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Marital Dissolution in Late Nineteenth Century Copenhagen

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Abstract

Through a reading of administrative separation and divorce cases from late nineteenth-century Denmark, this article examines the emotional practices of separating couples interacting with the state bureaucracy. The argument is that, unlike in other European countries where achieving divorce depended on faultfinding, the Danish law, the bureaucratic procedures, and the state officials, who administered them, promoted polite emotional practices of divorce. While some couples easily met these standards, others encountered an emotional frontier and struggled to align their affective behavior with the emotional–legal logic of the law. The analysis shows a delicate dialectic between emotional practices and social class.

Keywords

divorce, emotions, Denmark, bureaucracy, law, social class, emotional frontiers

The dissolution of a marriage usually begins with a slight smoldering. The following scenes should be kept as little tempestuous as possible. Above all, at any critical conversation between them, disagreeing spouses must take care not to express things that remain in the heart as a sting, at least not until every hope of reconciliation has been given up. And even then the feuding parties ought never to forget themselves to such an extent that they neglect consideration for decency and tactfulness.¹

The Danish queen of etiquette literature, Emma Gad, offered this piece of advice in a chapter on divorce in her most widely read book, *Takt og Tone. Hvordan vi omgaas* [Tact and Tone. How We Behave Toward One Another] published in 1918. She then went on to specify how one might manage fluctuating passions in the process of a divorce in order to accord with such codes of propriety.

The affective registers, which divorce mobilizes, and which help define it, vary over time and between cultural contexts and across space at any given time. For the divorced couple, or the individual, the emotions associated with the breakup also change over time.

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Thus far, however, little attention has been paid to emotional history of divorce.² Historians of divorce have focused primarily on the legal foundations for divorce or on the relationship between factors such as economics, culture, politics, and religion and the prevalence of divorce.³ While these kinds of research remain crucial to our understanding of the phenomenon, I wish to pursue a different line of inquiry. Examining the late nineteenth-century separation and divorce cases by administrative decree, my ambition is to get closer to the situated emotional behavior of separating couples and to explore how the interaction between these spouses and the state bureaucracy helped bring forth particular practices of marital dissolution.

Multiple factors help shape couples' emotional comportment in relation to divorce. Etiquette manuals such as Emma Gad's, whose explicit purpose it is to instruct readers in appropriate conduct in various social situations, are probably less important than a couple's interaction with friends, family, and colleagues, or even with the surrounding material world.⁴ Importantly, the prevailing marriage and divorce laws, and the ways in which these are locally enforced, are a defining factor in the social behavior of the separating couples. In the context of marriage in the United States, Nancy Cott has argued, "Law and society stand in a circular relation: social demands put pressure on legal practices, while at the same time the law's public authority frames what people can envision for themselves and can conceivably demand."⁵

What seems clear is that this circular process happens not just at a general level, as people are socialized to imagine their personal life along specific trajectories or as public discourse affects how lawmakers go about their work. It also takes place in the unfolding of specific processes of marital dissolution.

As other scholars have shown, in order to attain official divorce, spouses are required to convert their personal, ambivalent, and often highly idiosyncratic experiences into generally recognizable legal concepts.⁶ Moreover, Dylan C. Penningroth points out, the law is also "local, experiential, and 'improvised.'"⁷

These insights, in my contention, also pertain to emotions and the presentation hereof: what we can fathomably feel and how we demonstrate these feelings in the interaction with state bureaucracy is deeply entwined with the categories of law as well as with the actions of the local public authorities interpreting the law, and in this case, presiding over processes of separation and divorce.

This also held true in late nineteenth-century Denmark, where, in the century leading up to a major marriage law reform in 1922, the legislation in the area of separation and divorce was somewhat chaotic. The general law, *Danske Lov* (Danish Law) from 1683, defined marriage in strict Protestant Christian terms as a sacred institution and only exceptional circumstances such as certain contagious diseases or offenses such as adultery, impotence, bigamy, incest, desertion, and exile, warranted divorce in court.⁸ In 1795, the Danish king Christian VII issued two divorce licenses by administrative decree and thereby initiated a new administrative practice.⁹

From the late eighteenth century until the new marriage law of 1922, no less than seventy-two new royal ordinances, departmental notices, memorandums, and other legal rules governing separation and divorce were issued, creating a clutter of principles for the authorities to refer to. In the first decades of the twentieth centuries, this prompted harsh critique from legal scholars who deplored the "anachronistic" legislation and the lack of clarity and transparency surrounding the legal foundation for divorce.¹⁰ The uncertainty in the population about the matter can also be seen in the legal correspondence column in the national newspaper *Politiken*, where readers frequently asked about the possibility for separation and divorce as well as about the rights and obligations of separated spouses.¹¹

In spite of the confusion that appears to have existed, the new legal rules enabled a significant liberalization of access to separation and divorce through administrative decree. Besides the reasons defined by *Danske Lov*, from the early nineteenth century onward, spouses could be granted fault divorces on the basis of offenses such as brutality (cruelty), alcoholism, wastefulness, lack of

economic support, immoral lifestyle, and so on.¹² In addition, no-fault separation could now be granted on the basis of emotional discordance or, in the legal term, “incompatibility of tempers” (“*Gemytternes Uoverensstemmelse*”).¹³ After three years of official separation, divorce was more or less a formality.¹⁴

Even if divorce was thus more easily attainable in Denmark than in most other European countries at this time,¹⁵ it remained a relatively unusual event, with divorce rates lingering around 1.5–2 percent in the last decades of the century. Official separation, which for many people who did not wish to remarry, seems to have functioned as a de facto divorce, was slightly more common.¹⁶ Moreover, divorce statistics from this period tend to be skewed by underreporting since many couples presumably decided to split up without ever involving the authorities. What is clear is that the overall separation and divorce statistics covered significant variations according to residence; marriage breakdown was predominantly an urban phenomenon, and the capital, which is also the focus of this study, consistently showed higher divorce numbers than any other place in the country.¹⁷

The great majority of separation and divorce cases in Copenhagen, and in the country as a whole, were decided not in court, as in most other countries in Europe and North America, but rather at the offices of public administration.¹⁸ This administrative body, which was then called *Kjøbenhavn Overpræsidium*, dealt particularly with cases of divorce, separation, custody, adoption, and other matters related to family law.

