

Abstracts

Benedetta Borello, "Remade" marriage. Separation of "bed and board" (Rome 17th Century)

Analysis of the trial records of two separation lawsuits "a thoro et a mensa", heard before the Roman Tribunal of the "Sacred Rota" in the 17th century, showed how marriages in the 17th century, often made without the consent of the couple or without satisfying the economic or political demands of the two families involved, could be "remade" either by husband and wife or by their two families, especially in the case of aristocratic families.

In the two cases studied the conflict was provoked normally by the wives, not when living together became unbearable, but when the women had help and support leading them to believe that the outcome of the trial would be in their favour. Women took the initiative when they had rights to reaffirm and when they thought that with a court trial or by running away from home they could change their married life. Reaffirm a right, restore a damaged one, insist in better treatment for herself and her children meant a good knowledge of legal instruments.

The article concerns two conflicts between two couples of quite different social extraction. The addresses of the lawyers of the aristocratic couple and the trial records of the separation between a servant and a hostess nevertheless show how conjugal relations in court worked around two key intertwining elements: alimony and honour. Alimony redefined the family roles and served to rebuild identities, above all of the men. The honour referred to in these trials was founded on the fame that men and women were able to gain in their surroundings. For women, honour also meant sexual integrity.

Elisabeth Frysak, Legal Fights. The Petitions of the Austrian middle-class women's movement for changing the marriage- and family-law at the turn of the 19th century

In my exposition the questions concerning the meaning and efficiency of the right to petition for the bourgeois women's movement are highlighted. Exemplified by three petitions these questions should be answered: 1094 the "Allgemeine Österreichischer Frauenverein" as well as 1905 and 1907 the "Bund Österreichischer Frauenvereine" submitted petitions to parliament. Cause for this action was the "Kommission zur Revision des Allgemeinen Bürgerlichen Gesetzbuches" which had been in the process of formation since 1904. Basically, demands of all three petitions were aspects like acknowledgement of rights for illegitimate children, the possibility of maintenance against the child's father, the child's father obligation to support unmarried mothers, the embodiment of parental instead of fatherly authority and control or the right to appoint women as guardians.

The demands were drawn up by women in the institutions of legal protection from where they were submitted to parliament via close members. For my exposition the consideration of if and how these demands attained validity are central.

Vilana Pilinkaite-Sotirovic, Family and Individual Strategies of Husband and Wife in Rural Lithuania, 1864-1904

This article deals with the specific family and individual member strategies in a household in the second half of nineteenth century Lithuania and shows that husband and wife marital relationships should be conceived

not only as the result of ideology, but as a potential indicator of cultural, economic, and social factors. In examining marital relationships the focus of most historians' attention has remained on the issues of how patriarchal order worked and whether love and devotion softened and modified men's patriarchal authority over women in the nineteenth century. An analysis of the daily practices among peasants in Lithuania through the second half of the nineteenth century shows that spouses' relationships were hierarchically structured on the one hand, but complementary, on the other. Though the dominant culture legitimized inequality and subordination in husband-wife bonds and prescribed reciprocal behaviour in terms of exchanging obedience in return for protection and welfare, there was some space for women to evade or counter patriarchal dominance. Women could hardly escape the repressive control of a husband by choosing any other way than placing themselves under the control of other men, typically their fathers or brothers. This women's strategy might negatively effect their husband's authority. The article suggests a high degree of complexity in the relationships between husband and wife, in which they were both partners and rivals when negotiating their rights and duties, and expressing their expectations and sentiments.

Heinrich Richard Schmidt, Authority of men and the state. Early modern age marriage conflicts in front of court in contemporary regional historical perspective

Research into early modern marriage and gender emphasizes that the authorities bolstered husbands' patriarchal powers over their wives. In a manner of speaking, husbands appear as the 'state within the house', with a monopoly of violence and the right to punish all members of their households. This contradicts the widely-held view that the state monopolized all forms of legitimate violence in the early modern period, as argued by Weber, Elias and Foucault.

However, case studies of Lutheran, Reformed and Catholic marriage courts reveal that domestic violence was often denounced as 'tyranny'. Men should 'not behave like tyrants over their wives'. Quantitative analysis shows that it was usually wives who cited their husbands: 60 per cent of accusations were made by women. The authorities hardly appear as instigators, neither do neighbours. Violence was the predominant concern of female plaintiffs and a powerful argument: on the whole, women achieved a high rate of success.

Marriage conflicts demonstrate the extent of state interference in domestic relations. Households were no 'peculiarities', but placed under state control. The state monopoly over legitimate violence gradually eroded the powers of masters of households. State and Church courts emerge as highly useful resources for early modern women. 'Monopolization of legitimate violence by the state' should thus not be seen as a process imposed on society, but emerging from within.