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Private Justice and Honor in the Italian Community in Late XIXth-Century Buenos Aires

Kristen Ruggiero¹

Cet article, fondé sur deux affaires exemplaires tirées des archives judiciaires argentines, examine différents types de justice privée en usage dans la communauté immigrée italienne, comme le duel, l'enfermement des femmes dans des maisons de réclusion, la coupe des cheveux, la défiguration de photos de famille ou la lettre d'insultes. Alors qu'à la même époque, l'État cherchait à centraliser l'autorité judiciaire et pénale, il établit un système juridique qui permettait, voire encourageait de tels actes de justice privée.

This article, based on two exemplary cases from Argentine trial records, examines several types of private justice used in the Italian immigrant community, including dueling, incarceration of women in houses of deposit, hair-cutting, disfigurement of family photos, and insulting letters. At the same time as the state was trying to centralize judicial and penal authority, it enacted law codes and a legal system that allowed for and even encouraged the above acts of private justice.

In 1880, Buenos Aires became the national capital of Argentina, the prize in the political and military struggle over the centralization of the federal government in the first half of the nineteenth century. Political control solidified in the hands of liberal democratic elites who promoted European models of constitutional rights and guarantees, modernity, centralism, and urbanism. All this suggested a new era in the rethinking of Argentine nationality and the writing of its historical narrative. National character was in a period of formation, leaving Argentines conflicted over their love/hate relationship with a Latin America that was underdeveloped, and was still living through the chaos from which Argentina had just escaped, and a western Europe that was seen as modern and progressive, but in its essence foreign to Argentine identity and in a neo-colonial relationship with Argentina.

It has been long-established that Argentina became in this period a uniquely immigrant country and that Italian immigrants in particular played a critical role in Argentina's nation-building project². During the 1880s, a million immigrants came to Argentina. Of the 850,000 who stayed, 60 percent were Italian and 18 percent were

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² Three foundational works on Italian immigration to Argentina are Devoto, Rosoli (1985), Bailly (1999), Scarzanella (1999).

Spanish. Such a large immigration movement meant that Argentine national character was being formed, or re-formed, in the midst of a distinctly diverse population. Criminal trial records attest to the fact that the understandings of urbanites, indigenous and rural people, and immigrants about social norms differed, and that in the area of law, a person's degree of exposure to "civilization", education, and moral instruction could affect how he or she was judged. Sometimes, for example, the judgments that were made by political and professional elites (even some of Italian descent) were influenced by the stereotype of Italian immigrants as predisposed to acts of passion and blood crimes. These acts involved honor and could easily get out of hand and endanger the state's effort toward progress and civilization³. This would suggest that state control of the private sphere of justice, that is, justice dealt out by ordinary citizens, would have tightened. In fact, however, political and professional elites were supportive of and complicit in keeping alive a sphere of private justice based on, one can argue, renewed respect for and concern for honor, or perhaps people did not see the contradiction that modern audiences might see in this, because in fact both were considered modern. At base, because the Argentine Constitution of 1853 guaranteed the right to "life, liberty, and honor", the courts were entrusted with protecting the property, life, and honor of the members of the social body⁴. In addition, the concept of honor was actually continuing to evolve. New renditions of it emerged because honor now had to coexist with or become incorporated into the new Argentine Criminal Code of 1887, although definitions remained largely in accord with the colonial view that *honor* referred to the status of an individual, and *honra* to a person's reputation. Perhaps as individuals with citizens' responsibilities became more important and necessary to an emerging nation-state, attention to their honor also increased. As Pablo Piccato argues for Mexico "honor... emerged along with citizenship and the national state's increasing willingness to regulate both"⁵. Historians have noted the new interest in popular conceptions of justice and have argued that male honor actually became more valuable with the process of modernization. It was argued that dueling, for example, filled a gap in legislation⁶.