The administrative officials, I have found, diligently tried to find the best solutions for the feuding spouses, and while the law in Denmark as in other European countries and the United States at the time—bolstered the patriarchal power of the husband over the wife and children, the administrative personnel oftentimes went quite far in order to help the women who sought out their help to get out of bad and often abusive marriages.¹⁹

Through a reading of separation cases by administrative decree from the 1880s and 1890s, in this article, I investigate how the letters of the law and administrative procedures helped generate particular emotional practices while curtailing or redirecting others among separating couples. I have examined the first 50 *new* cases of the 444 cases handled in 1885 and the first 50 *new* cases out of the 630 handled in 1895, both at the office of public administration in Copenhagen (then called *Kjøbenhavn Overpræsidium*). Some cases were finalized within weeks or months, others spanned decades.

As they petitioned for separation or divorce, spouses gave a number of different motivations. A significant number of cases, especially in 1885, were based on claims of desertion.²⁰ Another large group referred to the incompatibility of tempers.²¹ The rest of the cases examined here were more or less conflict-ridden and often quite ugly. In these cases, women frequently cited family violence, alcoholism, lack of economic support, and child abuse as reasons for desiring separation or divorce. Both men and women listed infidelity, insanity, and contagious disease as motivations.²²

The case files include minute books from meetings at the office of public administration, clerical mediation records, letters between applicants and officials (as well as sometimes between the alienated spouses), statements from witnesses, certificates of good conduct, police reports, and documents from the Ministry of Justice and as such allow for a rather unusual glimpse of the actions of the separating spouses as well as of the bureaucracy. What kinds of emotional practices did the legal categories and the bureaucratic procedures encourage? How did officials respond to couples that disrupted the legal–emotional requirements of separation and divorce? In what ways did separating couples adjust their practices in the process of interacting with the bureaucracy?

To find answers to these questions, one has to trace the development in single separation processes over time. In this article, I therefore discuss two specific cases in depth, both from 1885. Although generalizations may be made, no single case can be said to be “typical.” In all their distinctiveness, however, these two cases can be said to represent different categories of processes: those characterized by a conciliatory spirit and those marked by antagonism and emotional conflict.

My argument is that unlike in other European countries where achieving divorce was dependent on convincing the courts that one's alienated spouse had severely breached the marriage, the Danish law, the bureaucratic procedures, and the state officials who administered these, promoted a polite and tempered emotional configuration of divorce, resembling what Emma Gad recommended in her etiquette manual a couple of decades later (see the epigraph). While some couples easily met these standards; others—generally people with working-class background—encountered what one might call an *emotional frontier* and struggled to align their affective behavior with the standards of the state bureaucracy. The sources suggest a delicate and in no way clear-cut dialectic between social class and the practice of emotions in the offices of public administration. They also reveal a perhaps surprisingly willing bureaucracy that helped applicants translate their particular personal experiences into the emotional–legal logic of the law.

Tracking Emotional Practices

How, then, do we go about studying the emotions of people seeking separation or divorce more than a century ago? The burgeoning field of emotions history is characterized less by a unified theoretical and methodological venture than by a multiplicity of approaches.²³ There does, however, seem to be a consensus among most cultural theorists of emotion that we need to deconstruct and historicize dichotomies such as reason/emotion, body/mind, individual/society, biology/culture, and interior/exterior that tend to structure modern Western thinking about our emotional life.²⁴ Rather than evaluating the genuineness of specific emotional expressions, which is in any case a dubious endeavor, historians of emotion more often seek to examine the emergence of and changes in emotional formations or cultures or they study the historicity of specific emotions.²⁵

The approach in this article similarly represents a departure from the dichotomies described above as well as from a discussion of the extent to which emotional displays give an accurate idea of how the historical actors really felt. Going over the separation and divorce cases, I analyze what people said and did and seek to reconstruct the patterns and changes in their emotional practices.

Paying analytical attention to people's actions, I suggest, is an advantageous way of studying emotions historically, and in doing this, Monique Scheer's Bourdieu-inspired notion of emotions as practice is useful. Rather than being the cause or effect of actions, Scheer argues, emotions should be seen as a form of practice emerging from a culturally formed and socially structured body, "The habitus specifies what is 'feelable' in a specific setting, it orients the mind/body in a certain direction without making the outcome fully predictable. Emotions can thus be viewed as acts executed by a mindful body, as cultural practices."²⁶ While this definition arguably leaves it up to the individual analyst to define precisely what distinguishes emotions from other types of cultural practices that involve the "mindful body," it also offers a possibility to transcend distinctions such as those between the interior and the exterior, biology and culture, or the individual and the collective. It approaches emotions as an active, embodied engagement with other people and the material world, which can be more or less conscious or strategic, but which is invariably contingent upon the sociocultural structures that have always already shaped the body.

Clearly, emotions are often practiced, mobilized, affected, and interpreted through bodily acts and expressions that are difficult for the historian to retrieve: tone of voice, facial expressions, gestures, tears, laughter, and other forms of more or less ambiguous nonverbal language. Although some such actions are occasionally recorded in the cases examined here (e.g., an official might note that an applicant appeared "distressed" with reference to body language), more often they are not. In a study such as this, one has to rely on what was deemed sufficiently important to be noted down and, hence, to accept that the picture one can draw is at best a partial one.

Skillful Emotional Navigation

A large number of cases each year were initiated by couples that apparently agreed to dissolve their marriage, and who underlined in the application their incompatibility of tempers. While this argument was centered on an emotional category (temper, or in Danish, *Gemyt*), the incompatibility was usually described in a calm matter-of-fact manner. This strategy was designed to appeal to an emotional–legal logic, which set about specific procedures and types of paperwork in the administrative body at the office of public administration and generally dictated a prompt grant of separation.

