AN ESCAPE FROM MARRIAGE IN 1658

The married couple Herbert and Herbertin came before the Viennese Ecclesiastical Court for the first time on August 19, 1658; only seven weeks after getting married. Johann Christoph Herbert demanded that his wife return to him and resume married life, she had run away without reason only five days after the wedding. Anna Maria Clara Herbertin stated the reasons for her flight to be physical aversion (he had bad breath and was incontinent) and [her husband's] alcoholism, violence and impotence. Her husband objected to all these allegations and accused the plaintiff of abandoning him without reason. The hearing ended without a settlement. The lawyers Dr. Lang and Dr. Bechtoldt both deposited bail to ensure that the plaintiff and the defendant would not withdraw from the proceedings through flight.

The argument which the wife presented as her explanation for abandoning her husband was recorded by the court clerk as follows:

> *[Johann Christoph Herbert] takes his drawn sword and pistols to bed with him. Secondly, his breath stinks so badly that no one can live with it, and, if you permit me to say, he urinates and also leaves everything else under himself in the bed, and keeps himself so unclean that she can also for these reasons not have sexual intercourse with him. Thirdly, he is impotent… He can therefore not satisfy her in terms of conjugal rights …*

EXPULSION AND CHURCH ARREST ANNO 1665

The separation or divorce of marriages was seldom an act which occurred without any problems. When those involved did not come to the court when summoned, when someone fled, or ignored the court orders the consistory often requested assistance from the secular authorities. Only very seldom does one find documents which show that the ecclesiastical court itself applied coercive measures.

In June 1665 Ursula Grieblerin could no longer stand living with her violent husband. After Lucas Griebler himself admitted to repeatedly hitting his wife the Viennese consistory

granted a two-year separation with the condition that Lucas Griebler *was to stay away from the plaintiff and her room and completely abstain from cohabitation under threat of personal arrest*. Not wanting to accept this, he protested directly at the hearing, saying *he wished to go to her room immediately*. Due to his defiance the consistory saw itself forced to have Lucas Griebler arrested by the court cursor and imprisoned with only bread and water until he vowed to improve his behavior. After four days he was released.

15 June 1665
Grieblerin Ursula versus husband Lucasen Griebler.

The plaintiff lamented the ferocity and shows her black eyes, as he deplorably maltreated her, she wants nothing from him, requests only a tolerance.

The defendant admits to having hit her, tells that she did not come to see him or send him anything when he was in jail, claims she is an evil woman.

Conclusion: Due to the fact that the severe beating was admitted to and that no improvement to his behavior can be expected, but rather that one has to fear still more evil doings, a tolerance of two years is approved. The husband was to stay away from the plaintiff and her room and was to completely abstain from cohabitation under threat of personal arrest.

The defendant does not agree with the tolerance, instead he declared emphatically that he would not comply. He was arrested, the court cursor was ordered to give him only bread and water until he shows an improvement in his behaviour.

Stayed under arrest until the 19th of June, on which day the arrested, requesting release, promising that he would not offend her [his wife] neither with words nor with deeds and would not enter her room, was released. He is entitled to lodge his complaint, if he thinks he has one.

A TOO REVEALING STYLE OF DRESS …

On 18 November 1776 Klara Freyin von Summerau and Gottfried Freiherr von Summerau appeared before the Viennese Consistorial Court. The wife then stated that a *peaceful cohabitation was not possible* and requested to be allowed to forbid her husband to enter their dwelling and to live separated for a certain amount of time. Klara Freyin von Summerau listed the reasons for this request for "tolerance" – as the time period of the separation was referred to – as follows:

> *her husband had held her tightly all the time, he had made various serious threats against her, his behavior is very indecent, his body and clothing are always unclean, he stays away all night for suspicious reasons, he walks around the house with his shirt open in front of the children and the household servants, he sets a bad example for these people and wishes for sexual practices against the nature.*

THE VICE OF MASTURBATION

Ägyd von Liechtenstern, clerk at the Imperial Chancellery of the Emperor (Reichshofkanzlei), approached the Viennese Consistory in December 1781. According to his statement he could no longer bear to live with his wife in the home of his father-in-law Karl Fritz von Rustenfeld. Ägyd von Liechtenstern stated to the court that under the roof of his father-in-law he "[had to] live separated from his wife and that he [was] treated quite maliciously". He requested from the ecclesiastical court that his wife should be ordered to cohabit with him at his dwelling. Karl Fritz von Rustenfeld said in her defence that

> *his daughter could never be forced to cohabit with such a man, a man who has abandoned himself so extremely to the vice of masturbation that it has become a matter of habit and through which he has acquired the malady of epilepsy, occasional brain dysfunction, fits of fury, emaciation and an inability to procreate.*

S. A. D. Tissot
der Arzneigelehrtheit Doctors
Versuch
von denen Krankheiten,
welche aus der
Selbstbefleckung
entstehen.
Aus dem Lateinischen übersezt.

Propriis exstinctum vivere criminibus.
C. Gallus.

Frankfurt und Leipzig,
In der Fleischerischen Buchhandlung
1760.

In his argumentation the father-in-law relied on the extensive repertoire of writings on the masturbation debate. Perhaps he had read one of the works written by the Swiss doctor Simon Auguste Tissot, who spoke out against the vice of masturbation in his works.

Tissot, Simon Auguste: Versuch von denen Krankheiten, welche aus der Selbstbefleckung entstehen (An essay on the illnesses which arise from the practice of masturbation), Frankfurt/Leipzig 1760.

UNCONTESTED DIVORCES ARE VERY COMMON IN VIENNA

In 1784, under the pseudonym “Arnold”, the writer Johann Rautenstrauch published a three-part booklet entitled “The weaknesses of the Viennese. From the manuscripts of a traveller”. In this work one finds interesting descriptions of (bourgeois and noble) Viennese daily life. Rautenstrauch commented on “marriage”, the “reluctance to marry”, “compulsive gambling” and “make up”. He made fun of the critics of the Josephine Marriage Ordinance of 1793 which introduced the so called “separation of the marriage” (= Separation of the marriage bond with the option to remarry) for all non-Catholic couples and the uncontested divorce (= divorce from bed and board without the option to remarry) for catholic couples.

> *Even though divorce (of the marriage bond) was not allowed, one could hear the complaints of married couples, tired of each other, on a daily, even on an hourly basis at the Viennese archiepiscopal palace. The holy bonds of marriage, having been declared indissoluble, are being broken.*
>
> *The law was finally forced to allow the separation of the marriage bond, which is even more appalling than the divorce of the marriage itself. Uncontested divorces (from bed and board) are very common in Vienna. In this way the most holy laws lose their power and glory. During the time of the divorce (from bed and board) the man always has to provide his wife with maintenance payments, while she may have ruined him through her bad economic practices or insulted him through improper behavior.*

Those who are interested in the "Weaknesses of the Viennese" can find the booklets at the University of Vienna on Phaidra, a repository for the permanent secure storage of digital assets.

Andrea Griesebner/Susanne Hehenberger, translation Jennifer Blaak, 2016

Next: Insights (1783–1850)

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