FORUM: COMMENT

He Said, She Said:
Gender, Reformism, and Family Conflict in Twentieth-Century Guatemala

KATHERINE E. BLISS

He told the court that twenty-year-old Gloria abandoned their children and the home they had made together in Quetzaltenango in order to move to Guatemala City and live with another man.

She told the court that forty-two-year-old Julio had refused to divorce his wife and marry her as he had promised and that she had made sure the children were safe with their father before she departed for the city to pursue a better life for herself.

The differing perspectives on household responsibilities that Julio and Gloria presented to the Guatemalan family courts in 1968 form the basis for John Wertheimer’s analysis of adulterous concubinage, or the practice by which an unmarried woman and a married man establish a long-standing sexual, economic, and family relationship. While cohabitation, marriage, and adultery are relatively well-studied aspects of family history within the Latin American context, adulterous concubinage has been largely overlooked. Wertheimer argues that this is because changing legal approaches to marital infidelity, along with the early twentieth-century termination of the legal practice of distinguishing between legitimate and illegitimate children in civil matters, inadvertently strengthened the institution of adulterous concubinage by making it perfectly legal but unregulated—and therefore undocumented. In “Gloria’s Story” Wertheimer fruitfully mines the archived

Katherine E. Bliss is a visiting scholar and adjunct associate professor of Latin American studies at Georgetown University.

Law and History Review Summer 2006, Vol. 24, No. 2
© 2006 by the Board of Trustees of the University of Illinois
documents pertaining to one unmarried couple’s conflict over household responsibilities to shed light on a little-understood phenomenon. At the same time, he seeks to answer larger questions regarding gender, honor, family relations, and the relevance of the legal system, offering what he calls a “cautionary tale” of the unintended consequences of legal modernization in twentieth-century Guatemala. To shed light on how “Gloria’s Story” contributes to a broader regional literature on private life and gender, and how it relates to recent publications in the field of Latin American studies regarding state formation and the “new” legal history, this essay raises questions about Quetzaltenango expectations regarding age, class, and sexuality and the place of adulterous concubinage in Guatemalan popular culture before offering some commentary on the larger international context in which adulterous concubinage should be considered.

“Gloria’s Story” raises several important points regarding age, gender, and relationship expectations during a period of political instability and institutional reform in 1960s Guatemala. The article begins with an examination of Julio and Gloria’s establishment of a common home in the western highland city of Quetzaltenango in 1963. Wertheimer notes that, by the time they began living together, Julio, thirty-six, was already legally married. Both Julio and his wife, Cristina, twenty-seven, were migrants from outlying towns, having relocated to the urban center during a period in which young women significantly outnumbered men in the municipality. Gloria, we learn, was poor, the illegitimate child of an unmarried mother, and only fourteen years old. Julio’s wife was aware of Gloria’s existence, and, Wertheimer states, Gloria knew that Julio was married. Indeed, the households were located just around the corner from each other in a middle class neighborhood.

What factors compelled a comparatively prosperous, older, married man and a teenaged girl from a background of modest means to establish a home together in the mid-1960s? Given that the case file presents little data on the couple’s happier moments, Wertheimer bases his analysis of Gloria and Julio’s decision to cohabit on demographic and economic data and on an estimation of the gendered benefits that may have accrued to each partner in the relationship. For Julio, he notes, the relationship with Gloria likely brought sex, companionship, and the social prestige associated with the recognition by friends and peers that he was “man” enough to support two families. Wertheimer treats Gloria’s decision to enter the relationship more delicately, noting the considerable age, class, and status differences between the two partners.

As historians of Latin America who have used information from court files to elucidate information about personal choices with respect to sexual relationships have emphasized, investigators would be wise to proceed
cautiously when using public documents to explore private decisions. For example, in her study of intimate life in coastal Costa Rica during the early twentieth-century banana boom there, Lara Putnam notes that the fact that states are in the business of making themselves look important "creates a descriptive bias in official sources." Bearing this advice in mind, it thus becomes important to read public summaries of private conflicts with a critical eye, questioning the official depiction of a love affair gone sour with the same skepticism one might apply to an after-action battle report or the alleged disappearance of a criminal suspect with known ties to influential public figures.