A characteristic example of this category can be found in the case of actress at the Royal Theatre, Agnes Flemmine Nyrop (1841–1903), and her husband, former opera singer at the Royal Theatre, Jens Larsen Nyrop (1831–1904). The couple had prepared well before they made their request. They had coauthored their application stating: “little by little [*efterhånden*] we have reached the persuasion that matrimonial cohabitation between us is an impossibility because of the incompatibility of our tempers and therefore apply for separation with regards to table and bed.”²⁷ No intimate details of conflicts or of emotional indifference or agony were given. Instead, the couple used the standard expression of incompatibility of tempers, which, as noted earlier, constituted a legitimate foundation for divorce already at this time in Denmark. “Separation with regards to table and bed” was likewise a standard legal phrase indicating the very material implications of marital dissolution. It seems beyond doubt that the Nyrops had sought the assistance of a lawyer who had helped them translate their emotions and desires into a language that would be both appropriate and effective at the office of public administration.

Knowing that getting separation by administrative decree required prior clerical mediation, the couple had also visited vicar Schepelern²⁸ who at the end of the application letter had testified to the futility of the mediation process in terse prose: “The spouses have been before me to the obliged clerical mediation, with no result achieved.”²⁹ Finally, the couple had included a document stating their intended division of common property and debt as well as their desired custody arrangements with regard to their three children. Their daughters, Ida and Margrethe, who were then fifteen and eleven, respectively, were to live with their father, while their son Michael, who was sixteen, was to stay with his mother.³⁰

The letter of application was dated January 14, 1885, and the vicar’s note had been added a week later. The couple only met at the office of public administration once in relation to their separation case. The meeting was presumably short and undramatic; there are no records of any kind of interrogation or signs of inappropriate behavior, and their case was decided immediately.³¹ The separation grant, a standard form filled in with the couple’s details, stated that the couple was no longer able to live together, due to incompatibility of tempers and upheld the division of common property, debt, and children suggested by the couple, adding only that none of the spouses would be asked to pay spousal support.³²

Those couples who knew how to interact with the bureaucracy, engaging in the proper emotional and communicative practices—or who could afford to get help to do so—could effectively appeal to the systematized procedures in place, and thereby rather easily achieve the desired separation by administrative decree. This type of unsentimental process was particularly customary for middle-class couples. The case files usually reveal the husband’s occupation (and in a few cases, the wife’s as well), showing that while a few blue-collar laborers, and even a couple of unskilled laborers, managed to navigate the bureaucracy in this manner, nearly all couples from the higher classes of society did. In this group of separation cases, one finds artists, musicians, architects, military officers, and different white-collar workers.³³ There are hardly any applicants with that type of background in the cases in my sample marked by passionate and ongoing conflicts.³⁴

Although we cannot know how Agnes and Jens Nyrop comported themselves physically in the administrative office or what kinds of emotions their facial expressions indicated or stimulated, any

disagreements or fights that may have taken place at home or elsewhere most likely remained undisclosed during their meeting with the officials. Their emotional agency at the office of public administration appears to have been what the officials would have considered appropriate and polite, distinguished by discretion, dignity, and control.³⁵

As Auguste Mussén noted in an etiquette manual published in Danish in 1884, morality and politeness were indistinguishable, since the moral person was inevitably polite and polite emotional behavior implied a high morality. “Politeness,” he further explained, “curbs agitation, yes even hatred . . . makes us amiable and casts a cloak of gentleness over our customs and practices.”³⁶

Writing at a time when divorce was after all quite unusual, Mussén did not give specific advice to separating couples, but he did emphasize the importance of polite behavior in one’s interaction with the authorities in general and at the offices of public administration in particular. For Mussén, as for other contemporaries, politeness was to function as a kind of overarching tool of control enabling individuals to handle emotions in a way that would be agreeable and “beautiful” to their surroundings while also inducing others to be less brutal toward them. “Politeness is a splendid means to hide the unpleasant feelings we have for others, and the greater mastery a person has over himself the better he will be able by polite form to dismiss unpleasantness without hurting others.”³⁷

Fifty-five years before the publication of Norbert Elias’s *The Civilizing Process* (1969, German original *Über den Prozeß der Zivilisation*, 1939) which famously argued that the process of civilization entailed an increased regulation of the passions,³⁸ Mussén likewise linked the ability to control one’s emotional life to civilization. Not only could a nation’s civilizational stage be estimated on the basis of the people’s politeness; an individual also revealed his true level of refinement by his/her ability to restrain inappropriate passions.³⁹ This, of course, was in no way particular to the Danish context. As Ute Frevert has noted,

From the early modern period, and culminating in the eighteenth and nineteenth centuries, European society took a growing interest in affect regulation. As much as it was deemed necessary for a person to have and show feelings, those should be moderated and appear in a well-tempered form. Letting rage take possession of one’s mind and actions was considered inappropriate, irrational and uncivilised.⁴⁰

In this perspective, couples acting in a polite manner in relation to their separation would be understood as cultured and civilized, and as belonging to the higher classes of society, something that most likely also helped tune the response of the public officials.

Encountering an Emotional Frontier

Unlike the Nyrops, the largest group of applicants for separation engaged in emotional practices that breached norms of politeness and restrained emotional conduct, instead vividly demonstrating intimacies turned ugly. These mostly working-class applicants found themselves at an emotional frontier, unaccustomed as they seemingly were to the emotional–legal culture at the offices of public administration.

Emotional practices emerge from a socially structured body, in which codes of proper emotional conduct have been embedded over time; while they may be either calculated or spontaneous, they necessarily depend on existing embodied knowledge and affective repertoires. The concept of an emotional frontier, as Kristine Alexander, Stephanie Olsen and I define it, signals that codes of appropriate emotional behavior vary subtly or radically across communities and social spaces.⁴¹ People meet the emotional imperatives of a particular context in different ways depending on their background, experience, and social position (or in other words, depending on the social structuration of their body) as well as according to the specific power dynamics of the situation. Emotional frontiers can thus occur in any given context, depending on its social composition and the level of

mobility that characterizes it. An emotional frontier entails the affective experience of getting the emotional codes wrong: laughing when you are not meant to, failing to be affected by an event that your social surroundings find tragic, showing your appreciation too enthusiastically or too composedly, and so on. Encountering an emotional frontier can be both profoundly disconcerting and uncomfortable, laying bare a form of social dislocation.⁴²

