

# Two Cases of Divorce in the Town of Arad in the Eighteenth Century

Eugen Ghiță

**Abstract:**

The two documents, which are the subject of the present study, made to share property in the event of divorce, help to form an image on various aspects of daily life, poorly known from other sources: household size, land property, earnings in marriage furniture, tools, animals, prices, food, secular and religious involvement of the private life etc.

In addition to legal information, both inventories, which stood at the base of documents on which the property was to be divided, reveal another perspective on social history of Arad in the late eighteenth century.

**Keywords:** marriage, divorce, daily life, household, Arad, eighteenth century

Many things have changed since the eighteenth century in the city of Arad. The old medieval town stagnated under Ottoman rule. At the end of the seventeenth century, neither in terms of population, nor in terms of urban character Arad was not comparable to other cities.

The eighteenth century marked a split from the past. The Habsburg domination took over the Ottomans, while the new authorities have brought new methods and principles in the organization and development of the urban infrastructure of Arad. The town was a place where several ethnicities and religions intersected throughout the century. People of German origin were preponderant. They had been brought in the town by the new rule in an undisguised policy of becoming official political mediators in the area. I am not referring here mainly to a preponderance of numbers – until the middle of the eighteenth century there were also many Serbian, Romanian, Hungarian and Hebrew families – but in a political and administrative sense, meaning that leading functions were in the hands of German ethnics.

Among many other things, the newcomers brought with them a new conception of government that was based on an important bureaucratic apparatus. Its work resulted in the preparation and maintenance of many types of papers and documents relating to the most various fields, historical sources which can highlight aspects of daily life and beyond. Firstly, historians and demographers have pointed out the importance of notarial documents in the archives. Although these documents were not very numerous in the eighteenth century in the county of Arad, they finally reveal the attitude of the contracting parties in terms of social relations.

Notarial acts were not compulsory, but have since emerged as necessary to resolve various disputes in accordance with the rules of law. While drafting such documents implied certain rigidity (immutable rules, introductory forms, conclusion, presentation of witnesses, notary seal), their content covered a broad range of issues in different categories: dating, inheritance, family relationships, relationships between siblings, etc. At DJAN Arad (National Archives of Arad County), there is a significant amount of such title deeds from the eighteenth century: wills, marriage contracts, wealth inheritance, baptismal certificates, divorce inventories, etc.

The number of marriage contracts and divorce inventories at DJAN Arad (from the eighteenth century) amounts to several dozens of such documents totaling over 200 pages. For this paper, I have chosen two inventories of divorce from the late eighteenth century, while in another paper (Ghiță, 2009: 777–791) I have analyzed several marriage contracts from the same period.

The backside of marriage has always been the divorce. The Church has always condemned the violation of the holy marriage. The mutations produced in Europe in the XVIIIth century after the process of secularization brought a new optic towards the possibility of disposing of marriage. This secularization meant implicitly waiving the supervision of the church and taking it into the state's possession, a phenomenon that occurred at the end of the XVIIIth century (Goody, 2003: 103).

This is also noticeable in the town of Arad at the end of the XVIIIth century. To emphasize some aspects related to the divorce problem, but especially to highlight the nuances of daily life we have chosen two documents regarding the sharing of goods in case of separation or dissolution of marriage. Both acts, on sharing of the wealth, derive from the end of the XVIIIth century. At the basis of election stated the criterion of information wealth and a special appearance for each.

The two documents, which are the subject of the present study, were made to share property in the event of divorce. They give us insight into various aspects of daily life, poorly known from other sources, such as household size, land property, earnings in marriage, furniture, tools, animals, prices, food, secular and religious involvement, etc.

It is a divorce, dated 15 May 1798, (DJAN Arad, 7/1792: 8–9) between the Orthodox Martha Onn – probably a Romanian – and his wife Ana (Anna), about whom we have no direct information on ethnicity, and another divorce, between Mathias Albrecht and Ursula Tuskanitzin, dated 8 January 1799 (DJAN Arad, 7/1792: 10–13). About the latter case, we know that a few years ago they married, primarily in order to attain a certain financial strength (Ghiță, 2010: 21). We can thus derive the logical conclusion that their relationship was based more on a type of resource management than on other values, such as feelings. Any flaw in this type of marriage reveals resentments that inevitably lead to the expected denouement – separation or divorce, which actually happened in this case.