Female honor too, so closely connected to male honor, may also have increased in value. This was new, and so was the state's concern about the growing affronts to marriage and to husbands, seen in feminists' access to public forums and laws that allowed women to sue their husbands for divorce. A man's honor was of the most concern, but this was dependant on a woman's honor. As Ricardo Salvatore points out, "honor was connected with notions of the protected, dependent, idealized woman: a man's honor is most vulnerable, most in need of assertion, when that construction of womanhood, and his woman, is contested. The state did not need to respect the individual rights of women in the same way as it needed to do for men"⁷.

Frequently the cause of legal battles, Argentine adultery legislation was skewed in a way that favored the preservation of husbands' honor⁸. As the Spanish jurist Joaquín

³ Ruggiero (2004, p. 98). See Moya (1998, pp. 347-350) for similar criticisms of Italian immigrants by Spanish immigrants in Argentina.

⁴ Argentine Constitution of 1853, Article 18.

⁵ Piccato (fc 2009, p. 24 in ms.).

⁶ Piccato (2001, p. 84); Gayol (2004, p. 484). See Archetti (1999, p. 154) on Argentinean aristocrats' conviction that dueling was unavoidable in contests of honor.

⁷ Hay (2001, pp. 427-428).

⁸ Mary Gibson notes this also elsewhere in this volume.

Escriche, who was often cited in Argentine legal sources, wrote in the mid 1870s, a wife's adultery destroyed her husband's "illusion that he alone possess[ed] [her] heart". In addition, it profoundly "wounded his honor" and made him an "object of scorn". Finally, it introduced the threat of another man's child. The problems of love/affection, honor, and lineage created an effective block to the equal treatment of wives' adultery. In contrast, a husband's adultery created none of these problems. Moreover, while "shame and chastity" were a wife's primary virtues, these were only secondary virtues for men. Thus, a man could be unchaste and commit shameful acts without serious consequences, because no one expected his virtue to take this form. On the other hand, when a woman renounced these virtues, "it was taking depravity to a high point, because if a woman violated shame, it was as if she had renounced all her virtues" – such was the importance of female shame. Thus, an adulterous woman could be expected to go on to commit more heinous acts, even murder⁹.

An important context for reflecting on cases of private justice is found in Argentine law which also defined adultery differently for men and women for reasons that had to do with wives' supposed motives. Wives reportedly committed adultery because of their "sensuality or greed," rather than to take revenge on an adulterous husband. A wife's adultery was the "fruit of an exasperated sensuality to the point of being unhealthy, or the consequence of a greed that expressed the most brutal egoism". Such a woman, who, to satisfy her sensuality or greed, sacrificed her husband's esteem, her own reputation, the stability of the home, and her children's welfare, was considered a dangerous person who required punishment. If a woman argued in court that she had committed adultery in response to her husband's infidelity, the judge did not have to accept it as an adequate excuse. No matter what "sin" a husband had committed, it was argued, it did not excuse his wife's adultery, because, while a husband's sin could be considered as the cause of his wife's hatred of him, it could never be considered a cause of her loving a third party¹⁰. Consistent with Italian criminologist Cesare Lombroso's work, the theory circulated widely that women had been scientifically proven to be both inferior and naturally criminal.

Based principally on two exemplary legal cases, this article begins first by examining an offense that took place in the Italian immigrant community of the San Telmo district in Buenos Aires. This case combines an attempt to achieve justice through private means with recourse to a court through public means. The case began when an Italian tailor (Gerardo Arciello) and his wife (María Esperanza, probably Spanish or Argentine) received a disfigured photograph that denigrated their honor and reputation¹¹. According to María's testimony, what had prompted this act was that a neighbor had been making moves on her and she had rejected him. When she had told her husband about the neighbor's advances, the husband had threatened to take the man to court. Angry at the husband's reaction and not wanting the case to go to court, the neighbor decided to prevent this from happening and take justice into his own hands and publicly shame the couple. Presumably with the help of the local photographer who had taken a photo of husband, wife, and son, the neighbor secured a copy, removed the son from the photo, and disfigured the images of Gerardo and María, and passed

⁹ Escriche y Martín (1874-75, s.v. "Adulterio").