In their interactions with the state bureaucracy, many working-class couples at least initially revealed the inability—or reluctance—to accord with supposedly more the civilized notions of proper emotional conduct that prevailed at the office of public administration. Contrary to the consensual separations described earlier, in these cases often only one spouse—in most cases the wife—applied for separation, while the other spouse, at least initially, frequently declined to cooperate in the process. These cases often reveal protracted processes marked by conflict, involving police, witnesses, (alleged) lovers, family members, neighbors and friends, and officials at the Ministry of Justice. Aside from clerical mediation records and application letters, they implicated police interrogation reports, certificates of good conduct, and systematized communications between different administrative authorities. They also often required that the applicants visit the offices of public administration several times, and this allowed them the time to adjust and adapt their behavior to the unfamiliar emotional regime.⁴³

The administrative response to couples openly enacting their conflicts, detailing their suffering, and shaming one another, was less clear-cut—and apparently more dependent on the individual couple and on the flexibility of the particular administrative officer—than to those in the category distinguished by the more tempered incompatibilities. Spouses here presented evidence of violence, alcoholism, and abuse both of marital partners and of children.⁴⁴ Somewhat paradoxically, such processes occasionally resulted in denial of a separation grant, usually because the partners could not reach an agreement—either on separation itself or on the specific terms of separation.⁴⁵ Nevertheless, the great majority of such cases also eventually resulted in separation by administrative decree, and in contrast to most other countries at the time, female divorce applicants were just as likely to be successful as were male applicants.⁴⁶ If only one spouse desired separation, the local office of public administration invariably consulted with the Ministry of Justice before issuing the grant as they were required to by law; however, I have not found a single instance in which the latter diverged from the recommendations of the former.

An example of such a case was that of Josefine Hansen (born Nielsen) and her husband, shoemaker assistant Jens Peter Hansen. In January 1885, Josefine sent in her letter of application in which she explained how her husband, whom she had married two years earlier, had begun to act “horrendously” toward her. The day before she authored the application, her husband had moved out of the house, placed their one-year-old son in the care of a friend, and sold all of their furniture (this furniture, it seems, had not been picked up by the buyer, because Josefine asserted that she had locked it up in the house). In case these offenses did not suffice as grounds for separation, she continued to detail the suffering to which Jens Peter had subjected her in their marital life. Recently, after she had started working outside the home, presumably out of necessity, her husband had quit working and when she returned home with her earnings he would abuse and beat her until she gave him the money. “Since I can no longer bear the horrendous cohabitation and since my husband, as noted, has now completely abandoned me, I hereby respectfully venture to apply to the honored Prefect [the highest public official] for separation, although [I ask that] that my husband will be ordered to pay alimony to the child and me.”⁴⁷

Considering her financial situation, it seems unlikely that Josefine had consulted a lawyer prior to sending her application. While she enlisted various offenses that she must have expected to justify separation, her emotional practices did not directly appeal to the dominant logic encoded in the legal term, the incompatibility of tempers.

The administrative officials presumably responded by demanding documentation of clerical mediation because in February the partners had met with vicar Schepeleern (the same minister as in the Nyrop couple's case) who testified to the ineffectuality of his attempt to reconcile the partners. In contrast to his record of the meeting with the Nyrop couple, the vicar here noted additional details of the couple's conflicts: at the meeting, Jens Peter had accused Josefine of adultery. Josefine reportedly vehemently denied the charge.⁴⁸ Rather than stimulating a more conciliatory set of emotional practices, which was its formal purpose, the bureaucratic requirement of a clerical mediation report thus seems to have helped escalate the conflict between the spouses.

Thus far, like other separation applicants in this category, both Josefine and Jens Peter, in their communications (direct and indirect through the vicar) with the office of public administration, both engaged in what might be seen as a strategy of shaming their spouse based on the claimed violations of gendered obligations within the patriarchal family order. Josefine emphasized Jens Peter's excessively violent temper, but at least as importantly, his failure to live up to his duty as breadwinner. Jens Peter, for his part, pointed to Josefine's supposed sexual misconduct.⁴⁹ While these allegations may or may not have been true, they fit almost archetypal modes of gendered misconduct, indicating what the Hansens expected to be the sort of transgressions most likely to convince the public officials, drawing them to sympathize with their situation. There certainly was nothing polite about their behavior toward one another.

When the couple met at the office of public administration a week later, Josefine repeated her wish for separation while Jens Peter continued to refuse. Even though one might think that the administrative officials would interpret their mutual accusations and the disagreement, to which they testified during their meeting, as signs of the incompatibility of their tempers, this was not the case. No-fault separation could be granted only insofar as consensus could be reached. The couple's emotional practices marked by conflict, mutual accusations, shaming, and outing of intimate details—as well as, perhaps, their working-class background—helped generate a different bureaucratic procedure: a police report was procured in order to establish whether there was sufficient ground for fault divorce.⁵⁰

The police report exposed to the administrative staff even more intimate details of the spouses' different versions of their relationship and its dissolution. The police had interviewed both spouses and a former neighbor of the couple, Christiane Larsen, whom Josefine had asked to act as a witness, and cooper assistant Christiansen, with whom Jens Peter accused his wife of committing adultery.

Josefine stated that while in the first year of their marriage, they had been "very happy," lately her husband had become dull and indifferent toward the home. She also repeated the accusations from her application letter of Jens Peter's crudeness and brutality, adding that one morning when she lay undressed in the bed, with his straps, he had "administered several blows to her naked body, something which had caused several black and blue stripes to appear, and after that he had grabbed her hair and pulled her out of the bed."⁵¹ Even though she did not describe the terror she might have felt in this situation or others like it, detailing her husband's violence was no doubt meant to portray Jens Peter as a rascal as well as to appeal to the sympathy of the administrators.

Josefine might have asked herself why she had brought in Christiane Larsen as a witness, because the neighbor neither confirmed nor contested her account. Christiane Larsen who from her kitchen windows had been able to look straight into their apartment, "and as such had splendid opportunity to observe their behavior," said that she had often heard the couple fight. She had also seen Josefine with a black eye, but she did not know from where it came and she had never seen Jens Peter beat his wife.⁵² Whether Jens Peter acknowledged or denied his violent behavior is unclear; curiously, given that brutality could be the basis of separation, the police officer does not seem to have questioned him about this.

