thus allowing for future comparative studies of legal documents.

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8 Translator's note: This comes from the rhyming refrain in Spanish "*y fueron felices y comieron perdices*" which literally translates as "and they were happy and ate partridges." Eating partridges implies living in opulence.

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