¹⁰ Escriche y Martín (1874-75, s.v. "Adulterio").

¹¹ Archivo General de la Nación Argentina (hereafter AGN, 1886 case).



it around local bars. The photo seriously insulted and injured the couple, picturing María with the “San Benito [stigma of infamy] of her supposed prostitution [hanging around her neck], calling her the Great Whore” and showing Gerardo with horns as a symbol of his moral degradation, calling him the “Great Cuckold.” A message to Gerardo on the back of the photograph read: “This is the true photo of yourself that we’re sending you to make you see what all your friends and enemies, relatives

and countrymen [have already seen], and if you want to know who did this to you just ask [the person in the photo] about the prick that he has up his ass [meaning that Gerardo had only himself to blame]. Good-bye Turd”¹².

Gerardo had several choices for taking revenge. First, he could have challenged the neighbor to a duel. Dueling was common, and it has been well documented that the sense of honor and the need to protect it and faith in the act of dueling ran deep in society’s socioeconomic classes. Sandra Gayol has pointed this out for Argentina, where “the aim was to regulate, rather than eliminate, the practice of dueling”, and Pablo Piccato has shown how duels increased in Mexico after 1880, with elites seeing the duel “as a prestigious gesture of modernization, because it echoed the uses of other political elites in contemporary Europe”¹³.

What was also common however, at least in the cases that I have read, is that the husband avenged the attack on his honor by focusing on his wife. What made this type of private justice possible were law codes and a legal system that incorporated the principle of the marital power of the husband, *potestad marital*, in tangible ways.

Husbands’ preferential treatment in adultery laws also reflected their marital power to incarcerate their wives. Male infractions of the marriage vow, for example, were described in 1861 by Severo Catalina del Amo, a Spanish author popular in Latin America, as mere instances of rakishness. After all, men were strong. Since women were seen as weak, however, female infractions were considered offenses or crimes (*delitos*). The least flaw or mistake on the part of a wife could dishonor her husband but his own sexual follies did not. That is, the honor of the couple was concentrated only in the wife. Incarceration had to do with where honor lay. Explaining that Spanish law was original on this point, Catalina del Amo wrote that, “the part of honor that the husband loses is not his. It belongs to the honor of his wife, which he has on deposit”¹⁴. A husband could only lose his honor through his wife’s immorality in terms of sexual honor. Elsewhere in this volume, Patrizia Guarnieri develops this notion for Italy, writing that a “woman’s honor belonged also to men; that a woman and a man’s honor were one and the same; and that chastity and faithfulness were not reciprocal but applied exclusively to the female gender”¹⁵.

As a second option, if Gerardo had believed that his wife had committed adultery, he might have done what was actually suggested to him by the neighbor: to “treat this whore [Gerardo’s wife] with cruelty, like one of our *paesanos* has done to his wife, cutting off her hair while she was sleeping, and then scorning her and vilifying her until she dies”¹⁶. The letter confronted Gerardo with evidence that his wife had for several months indulged in adultery and that the neighbor had in fact seen her in the company of her lover. If Gerardo had believed this, he could have cut off his wife’s hair.

This method of inflicting justice is noted by Lyman Johnson for the colonial period in Argentina, when haircutting was the “most common form of retaliation” a husband used against his wife if he had been cuckolded, and that the act was “a brutal

¹² “Questo è il vero tuo ritratto che te lo mandiamo per farti vedere che lo debbono avere tutti i tuoi amici e nemici, parenti e paesani, e se vuoi sapere chi te lo manda sta a domandare nella fotografia del cazzo che hai nel culo. Addio stronza”.

¹³ Gayol (2004, p. 484); Piccato (2001, pp. 84, 99); Hughes (2007, p. 223).

¹⁴ Catalina del Amo (1861, p. 117).

¹⁵ Guarnieri (this volume).