Jens Peter's description of the early part of their marriage resembled Josefine's. He stated that the two of them had "lived very happily together," but that after the first year his wife gradually "became cold and indifferent toward him, in that she frequently omitted to give him food, just as she desisted from taking care of his cleanliness."⁵³ Jens Peter thus sought to justify his behavior and, like his wife, to win the sympathy of the public officials. In doing this, he played on gender specific notions of decency and indecency: Josefine had failed to care for his bodily needs in the way that one might reasonably expect from a wife. In addition, she had begun to stay out at night oftentimes leaving him alone with the child—evidently not something a respectable woman or good mother would do. His suspicion of her infidelity, he said, was confirmed when he had met a Madam Frause who had told him that Josefine had confided in her that she had once spent the night with cooper assistant Christiansen, her coworker.

Were these allegations driven by jealousy, humiliation, and heartache, or by a sense of grievance and defensiveness? Were they a strategy to persuade the authorities not to adjudge his alienated wife spousal support in case of separation? Perhaps a mixture of all of these? Regardless of his motivations, the allegations prompted further investigations. Had Josefine committed adultery, she might not be entitled to separation.

Cooper assistant Christiansen and Josefine, however, both categorically denied having had carnal knowledge with one another, although both admitted to having kissed and walked together on a few occasions. Josefine stated that she had considered this without importance, since such conduct "happened almost daily between female and male workers at wholesaler Lund's, Nybrogade, and this happened more in fun [*Plasér*] than in seriousness."⁵⁴ In her rendering, the workplace was thus a space in which certain intimate types of affective interaction were not only standard but also completely socially acceptable. As her testimony underscores, separating couples navigated various sociomaterial spaces (the apartment, the street, and the workplace as well as the office of public administration) with different impulses, possibilities, expectations of, and constraints on behavior. Had Josefine kissed cooper assistant Christiansen in his or her own home, she herself might have found the action less tolerable.

The police officer did not volunteer his estimation of the truthfulness of these different accounts and accusations. However, regardless of what had actually passed, the couple had clearly demonstrated emotional behavior marked by a lack of politeness. They sought to humiliate one another based on reigning notions of proper gendered respectability and honor.

Adjusting Emotional Conduct

Nevertheless, the report conveyed the possibility in this case as in others like it of restyling the separation process into a more peaceful and consensual type: Jens Peter now agreed to separation because he had come to the realization that happy cohabitation between him and his wife would not be possible after what had passed.⁵⁵ He would even be willing to pay child support for the son, though he still refused to pay alimony for his wife.

Embedded as they are in both bodily practices and verbal language, emotions invariably help define an individual as well as to mark out their place in a social hierarchy.⁵⁶ Since, as noted earlier, emotional conduct characterized by politeness was a marker of status, the police officer and the administrative staff may well have taken the Hansen couple's behavior as a sign that they lacked education and culture. It is also likely that the Hansens and working-class couples were less concerned about appearing polite and hence cultured or civilized according to middle-class sensibilities.

However, after his encounter with the authorities, and specifically after the police interrogation had intensified the conflict with his wife, Jens Peter had now moderated his emotional behavior. The police report signaled the possibility of reshaping the Hansen couple's emotional struggles to fit the category of incompatibility of tempers, and the staff therefore called the couple in for another

meeting. When they entered the office of public administration approximately two months after the case had been initiated, their general behavior had changed markedly. Not only had Jens Peter changed his mind about separation; through their interactions with the officials and the police, the couple had also learned and become disposed to handle their marital conflicts and emotional distress in a way that appealed effectively to the dominant logic of separation in the public bureaucracy.

Various factors may have stimulated this change, but it seems likely that the administrative procedures of the bureaucracy helped call forth an agreement between the spouses. In April 1885, Josefine thus received a separation grant giving her full custody of their son on condition that she would not place him in care with family and that she would allow Jens Peter to see him.⁵⁷ Of their common debt, Jens Peter would be held responsible for two-thirds, and Josefine for the rest. In addition, Jens Peter would be required to pay child support.

By thus encouraging amicable, consensual separation processes, Danish law and bureaucracy differed from the situation in most other European countries where achieving separation or divorce was possible only insofar as one spouse might convince the court that the other spouse had committed a serious offense against the marriage. As Deborah Cohen has shown, this was the case in England, where the requirements of the divorce court established in 1857 meant that couples from all walks of life were compelled to expose their dirty, shameful secrets—the more vulgar or outrageous, the better. Some unhappy couples that agreed on seeking divorce even engaged in collusion, arranging in advance to disclose (or invent) an offense, which would result in a separation grant.⁵⁸

The Danish state, by contrast, seems to have preferred marital dissolutions to happen quietly and discreetly. Exactly why this was the case is hard to tell. Perhaps there was a hope that this would be a stronger safeguard to the institution of marriage than exposing potentially contagious immoral behavior. Perhaps it was mostly a pragmatic solution to the challenge of dealing with already broken relationships; a policy of awarding “death certificates of marriages that ha[d] already ended.”⁵⁹ Most likely, perhaps, it reflected the growing expectations of emotional intimacy in marriage and the more liberal attitudes toward marriage breakdown in Danish society.⁶⁰

Conclusion: From Fluctuating Passions to Tempered Incompatibilities

As Emma Gad advised in 1918, emotional discordance in divorce could be handled in very different ways. Couples like the Nyrops enacted their conflicts at the offices of public administration with emotional repertoires that must be presumed to have been very different from and probably often in direct contradiction to what went on within, for example, the space of their home. Their communication with the bureaucracy was characterized by agreement, formality, and politeness. In the process of attaining separation, this was an efficient strategy resulting in the immediate grant of separation by administrative decree based on the incompatibility of tempers. The couple was able not only to achieve separation but also to dictate the terms on which it happened and as such remained in control of their own life situations.

