

streitpaar - Verfahren in Ehesachen

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Der sechste und letzte Teil der Vorschau stellt die Beiträge von Katrin Gäde und Ulrike Bohse-Jaspersen vor:

Umstrittenes Eherecht

Handlungsstrategien und Aushandlungsprozesse in Ehescheidungsverfahren adliger Paare vom 18. bis zum 19. Jahrhundert

Katrin Gäde

(in German language)

Scandals, affairs and conflicts at noble courts have given rise to gossip ever since. Furthermore they were events of great interest for the public. At the same time divorce and legal separation were no uncommon phenomena among the nobility in the modern era. Against that background the present article examines separations and divorces of aristocratic couples from the 17th to the 19th century in Central Germany. This involves both - on a judicial level - the manifestation of the Protestant matrimonial law and on an actor-centred level - the people concerned, their strategies for action and related to that, the construction of social practice.

By the example of interchurch-couples and their path through several bureaucratic procedures and lengthy negotiations about the further course of action and judicial responsibilities an attempt is made to visualize this aforementioned construction process. The appraisal of negotiations about jurisdictions in matrimonial matters allows the conclusion that individual rights and scopes of action were in need to be negotiated primarily in case of clashing legal standards and conceptions. In studying failed aristocratic marriages it is not only possible to get a deeper insight into gender relations but also to visualize actions and scopes of action as well as conflict settlement of the aristocratic world in modern Europe.

Martina Vilvado y Balverde gegen Antonio Yta
Eine Klage auf Eheannullierung in Sucre aus 1803:
Männlichkeitsentwürfe im spätkolonialen Bolivien
Ulrike Bohse-Jaspersen

(in German language)

This paper describes a marriage annulment proceeding in the town of La Plata, today Sucre, constitutional capital of present-day Bolivia, in 1803. 22-year-old Doña Martina Vilvado y Balverde proceeds a claim before the Court of Appeal of La Plata, setting out that her husband, 32-year-old Spaniard Don Antonio Yta was in fact a woman who deceived her in order to marry and live as her husband with the blessing of the church. The article examines the argumentative strategies of the spouses, the members of the tribunal and other parties to the proceedings.

The case is part of a compilation of marriage proceedings and other court sources, which are analyzed in the context of a dissertation in terms of concepts of masculinity in late colonial Bolivia (*Provincia de Charcas*) from 1750 to 1825. After an introduction to the historical context and an explanation of the legal framework, the course of the proceedings is described in chronological order until the end of the trial. The paper shows in which way the powers of the secular and ecclesiastical jurisdiction overlap. Given the complexity of the facts both jurisdictions try to avoid clear statements, although it can be demonstrated that there were different legal possibilities to reach a verdict. The argumentation tries to make clear that the scientific approach to the case must consider the diversity in gender so it needs more than an analysis of socially constructed gender and the historical-cultural aspects.