¹⁶ AGN (1886 case).

ritual... often public in nature... protecting a husband or father from being roughly treated by his neighbors”¹⁷. Interestingly, this act was actually being challenged in Argentine courts, at least since 1899, as evidenced in a case involving an Italian woman and her daughter. Their lawyer maintained that haircutting qualified as a lesion or wound, and not an affront. As covered in the Penal Code of 1886, “wounds, blows, the administration of harmful substances, and any other lesions willfully committed”, were to be punished, whereas “injuries” were considered verbal and written acts that dishonored, discredited, or scorned, that is, less serious than lesions. Lesions included blinding and castration, mutilation of a principal member or organ of the body, and any injury that left a person demented, unable to work, impotent, or with a major member crippled or notably deformed. “Hair is flesh” (*cabello es pelo*), the lawyer argued, meaning that the hair that grows on the head forms part of the body. Haircutting, since it deprived the woman of an integral part of her body, was a crime of corporal lesion, just as if she had lost a finger or a leg. We do not know if the court accepted this argument¹⁸.

As a third option, Gerardo could have placed his wife in a house of deposit. The penal code gave a husband the power to have his wife arrested and incarcerated in a house of deposit if she violated any of the clauses contained in the Civil Code of 1869, such as the stipulation that a wife live with her husband. Even if he considered his wife innocent, depositing had the advantage of being a public show of restoring her (his) honor. Men were very familiar with these institutions; there are several instances in Argentine case testimonies that indicate that men exchanged information about the efficacy and cost of these houses. Since the letter to Gerardo clearly accused him of prostituting his own wife, he had great need to restore his honor.

Gerardo was told that it would be easy for him to find out the identity of his wife’s lover and that then “we’ll see what kind of man you are.” If Gerardo failed to resolve the affair, he was warned, he would be wearing the “horns (*campane*) as we say, and...[would be going] to the fourth level (*cornuteria*) of the cuckold scale, that is, to Casparrino’s name”. The neighbor proceeded to lay out the full cuckold scale. “The scale has four levels. There’s the husband who doesn’t know anything, the pecked; the husband who begins to know it, but not to attend to it, the double pecked; the husband who knows who eats, drinks, and sleeps with his wife, the really double pecked; and finally, the husband who takes the guy by the neck and delivers him to his wife, the really stupid bumpkin.”¹⁹

This was fairly damning. Gerardo would have been within his rights to have his wife incarcerated. If Gerardo had chosen to put his wife “on deposit”, he would have been putting his case firmly in the hands of the state and Church, institutions that cooperated with husbands’ marital power to put difficult and deviant women, delinquent or not, in reclusion, without this being considered an attack on women’s liberty. Such depositing occurred in long and seemingly stable marriages, and among the middle and upper classes, as well as the lower classes.

¹⁷ Johnson (1998, p. 145).

¹⁸ Argentine Penal Code (1886, 2.1.2.119) and AGN (1873 case).

¹⁹ The cuckold scale: Becco. Il marito non sa niente; Rebbecco. Quanto lo incomincia a sapere e non se ne incarica; Rebbecone. Quando lo sa chi mangia, beve, e dorme [with his wife]; Casparrino. Poi, quando li prende per il collo e li porta alla moglie; bada a questo che ora stai al terzo grado, e passerai al quarto.

Imported from European countries such as Italy during the colonial period in Latin America, these institutions have been likened by historians to jails and to shelters for battered women. By the national period in the nineteenth century, such institutions had become primarily institutions of female incarceration, in which contradictory rationales unique to the history of state formation and modernism operated. While these houses continued to serve as schools and asylums for girls, places of worship for the neighborhood, and refuges for widows and other women in need of family, they were also used as places of reclusion at the request of husbands and fathers, police and judges, employers, the state agency for minors, and charitable groups. The ethic of the houses was a combination of religion and work regimens managed by nuns; a relationship with a civil charitable organization, the Beneficent Society, and the police and courts; and an extra-legal approach to and control of their inmates. The uniqueness of houses of deposit arose first from the fact that in an age of increasing secularism, they depended on an anachronistic combination of civil, judicial, and penal authorities, federal subsidies, and Catholic religious orders.