For couples like the Hansens, the encounter with the bureaucracy, by contrast, seemingly entailed the experience of emotional frontier. Unable and, in some cases, unwilling, to engage in polite emotional behavior, these spouses instead worked to revoke and to some extent even reenact and enhance the conflicts and suffering which was linked to their marital life in general. Through the process of interacting with the administrative personnel, however, quite a few of them gradually translated their experience and adjusted their emotional agency so that it better fitted the notion of the legal–emotional notion of incompatibility of tempers.

Couples' emotional practices in the offices of public administration depended, at least to some extent, on their familiarity with the law as well as the ruling codes of conduct in the offices of the state. While class background did not in itself dictate one's emotional behavior, the sources explored here suggest that middle-class applicants were more likely than working-class applicants to act

according to the ruling legal logic favoring unsentimental and polite behavior. Conversely, one's conduct in the offices of public administration presumably helped determine one's class status in the eyes of the officials.

This is a reminder that emotional frontiers often are likely to expose and enhance the vulnerability of subalterns—whether in terms of gender, race, age or as here, class—who fail to meet the systematized emotional expectations of a specific context. On such an emotional frontier, there are political choices and impositions to negotiate. The emotional imperatives may be more or less rigid, and those knowing the codes may be obliging or condemning toward those who violate them.

The cases discussed here illustrate that the separation processes, governed by Danish law as well as the sensibilities of caseworkers, sometimes contributed to an intensification of emotional conflict among already feuding couples, yet eventually often led to a tactful and discreet, if not necessarily amicable, emotional practice of divorce. Not only were applicants frequently poised to adjust their emotional behavior to attain separation; the state bureaucracy was willing to help them do so. In that manner, the law and the way it was practiced locally helped structure the emotional comportment of separating couples in important ways.

How these dynamics might have affected prevailing perceptions of divorce in society is hard to say. However, the possibility of a separation process that did not require the exposure of degrading details and emotional agony may well have made divorce seem less terrifying even to middle-class couples desiring a split. It might, in other words, have helped along the gradual transformation of divorce from a shameful last resort into a more broadly socially acceptable life choice.

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Notes

1. Emma Gad, *Takt og Tone. Hvordan vi omgaas* (Copenhagen, Denmark, [1918] 1985), 207–08.
2. Much excellent work on the history of divorce includes discussions of the role of emotions. See, for example, R. L. Griswold, “The Evolution of the Doctrine of Mental Cruelty in Victorian American Divorce, 1790–1900,” *Journal of Social History*, 20 (1986): 127–48; Deborah Cohen, *Family Secrets. The Things We Tried to Hide* (London, UK: Gyldendal, 2013), 38–76; Barbara Alpern Engel, *Breaking the Ties That Bound. The Politics of Marital Strife in Late Imperial Russia* (Ithaca, NY: Cornell University Press, 2011). So far, however, no one has made the emotions associated with the divorce itself (rather than the marriage or family life) the primary focus of analysis.
3. Gerda Bonderup, “Skilsmisser i Århus 1645–1900,” *Historie—Jyske Samlinger, Ny række* 16 (1985): 493–518; Gerda Bonderup, “Skilsmisser på dansk,” *Siden Saxo* 5 (1988): 35–9; Kari Melby et al., *Inte ett ord om kärlek. Äktenskap och politik i Norden ca 1850–1930* (Göteborg, Stockholm: Makadam, 2006); David Bradley, *Family Law and Political Culture (Scandinavian Laws in Comparative Perspective)* (London, UK: Sweet and Maxwell, 1996). For important studies outside the Danish context, see, for example, Lawrence Stone, *Road to Divorce. England 1530–1987* (Oxford, UK: Oxford University Press, 1990); Roderick

- Phillips, *Putting Asunder. A History of Divorce in Western Society* (Cambridge, MA: Cambridge University Press, 1988); Roderick Phillips, *Untying the Knot. A Short History of Divorce* (Cambridge, UK: Cambridge University Press, 1991); Harald Fuess, *Divorce in Japan. Family, Gender, and the State, 1600–2000* (Stanford, CA: Stanford University Press, 2004); Mark Seymour, *Debating Divorce in Italy. Marriage and the Making of Modern Italians, 1860–1974* (New York: Palgrave Macmillan, 2006).
4. As Yael Navaro-Yashin has argued, material objects, and state paperwork in particular, can have the capacity to affect litigants emotionally: “Make-believe Papers, Legal Forms and the Counterfeit: Affective Interactions between Documents and People in Britain and Cyprus,” *Anthropological Theory* 7 (2007): 81.
 5. Nancy Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge, MA: Harvard University Press, 2002), 8.
 6. For useful discussions of this, see Richard Roberts, “Representation, Structure and Agency: Divorce in the French Soudan during the Early Twentieth Century,” *The Journal of African History* 40 (1999): 389–410; Dylan C. Penningroth, “African American Divorce in Virginia and Washington, DC, 1865–1930,” *Journal of Family History* 33 (2008): 21–35.
 7. *Ibid.*, 22.
 8. Bonderup, “Skilsmisser i Århus,” 495.
 9. P. E. Müller, *Om Adgang til Skilsmisse. En principiel Undersøgelse med særligt Hen-blik paa en eventuel Kodifikation af dansk Skilsmisseret* (Copenhagen, Denmark: Gad, 1911).
 10. Müller, *Om Adgang til Skilsmisse*, 8. See also Anette Jensen, “Staten, kirken og stridbare ægtefolk: et nyt syn på ægteskabet i Første Halvdel af 1800-tallet,” *Den Jyske Historiker* 98–99 (2002): 111; Melby et al., *Inte ett ord om kärlek*, 91–99.
 11. See *Politiken* on these dates from the two sample years examined here, for 1885: March 27; September 1; November 30; December 30 and from December 2 and December 27; For 1895: February 12 and December 27.
 12. Jensen, “Staten, kirken og stridbare ægtefolk,” 2002.
 13. Müller, *Om Adgang til Skilsmisse*, 17–23. This principle was also codified in the law of 1922.
 14. While the mandatory separation period was gradually shortened over the years, it was not until 2012 that it was finally removed altogether, and even then only against fierce resistance from conservative politicians and intellectuals in Denmark. See, for example, Jakob Hvide Beim, “DF om skilsmisseydebat: Karen Hækkerup flyder som en død fisk,” *Politiken*, March 6, 2012, accessed November 28, 2016, <http://politiken.dk/indland/politik/ECE1561071/df-om-skilsmisseydebat-karen-haekkerup-flyder-som-en-doeed-fisk/>.
 15. Most other European countries only introduced a no-fault clause in divorce legislation decades later. As David Bradley has pointed out, the Scandinavian countries have historically liberalized family law well before other European countries. Bradley, *Family Law and Political Culture*, 1996. See also Kari Melby et al., “The Nordic Model of Marriage,” *Women’s History Review* 15 (2006): 651–61. Contrary to general perceptions in much of the Western world, certain non-Western countries had rather liberal divorce legislation in the late nineteenth century. For example, it is estimated that the divorce rate in late nineteenth-century Japan was above 30 percent. Fuess, *Divorce in Japan*, 2. See also William Goode, *World Changes in Divorce Patterns* (New Haven, CT: Yale University Press, 1993).
 16. Harald Westergaard, “Om Separationer og Skilsmisser i Danmark. En statistisk Undersøgelse,” *Nationaløkonomisk Tidsskrift* 5 (1887): 8–11; Mette Andersson, *Adskillelse fra seng og bord—Dansk separations-og skilsmissepraksis, -statistik og fortællinger om samlivssammenbrud 1870–1930* (Copenhagen, Denmark: University of Copenhagen, 2010), 37–38. Some divorce cases were raised after many years of separation, desertion, or presumed death, usually when the applicant wished to remarry. While it is impossible to tell how many separated couples reunited and how many remained apart, official separation, in which the common property was divided and the custody over children in the marriage was decided, likely functioned as actual divorce for many. Divorce cases could be both costly and troublesome.
 17. *Ibid.*, 35. Socioeconomic background very likely also had a great impact on divorce patterns, but so far no comprehensive studies have been conducted on this important aspect of divorce in Denmark.