Wertheimer clearly recognizes the limitations inherent in using archived legal documents to unravel information regarding motivations and desire with respect to sexual liaisons between two people of unequal status. On the one hand, because Julio charged Gloria with having abandoned their children, the archives contain information about their home and private life which might not otherwise be available. On the other hand, considering that the information in the archived reports was no doubt recorded and summarized by court clerks, Wertheimer is mindful of the ways in which Julio and Gloria's personal conflicts were translated through the process of telling, recording, and processing the charges. Acknowledging that he does not have access to Gloria's own thoughts regarding the origins of the relationship, Wertheimer points out that "in a place such as mid-twentieth-century Guatemala, where wealth was both scarce and concentrated, and where women's working options were limited, a poor woman who wanted children did not necessarily act irrationally by partnering with a married man wealthy enough to support two families instead of a single man too poor to support even one." Young, economically disadvantaged, and having grown up with the stigma of illegitimacy, herself, Gloria, he suggests, may have hoped to elevate her social status by partnering with a modestly more prosperous, albeit married, man.

Wertheimer is to be commended for articulating the potential drawbacks of his speculations about Gloria's motives for entering into a sexual relationship with a man two decades her senior. However, considering the possible range of societal attitudes toward a May-December relationship such as Gloria's and Julio's would have helped shed light on the context in which their adulterous relationship and conflict developed. It is par-


particularly important to keep in mind that Gloria was just fourteen years old at the time her affair with Julio commenced. She was no longer a child, perhaps, but neither was she a mature woman. If what Wertheimer asserts is true, Quetzaltenango society may have condoned adulterous concubinage between adult men and women, but how did public and private groups feel about sexually active teenagers? For example, although Wertheimer reviews the ways in which laws regarding marriage, rape, and the corruption of minors failed to impede any sexual liaison between Gloria and Julio, he offers little information about the ways in which officers in the Guatemalan social service agencies may have thought about sexually active, unmarried girls such as Gloria. Considerable work on juvenile justice, psychology, and the development of the social sciences in Europe, North America, and elsewhere in Latin America has documented the emerging recognition of “adolescence” as a special life stage over the first decades of the twentieth century. Indeed, municipalities in countries as diverse as France, Mexico, and the United States developed special tribunals to deal with the perceived challenges faced by adolescents “caught” between perceived childhood “innocence” and adult “experience,” particularly with respect to physical development and sexual activities. While there were perhaps no laws to prevent Julio from initiating a sexual liaison with Gloria, and while fourteen-year-old girls may have had their parents’ permission to marry in some cases, Wertheimer’s analysis raises questions regarding the perspective of state institutions on adolescent sexual activity. Did Guatemala’s social workers, like their modern-minded colleagues in other countries, pay attention to young women like Gloria, encouraging them to stay in school and avoid becoming pregnant at a young age? Moreover, did Guatemala’s lawmakers and reformers, like their counterparts elsewhere, develop institutions and laws dedicated to protecting adolescents and reforming “wayward” juveniles?

At the same time, one wonders what role non-state agencies, such as religious institutions and philanthropic organizations, played in addressing

issues related to sex and youth over this period. Were there in Guatemala, as in other parts of the region, religious orders that dedicated themselves to the protection of young, unmarried women? Did the various charitable associations dedicated to child welfare in Guatemala articulate positions on teenage sexual activity and family formation? Wertheimer explains that neighbors and friends acknowledged the fact that Julio maintained two households, but were there any community organizations that looked out for the interests of young women in Gloria’s position? It may be entirely true, as Wertheimer suggests, that the new Family Courts instituted in the mid-1960s were so dedicated to supporting families that they inadvertently encouraged the stability of adulterous concubinage relationships in Guatemala. But even if the new institutions fostered adulterous concubinage among adults, it is still important to understand how lawyers, social workers, psychologists, and activists perceived “adolescent” sexuality during this period.