Similar to dueling and hair cutting, the importance of these institutions in the field of justice is that they flourished at the same time as the state was trying to centralize judicial and penal authority. In spite of this seeming contradiction, the state was giving to men, as fathers and husbands, a substantial degree of private punitive and judicial control, most clearly seen in the depositing of women, usually against their will. While the models of government being developed in Argentina held individual rights and personal liberties to be sacred and modern, houses of deposit denied their inmates these same rights and liberties. Instead, the law and tradition gave the state and individual men wide latitude to manipulate access to these rights. Legal cases contain important insights into the confrontation between women – who listened to the French feminist Luisa Michel give a public speech in Buenos Aires, who challenged the inequities of the adultery law, and who brought husbands into court – and those who did not. They also contain the fact that women were regularly consigned to houses of deposit for disobedience to fathers, for scorning and dishonoring their husbands, for irascibility, and for initiating legal cases of adultery and divorce. Houses' legality and appropriateness rested on deeply gendered understandings of the patriarchal family, and of women as walking vessels of potential immorality. There was no parallel institution for men in Argentina, and Mary Gibson in this volume notes the same was true for Italy and argues that this is an example of "the many ways in which women were denied citizenship in liberal Italy"²⁰.

Judges tried to define deposit as a preservation of honor and family and community stability; not jail and not necessarily linked to any criminality of a wife, and not an exclusive right of the husband. But the truth was that for a husband, winning a judgment of deposit was a matter of honor and confirmation of his marital rights. It shamed his wife, publicly dishonored her, and scandalized the community – and restored his honor.

All the above possibilities for retaliation against the perpetrator in the Gerardo/María case were acts that would have been initiated by a private individual rather than the state, although with very public consequences. Interestingly, Gerardo's and María's choice right from the beginning was to use the court system. One could argue that this was the best situation for María. She went to court with her husband, although

²⁰ Gibson (elsewhere in this volume).

not as an equal, but the other methods of protecting her honor involved her only as the recipient of Gerardo's defense of his own honor, that is, she could have lost her hair or acquiesced to being put on deposit²¹. The neighbor, having warned Gerardo to back off or suffer the consequences of "ruin and scorn on the family in public before their friends and neighbors", carried through with his threat and produced and circulated the photo. Armed with the photo, Gerardo and María went to court and brought charges against neighbor Apicelli for serious injury (*injurias graves*). In his written statement to the judge from March 2, 1886, the lawyer asked rhetorically if there was anything "worse than slandering an honest person's conjugal fidelity and putting in doubt the dignity of the husband, suggesting that he was an accomplice in the lewd behavior of his wife? And if there was anything more serious than seeing oneself made the object of public ridicule, passing infamous photos around bars, joking in such a way that it injured the sacred right that guarantees Gerardo the defense of his honor, since [passing around the photo] made the defamation more and more public that had [up until this time] been confined to the space of a perhaps narrower circle?" It was no mere prank to inflict this "irrevocable stain on a person's reputation and assassinate their reputation (*fama*) with a blow of death". The social stain was permanent. The case was closed without a verdict for lack of an admission of guilt by the neighbor and lack of evidence against him. One can surmise that without a negative verdict against the neighbor, Gerardo and María might have continued to suffer the social stain. Not only they and their family suffered however, but the Italian community had lost a part of its honor as well²².

The second section of this article examines what might be called a legalized method of private justice. This is a case that involves an Italian family's attempt to protect its honor in what became a conflict zone in which an Argentine family with an illustrious name and old money accused an Italian family of having false, or simulated honor. The Italian family (Bidone) did not have historical access to honor. As immigrants to Argentina – whose prosperity was built on an undistinguished, even questionable business establishment, and who were the epitome of the new materialism – the family had no "earned" social position. In contrast, the Argentine family (Cascallares Paz) represented old Argentine ranching money with traditional values and an illustrious past, with judges, military officers, and local officials in the family²³.