18. On the relative distribution of separations and divorces between the courts and public administration, see Andersson, *Adskillelse fra seng og bord*, 37–38.
19. Similar to what Linda Gordon found in her seminal study of family violence in the Boston area 1880–1960, many women sought out the offices of public administration in Denmark, actively seeking help. Linda Gordon, *Heroes of Their Own Lives. The Politics and History of Family Violence* (Urbana: University of Illinois Press, 1988).
20. In 1885, it was nine of the fifty cases: SJ (cases concerning law of domestic relations at the Office of Public Administration) 2/1885, 9/1885, 10/1885, 14/1885, 34/1885, 36/1885, 46/1885, 53/1885, and 64/1885. In 1895, it was only two: SJ 39/1895 and 72/1895.
21. In 1885, this was twelve of the fifty cases, the first enlisted in the SJ records as 17/1885, 23/1885, 27/1885, 44/1885, 51/1885, 56/1885, 57/1885, 59/1885, 60/1885, 62/1885, 74/1885, and 76/1885. In 1895, fourteen of the fifty cases first enlisted in the SJ records as 3/1895, 8/1895, 13/1895, 16/1895, 22/1895, 23/1895, 35/1895, 48/1895, 58/1895, 65/1895, 73/1895, 76/1895, 87/1895, and 92/1895.
22. In addition, a few cases lacked the key documents making it difficult to determine the nature of the process.
23. For introductions to the field, see, for example, Ute Frevert, *Emotions in History—Lost and Found* (Budapest, Hungary: Central European University Press, 2011); Jan Plamper, *The History of Emotions. An Introduction* (Oxford, UK: Oxford University Press, 2012); Karen Vallgård, “Følelshistorie—Teoretiske brudflader og udfordringer,” *Kulturstudier* 2 (2013): 88–114; Rob Boddice, “The Affective Turn. Historicising the Emotions,” in *Psychology and History: Interdisciplinary Explorations*, eds. Christian Tileagă and Jovan Byford (Cambridge, MA: Cambridge University Press, 2014), 147–65.
24. See, for example, Michelle Z. Rosaldo, “Toward an Anthropology of Self and Feeling,” in *Culture Theory: Essays on Mind, Self and Emotion*, eds. R. A. Shweder and Robert Alan LeVine (Cambridge, UK: Cambridge University Press, 1984), 137–58; Tine Damsholt, “Følelser og Subjektivering. Et fædrelandskærligt Eksempel,” *Tidsskrift for Kulturforskning* 3 (2004): 5–28; Thomas Dixon, *From Passions to Emotions. The Creation of a Secular Psychological Category* (Cambridge, UK: Cambridge University Press, 2003); Monique Scheer, “Are Emotions a Kind of Practice (and is That What Makes Them Have a History)? A Bourdieuan Approach to Understanding Emotion,” *History and Theory* 51 (2012): 193–220; Benno Gammerl, “Emotional Styles—Concepts and Challenges,” *Rethinking History—The Journal of Theory and Practice* 16 (2012): 161–75; Sara Ahmed, *The Cultural Politics of Emotion* (New York: Routledge, 2004); Sara Ahmed, “Collective Feelings: Or, the Impressions Left by Others,” *Theory, Culture & Society* 21 (2004): 25–42.
25. See, for example, Peter N. Stearns, “History of Emotions. Issues of Change and Impact,” in *Handbook of Emotions*, eds. M. Lewis, J. M. Haviland-Jones, and L. F. Barrett (New York: Guilford Press, 2008), 17–31; Ute Frevert, “Was haben Gefühle in der Geschichte zu suchen?” *Geschichte un Gesellschaft* 35 (2009): 183–208; Frevert, *Emotions in History*, 2011.
26. Scheer, “Are Emotions a Kind of Practice,” 205.
27. “Til Kjøbenhavns Overpræsident!” dated January 21, 1885. SJ 25/1885.
28. We only have his last name, but it may well have been Georg Sophus Frederik Schepelern (1839–1900), then vicar at Trinitatis Church, who was active in Christian social work in the capital, associated with the pious revivalist movement of *Indre Mission*.
29. “Til Kjøbenhavns Overpræsident!” dated January 21, 1885. SJ 25/1885.
30. For the children’s age, see Randi Svendsen, “Agnes Nyrop (1841—1903),” accessed November 28, 2016, <http://www.kvinfo.dk/side/597/bio/1077/origin/170/>.
31. SJ-Journal 25/1885.
32. Case 25/1885. The grant was written on January 30, 1885, but was in effect already from January 27, 1885, when the couple met at the office of public administration.
33. Of the 100 cases examined here, 25 can be characterized as such amicable, consensual processes.
34. In addition, a couple of lower middle-class spouses based their applications on claims of desertion or insanity. See, for example, cases, the first enlisted in the SJ records as 39/1885 and 30/1895.