Considering the ways in which the societal perspectives on class and masculinity shaped Julio’s response to Gloria’s increasingly independent behavior could also strengthen this study. Wertheimer notes that Julio likely sought a sexual relationship with unmarried, teenage Gloria in part to secure the approval of his friends and neighbors, impressing them with the fact that he was “man” enough to support two families. This argument is consistent with other analyses of regional perspectives on masculinity that place sexual “conquest” at the heart of popular conceptualizations about what it means to be a socially powerful man. Wertheimer further argues that an effort to defend his honor may have underpinned the extreme measures Julio took in response to Gloria’s abandonment of their home, reporting that Julio went well beyond his initial accusation of abandonment to enlist witnesses and travel several hundred miles to Guatemala City to personally aid the police in their efforts to apprehend Gloria. Several publications regarding honor in Latin America have shown that, despite the formal articulation of honor as the domain of upper class males, men—and women—of the lower and middle classes also frequently acted in order to defend perceived slights to their dignity. For historians inves-


tigating conflict in venues ranging from Mexico City to Rio de Janiero, the language plaintiffs and defendants used in framing their cases is key to demonstrating that honor was a powerful motive for legal action in the late nineteenth and early twentieth centuries. Wertheimer, however, bases his argument more on an analysis of Julio’s actions than on his language of accusation. His claims that masculine honor was a motive underpinning Julio’s actions would be even more convincing if Wertheimer were able to convey a sense of the language the parties used as well as demonstrate the social context in which discussions about the acceptability of extramarital relationships—and expected behavior in those relationships—took place. It would also be helpful to consider the following questions: Was this kind of practice acceptable for all men? Did poorer men aspire to have a concubine in order to demonstrate their upward mobility? How did adulterous concubinage relationships initiated by wealthy men differ from Julio’s experience?

Wertheimer’s analysis of the legal context in which the previously illegal act of adulterous concubinage became an open and thriving institution in mid-twentieth-century Guatemala is more comprehensive than his discussion of the social and political environment in which it thrived. His discussion focuses on the gendered assumptions underpinning legal reform measures in the late nineteenth and early twentieth centuries, and it resonates with recent work examining the historical intersections of law, gender, and family across a number of countries in national period Latin America. In her introduction to the collection *Hidden Histories of Gender and the State in Latin America*, for example, Elizabeth Dore emphasizes that Liberals’ efforts to diminish the lingering influence of colonial institutions, particularly the Catholic Church, put in place a set of reforms that paradoxically bolstered the position of the patriarch within the household. Similarly, in “Gloria’s Story” Wertheimer notes that so-called modernizing penal and civil reforms over the period from 1877 to 1945 set the stage for establishing the permanence of the “backwards” adulterous concubinage relationship.

Like nineteenth-century Liberals elsewhere in the region, those in Gua-


tema, sought to reduce the power of the Catholic Church with respect to the state, even as they sought to strengthen the secular family as the basis for economic and political stability. During the colonial era adultery in any form, following Church dictates, was considered to be a criminal act, but during the first century after independence anticlerical Liberals in 1877 passed a new penal code that decriminalized husbandly adultery under the notion that this would “maintain respect for the rule of law while keeping families together, fathers out of jail, and workers on the job.” The fact that a wife’s adulterous acts remained criminal points to the assumption inherent in the new laws that it was natural for men to maintain a variety of sexual relationships whereas the woman who did so was deviant and could be subject to prosecution. In the Liberals’ logic, prosecuting married men who were unfaithful would only further threaten the family unit and undermine political stability. Wertheimer notes that in Guatemala, an adulterous husband could only be prosecuted when he brought his concubine to live in the house with his wife. The 1877 penal code effectively sanctioned the practice of establishing second households, which is exactly what Julio did.

Just as its excavation of the assumptions bolstering legal reform is consistent with other work examining the conceptual foundations of state institutions in nineteenth and twentieth-century Latin America, so, too, does “Gloria’s Story” resonate with recent work in Latin American history that explores how the popular classes made use of the public courts to address private problems regarding family and marriage. Wertheimer points out that before Julio accused Gloria of abandoning their home and children, Gloria had accused Julio of abusive behavior before dropping the charges, perhaps in an attempt to warn him about the kind of treatment she would not tolerate in their relationship. In this respect Gloria was little different from the thousands of Guatemalan women who charged the men in their lives with failing to provide economically for them as a way to either force them to change their behavior or to seek support from Guatemala’s social assistance system. In exploring the ways in which unmarried couples such as Julio and Gloria made use of the new Family

Courts, the study contributes to a growing body of work that analyzes the ways in which popular engagement with the courts also shaped judicial and political institutions. Indeed, Wertheimer notes that the extent to which men and women engaged the legal system through local branches of the family court in the repressive 1960s may have “increased the population’s stake in the existing order, enhancing the resilience of a governing system that in other ways was terribly unjust.”