The case took place at a time of economic crisis in the Republic. Unfettered economic expansion had led first to financial and then to social and political disaster, culminating in July 1890 in a revolution against the government of President Miguel Juárez Celman (1886-1890). Argentines had been living free of major military conflict for only about a decade; and the Manuel de Rosas era and the civil and foreign wars that followed it would have still been vivid memories for them. It was no surprise that the July revolution added anxieties to their fears about immigrants. Added to this was the financial crisis when land was losing its value. Both the Italian and Argentine families were concerned about their assets.

²¹ Rachel Fuchs elsewhere in this volume argues that going to court illustrated women's agency, but that it was limited power. Awarding a woman damages would destroy the public order.

²² AGN (1886 case).

²³ AGN (1891 case).

On top of this the Argentine family found out about their teen-age daughter's pregnancy and that her seducer's response had been to secure an abortion for her rather than marry her. When the first attempt to rectify the situation with marriage failed, Bidone attempted to blackmail the seducer, demanding an indemnification. When this plan also failed, he made the decision to go public and accused the seducer, Juan C.P., and a midwife of abortion.

Much of the court record includes strong words exchanged between the parties' lawyers as to which of the two families – immigrant or Argentine – was entitled to invoke a genuine sense of honor. Cascallares Paz's lawyer appealed to Argentine icons such as the pampas, an innocent and unsullied land, uncontaminated by the old decrepit European societies – that had produced a young man “oblivious of the malice that civilized centers create[d]” where immigration was greatest. Juan C.P. had been in Buenos Aires administering his “worthy” rural interests when he met Bidone's daughter, who seduced his “simple soul”. Juan C.P. was so inexperienced that he fell right into Bidone's plan of being trapped into marrying the girl. And that the girl was amiss when she decided to go after an illustrious and wealthy man such as Juan C.P. The judge agreed with C.P.'s lawyer, that the girl's story was so simple and natural that it must have been an invention or a script; that she was misleading the court; and that she was only simulating innocence and purity.

Letters written by her and provided to the court contained explicit examples of a seductress who used frank, spicy words of “blind, mad, delirious” love and that she wanted to enjoy him “like a mosquito”. She apologized for her lack of Spanish, but her message scarcely needed a translation. Juan C.P.'s lawyer compared her letters to the writing of Émile Zola, citing one in which she told her lover to “give her affections to the bird [*al uchelo*]”, that is, her lover's penis. The fact that she had gone after a man with an illustrious surname and fortune, instead of being content to snare a lesser man, also made her less than honorable. If she had no legitimate claim to honor, then she could not ask for the court's support or clemency.

As the father of the girl, Mr. Bidone's honor was also called into question. An immigrant whose only claim to wealth was a restaurant/dance hall: what kind of honor could such a man have? Only “simulated” honor, a man with “cynicism and a show of false honor”. In fact, he had used the questionable reputation of his restaurant/dance hall to encourage and facilitate his daughter's affair, so Juan C.P.'s lawyer charged, by making her quite available at the Belvedere. It was not difficult to find the correct clientele, as the establishment was located in the Recoleta area of Buenos Aires near the Naval School.

To show that his daughter had honor, Bidone placed her on deposit for the duration of the court case; she stayed there for seven months. Dishonored by his daughter's behavior, Bidone's “capital” had diminished, that is, his honorable family and the future of his children. To recoup some of his lost honor, he needed to show that María had honor in the first place. This he could do by placing the girl in the Good Shepherd (Buen Pastor) correctional. This would stop some of the gossip, he hoped, and be frightened or coerced into confessing. At the end of the case, the hope was that her honor would be restored²⁴.