35. Given their status and fame, it is, of course, conceivable that had any of the spouses in fact acted inappropriately, the official in charge would—out of respect—refrain from taking note of it.
36. Auguste Mussén, *God Tone i alle Livets Forhold* (Copenhagen, Denmark: Boghandler V. Pios Forlag, 1884), 13.
37. *Ibid.*, 14.
38. Norbert Elias, *The Civilizing Process. Sociogenetic and Psychogenetic Investigations* (Malden, MA: Blackwell, [1939] 2000).
39. Mussén, *God Tone i alle*, 16.
40. Frevert, *Emotions in History*, 94.
41. While we developed the concept of “emotional frontiers” as an analytical tool for the historical study of the politics of childhood and emotions, it is also relevant in other contexts. For a thorough introduction and discussion, see Karen Vallgård, Kristine Alexander, and Stephanie Olsen, “Emotions and the Global Politics of Childhood,” in *Childhood, Youth and Emotions in Modern History: Global, Imperial and National Perspectives*, ed. Stephanie Olsen (London, UK: Palgrave, 2015), 12–34.
42. As Sara Ahmed has pointed out in her discussion of the feminist killjoy, in some instances, emotional dissent can also be empowering. See Sara Ahmed, *The Promise of Happiness* (Durham, NC: Duke University Press, 2010).
43. William Reddy, *The Navigation of Feeling* (Cambridge, UK: Cambridge University Press, 2001).
44. One wife applying for separation in 1885 described her husband as downright dangerous to his surroundings. He had been hospitalized several times because of “delirium.” Because of his brutality, she was very worried about leaving their children alone with him and the children were very scared of him. She had endured the terrible cohabitation for too many years but had now lost hope that he would ever improve (first enlisted as SJ 21/1885). Another wife applying in 1895 recounted how her husband once he came home drunk had cut her in the face with a knife, thrown a rye bread on her head and attempted to set her hair on fire with a matchstick (see case file, first enlisted as SJ 12/1895). Such detailed horrific descriptions are not uncommon. Insofar as the women could prove—usually by the help of witnesses—that their allegations were true, they would be granted separation. However, in none of the cases where the police found proof of domestic violence and abuse did they initiate a criminal case.
45. In 1885, two of the fifty applications examined (both filed by men) were rejected. One because the wife demanded a large sum of money, and the husband rejected (first enlisted as SJ 10/1885); the other because the husband was unable to prove that his wife had been unfaithful as he claimed (first enlisted as SJ 42/1885). In 1895, three applications (all initially filed by women) were rejected. In one instance, the wife could not point to any valid reasons for separation (first enlisted as SJ 9/1895). In another, the wife who accused her husband of brutality withdrew her application. Her husband then applied for separation but could not prove his claim that his wife had sexual intercourse with his own brother in their stairway (first enlisted as SJ 69/1895). In the last case, the wife was unable to prove her husband’s alleged drunkenness (first enlisted as SJ 77/1895). In addition, a few cases were set aside because the spouses reunited or for other reasons withdrew their applications.
46. *Ibid.*
47. “Til Overpræsidenten,” letter from Josefine Hansen, January 20, 1885. SJ 33/1885.
48. Letter from Sognepræst Schepelern, February 4, 1885. SJ 33/1885.
49. In her analysis of divorce cases in the 1920s, Birgitte Søland has also found that divorce applicants generally referred to their spouse’s violation of gender specific obligations. Birgitte Søland, *Becoming Modern. Young women and the Reconstruction of Womanhood in the 1920s* (Princeton, NJ: Princeton University Press, 2000), 117–43.
50. “Til Politidirektøren,” unsigned letter, February 21, 1885. SJ 33/1885.
51. Rapport, Københavns Politi, J.-Nr. 940 -1, 1885. February 26, 1885. SJ 33/1885.
52. *Ibid.*
53. *Ibid.*

54. Ibid.
55. There are a few examples of cases in which separating couples moderated their emotional conduct—at least to some extent—in the course of the interactions with the state bureaucracy (see, e.g., 7/1885, 19/1885, 20/1885 or 31/1895, 34/1895, 55/1895). This does not necessarily mean that the conflict was actually lessened or that the interaction between the spouses in other contexts was less passionate. Rather, the official process seems to have occasionally led some couples to transform their behavior in front of public officials into a more tempered and consensual form. Even when applicants continued to enact their conflicts in a passionate manner, or when one spouse refused to accept separation, the officials at the office of public administration would go a long way to help the applicant achieve their purpose.
56. Sara Ahmed has important in developing this argument, especially in Ahmed, *The Cultural Politics*, 2004; Ahmed, *The Promise of Happiness*, 2010. As Ahmed and others have shown, emotions are crucial in defining individual identities and in buttressing as well as undermining social hierarchies.
57. While these were the terms of the separation, there was in effect nothing Jens Peter could do if Josefine later denied him access to their child. For a discussion of this issue in the 1920s, see Cecilie Bjerre and Karen Vallgård, “Childhood, Divorce, and Emotions: Danish Custody and Visitation Rights Battles in the 1920s,” *Journal of the History of Childhood and Youth* 9 (2016): 477–88.
58. Cohen, *Family Secrets*, 38–76.
59. Phillips, *Putting Asunder*, xii.
60. On the changes in marital norms in Denmark at this time, see, for example, Else Marie Kofod, “Bryllupsritualer og kærlighedsopfattelser. Ritualer som spejl for ændringer af ægteskabsidealer,” in *Kærlighedens Ansigter*, eds. Palle Ove Christiansen and Svend Nielsen (Copenhagen: C. A. Reitzel, 2002).

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