Indeed, it is unfortunate that he does not elaborate on this intriguing point. Did ordinary people engage the legal system through the family courts because, in a period of extreme violence and civil conflict, this was one place they felt empowered? Did so many women charge men with misconduct because they perceived parallels between the behavior of abusive men and that of the Guatemalan state, which had become similarly repressive? And how—and to what extent—did the popular classes’ involvement with the legal system contribute to what he calls “the resilience of the regime”?

There is another aspect of Wertheimer’s analysis of the intersection of the popular classes with legal institutions that merits discussion. As Gilbert Joseph points out in his preface to the collection of essays in Crime and Punishment in Latin America: Law and Society since Late Colonial Times, the “new” Latin American legal history takes an integrated approach to understanding the intersections of law, culture, politics, and society. Joseph notes that “the law is one of those domains that joins the state and society, one that invites the study of connections between broad, structural changes and alterations in the character of political, social and cultural life.” Wertheimer’s study explores social and, to some extent, political life, but it largely glosses over the larger cultural context in which relationship conflicts made it to the public tribunals. If adulterous concubinage was as widely acknowledged as he asserts, might one not expect to see it represented and commented upon in popular literature, soap operas, radio shows, popular theater, music, the movies, and in the print media? Considering how the institution was represented culturally could help demonstrate how Gloria and Julio, not to mention their friends and families, framed their expectations of a relationship that was not really supposed to exist. Was Gloria realistic in believing Julio would leave Cristina? Did Julio really think Gloria would remain content in her status as a concubine? In her study of late twentieth-century Guatemala, for example, anthropologist Diane Nelson has creatively analyzed jokes, television, and music to

He Said, She Said

 unearth information about ideas regarding politics and oppression that people were often not able to articulate openly in their day-to-day activities. Understanding the extent to which relationships similar to Gloria and Julio’s were featured in expressions of popular culture would strengthen the arguments in favor of the fact that their experience—and conflict—was a common one for much of the Guatemalan population.

Finally, with its focus on the 1960s, “Gloria’s Story” delivers an analysis of legal, social, and cultural trends for an era that has only in the past few years begun to attract significant attention from historians of the region. A number of recent studies dealing with gender, the state, and reformism have focused on the inter-war period of the 1920s, ’30s, and ’40s, leaving investigation of the notable expansion of public assistance and social services dedicated to women, children, and families up to sociologists, anthropologists, and political scientists. By examining Guatemala’s participation regional conferences, the development of social services focused on women and children, and the establishment of family courts during the 1950s and ’60s, Wertheimer joins a pioneering group of investigators extending the study of gender and reformism to a later era.

However, the larger international context in which discussions of adulterous concubinage may have taken place in the 1960s is important to consider as well. Gloria and Julio became sexually involved, started a family, and ended their relationship at precisely the same time that international organizations and private foundations began to demonstrate interest in the “population problem” in Latin America. Population activists worried that Catholic perspectives on family size, coupled with decreasing rates of infant mortality, threatened to foster a population explosion in a region experiencing economic and political instability. Organizations ranging from the United Nations Fund for Population Activities to the International Planned Parenthood Federation joined forces with philanthropists, eugenics societies, and researchers to consider ways to limit high fertility rates in Central America. While most of those discussions centered around developing and promoting contraceptive methods for married women and encouraging women to delay childbearing by a few years and to increase the amount

of time between pregnancies, it may be that the practice of adulterous concubinage came under international scrutiny, as well. Certainly men’s practice of maintaining two households should be taken into consideration when thinking about population growth in Guatemala. Did Guatemalan activists and physicians participate in these international discussions about population and family planning, and did adulterous concubinage enter into the debates over the appropriateness of implementing family planning programs in the country? Answering these questions could help link an innovative study of a one couple’s conflict over a relationship that was not officially supposed to exist to both domestic debates over gender, family, and reformism and to larger international discussions regarding sexuality, children, and the future in an increasingly globalized Guatemala.