This was not a simple equation however because Juan C.P.'s lawyer charged that good families (insinuating that the Bidones were not) did not do this sort of thing,

²⁴ AGN (1891 case).

preferring to put up with dishonor in silence rather than suffer the publicity of their misfortunes. The correctional was a breeding ground for nervous diseases, and even madness, which science had shown was contagious. Seven months in such a poisonous atmosphere, observers said, “asphyxiate[d] noble sentiments and [taught] lessons of perversion”²⁵. Thus, Bidone’s plan may have backfired because while other men who placed their wives or daughters in houses of deposit for similar reasons were commended for having done the right thing, Bidone was criticized. Granted the criticism came from Juan C.P.’s lawyer but it could be that Bidone had already been “proven” to be less than honorable and so it was reasonable to believe Juan C.P.’s lawyer that he was a dishonorable man and had placed his daughter on deposit for questionable motives. In another case, the lawyer might have defended the correctness of this act, but in the Bidone case, he chose to focus on the fact that Bidone could not have had much personal honor to protect or regain since he had chosen to put his daughter in a morally and physically unhealthy place, and submitted her to dishonoring medical exams, an affront to her modesty.

Crucial to this case was the question of who could claim to have honor, and Bidone’s lawyer presented an interesting interpretation of the issue in terms of immigrant society. Buenos Aires was a place where only a few people shone because of their intrinsic merits, he argued, and many because they naturally gravitated toward money. An even greater number of people united the two factors, however, because of the accidents of cosmopolitanism and immigration. Even though Bidone’s daughter was very far from being a “Star of first magnitude” in the middle of the variegated heaven” of *porteño* society, she had doubtless been educated according to strict principles of moral virtue. That is, the lawyer explained, sarcastically passing judgment on the entire society, “with principles that are compatible with our Latin decadence”, and with a damaging social and moral environment that surrounded her at her father’s restaurant/dance-hall, which was also the family’s residence, and which was frequented by sailors.

As for the argument that Juan C.P. had broken off his engagement with Bidone’s daughter because of the importance of preserving his name and lineage, said Bidone’s lawyer, this was not legitimate because lineage was a “very relative concept in a mobile society like Argentina, where only personal abilities were important and where men of ancient families who did not have them were left behind”. In fact, Bidone’s lawyer turned the “honor” argument against C.P., saying that “deceit was hateful and repulsive in all forms,” but that it was worse when practiced by persons of “illustrious lineage”, that is, by people like C.P.²⁶.

While both immigrant and Argentine women were gaining greater space in public life, this has to be put in the context of new social and legal constraints that reinforced traditional views on honor. For example, the need to safeguard honor was actually used to discourage women from exercising their newly gained rights. While women had gained the right to request a divorce, they were discouraged from doing so. All along, there had been opposition to the law that gave wives this right, and pressure had been put on wives not to proceed against husbands in the interest of decorum and the greater public good. The most offensive act that a wife could commit, after adultery, was to bring charges of adultery against her husband in a court of law or

²⁵ *El Diario* (1891).

²⁶ AGN (1891 case).

sue for divorce. When this happened, husbands commonly responded by charging their wives with adultery, or sometimes mistreatment, and initiating their own cases of adultery or divorce. Because a husband held marital authority, he then had the upper hand. His honor would be restored and might even be enhanced with the assertion of his rights. More pragmatically, if he won the case, he might avoid having to pay for his wife's support. Instead of using their legal right to sue their husbands in a public court, a lawyer explained in 1871, women should use their "natural" female attributes to express their complaints. Wives were wrong to make cases public in the first place, because it damaged their honor. Certain things, like illicit affairs of husbands, should be left hidden in private life²⁷. Women who brought cases against their husbands drew attention to society's immorality, and this was harmful to the country. As Luis Drago wrote in 1882, "modern legislations [had] judged that lawsuits require[d] much reflection and could bring serious consequences, so to leave them to the mere arbitration of the wife was a mistake"²⁸. While it was true that material criminal acts had to be prosecuted, the intent of much of judicial practice was to avoid unnecessary damage to personal honor²⁹.

The problem with allowing individual acts of transgression, even minor ones, to go unchecked was that they would inevitably spread their degenerative nature to the entire race. What was one day an individual and limited offense, it was argued, could easily be converted the next into a broad social evil. The state could not pursue each and every minor transgression, and hence relied on private justice to maintain the standard norms.

The theories being developed to resolve social problems around 1900 of this heavily immigrant and modernizing society were new, but they could nonetheless be used to maintain the status quo. Liberal democrats' support for new theories and modernity was tempered, for example, in the case of women, by a respect for male authority. The possibilities of contagion in houses of deposit were not deemed as important as maintaining a husband's superiority in the family. The use of new laws on divorce was not deemed as important as keeping the gender hierarchy intact. Even though more and more elements of society were moving under secular state control, areas in which the law was discouraged from entering the sacred interior of the family continued to be preserved, so that honor could be maintained.

Legal cases involving Italian immigrants suggest that acts of revenge disrupted peace in the community; created scandal that seeped outside the community and damaged its honor; and thus motivated community members to intervene to reconcile differences between neighbors, or to counsel neighbors as to the best way to regain one's personal honor³⁰. The cases examined here suggest interesting spaces of interaction among and between immigrants and Argentines, and the choices that people made to maintain or restore their honor. Clearly, from the first case discussed above, the injured couple preferred to resort to the courts. But there is evidence that in this era resorting to courts might have been considered shameful. As Colonel Antonio Tovar, author of the 1891 National Mexican Code on Dueling argued, a judicial process was seen as a social scandal, and that dueling was preferable³¹. One wonders whether the neighbor would have

²⁷ *El Diario* (1891).

²⁸ Drago (1882, p.12).

²⁹ AGN (1900 case).

³⁰ AGN (1882 case).

³¹ Piccato quoting Tovar (2001, p. 83).

preferred to have had Gerardo challenge him to a duel, rather than threatening to take him to court. This leads us to question whether Gerardo chose the courts in order to avoid being labeled a fiery Italian prone to violence. There are details that we wish we knew. For example, what was life like for Gerardo and María after the affair was over. Did either ever regain their honor, and what did that mean? Did the affair cause a rupture in the immigrant community? Did more disfigured photos and insulting letters ensue, based on the assumption that María continued to reject the advances of the culprit? Did Gerardo, unsuccessful in court, eventually turn to an act of private vengeance against the culprit? We do not know if they had to think twice about going to court and consider whether they could trust the courts in a foreign country. On the other hand, the neighbor-perpetrator was also an injured party and he had preferred to use a private act.

In the second case in this article, immigrant Bidone also put his faith in the courts, in a device overseen by the judicial system, namely the incarceration of his daughter. Depositing was a legal method of private justice, although judges did not like it to be seen this way, as we saw in this case. It was supposed to restore honor. But in Bidone's case, because he was accused of having false honor, depositing of his daughter actually backfired. In the end, the opposing lawyer argued, someone like Bidone could not legitimately use the concept of honor in a legal case. In a city full of foreigners, some of whom had succeeded in "making America", as immigrants' economic prosperity was called, there were perhaps bound to be differences between old money and new money, families with social position and those without. This played into Argentines' criticism of Italians as new money, importing dangerous ideologies such as socialism and anarchism into Argentina, and capable of committing heinous crimes. Questions of who had a right to honor; what conditions needed to prevail; and whether honor, when it was false or simulated, could legitimately be introduced into court, prevailed in this case.

Who could invoke a sense of honor and to appear to have real honor are questions that take on special significance in Argentina's urban neighborhoods. Although many Italians became farmers in rural areas, their numbers were concentrated in the city of Buenos Aires, which was taking on a worldly reputation as a lewd and dangerous environment in this epoch of alluvial immigration. The Bidone case was a perfect example of this. One had only to spend an evening at the Bidones' restaurant/dance hall to see that immigrants had damaged Argentina's reputation as innocent and uncontaminated, that is, the country's true nature as captured in scenes of the pampas. Fake honor, fake modesty, cynicism about revered values, the simulation of sentiment – all this was bad and a sign of the changing times in Argentina in an age that had been ushered in with immigration. When the judge decided the case against Bidone, he appealed. The new lawyer presented a more sympathetic, and realistic view of Buenos Aires' highly diverse immigrant and native society, arguing that in fact lineage was a "very relative concept in a mobile society like Argentina"³².

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³² AGN (1891 case).

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