The provisions of both documents reveal two families who had relatively high income and households. This is why the local institutions actively involved in providing a legal framework for the sharing of wealth. Perhaps the status of the subjects also contributed to this.

In the case of Martha Onn, the Orthodox bishop himself made a request to the Town Magistrate to investigate the conditions of divorce. To this was charged Georg Jankovitsch, who had to lay down a sort of report on property and divorce causes. Turning to ethnicity or better said the woman's confession, the document speaks of "Thoro et Mensa" (Stuart, 1994: 39) separation of the two. This means that Ana was of Catholic religion, being known that this kind of separation was practiced by Romano-Catholic church. Separation of "Bed and Table" entitles the spouses to live separately, but the marriage was considered legal further and the partners are not allowed to marry again.

Such a request from the Orthodox bishop could not be made unless the person regarded had a certain social status or anywhere it wanted to come to the aid of a parishioner of his who has suffered an injustice. A possible condition of the male figure can be inferred from another document where Martha Onn was responsible for one of the 84 streets of the town of Arad. More specifically, he was responsible for one of the 15 streets of the "Romanian neighborhood" named in the document *Wallachaei* (DJAN Arad, 3/1783: 7). In that year, he was newly married.

The councilor Georg Jankovitsch has compiled the inventory of goods to be shared only after a trip to the scene, after the findings made by him and in accordance with the "words and avowals of the two". The list includes things of the most diverse: land properties, livestock, tools, harness, wood, seeds, grains, fruits and other foods, etc.

Their household's size was quite significant: 10 *iugăre*\* of land and 5 *iugăre* of pasture, 5 oxen, 3 cows, 1 heifer, 1 calf, a cart, important quantities of fruit, flour, corn, hay, various tools (shingles, flour measure, shovel, braided baskets, one saddle with all accessories, forks, scythe), wood etc. All of these were owned by the man, the woman taking just the bedding, 5 wire links for sacks and 3 bags. During the period of separation, before the divorce is over and before the sharing of goods, the man sold some animals, hay, straw, corn, and fruit valued at 226 florins and 46 farthings. Part of the amount – 26 florins – was given to the wife in the previous year but the remaining assets of more than 200 florins were to be divided or quantified in the sharing of wealth. The document expressly mentions the "significant loss of livestock in inventory", practically 166 of the 226 florins being obtained from the sale of 4 oxen and 3 cows.

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\* iugăr (lat. jugerum, germ. Joch) – unit of area equivalent to 0.57 of a hectare.

I do not know to what extent secular authorities were involved in stopping the phenomenon of family dissolution through divorce, but the context of the document shows clearly that the one in charge with the investigation of their situation makes consignments and even recommendations based on what he found. His sentence is clear when he says “as regards the life of the two, it cannot expect an improvement”, living under the same roof being unrealistic in his view. Moreover, he considers that “to prevent any danger it is better that the two separate for ever”. To strengthen his statements, he claims that the neighbors confirmed what he said. The conclusion was that the two spouses had different tempers and “could not get along particularly from the husband’s guilt”. The document does not refer to any concrete blame as conjugal violence or adultery, but notes that after 16 years of marriage the two must separate.

The second case is more complex because of the assets held by the two. The marriage of Mathias Albrecht with Ursula Tuskanitzin had place a few years ago, more precisely in 1791. What happened in this family so that living together in 1799 could not be possible anymore we could not learn in a concrete way. However, a possible cause could be related to some debts of the widow which initially were overlooked in the contract and that is why later was added an additional item. Failure to comply with their own promises was a major cause of divorce also in other parts of Europe (Goody, 2003: 93).

The inventory of assets of the two highlights a family with above average resources, with properties and substantial income. This is observed inclusive in the marriage contract (DJAN Arad, 7/1792: 1–2) where the future bride’s dowry was 1900 florins, more than any other dowry listed in the similar contracts (Ghiță, 2009: 782–784). Her former husband – Mathias Albrecht – was a carpenter, who certainly enjoyed foraging, judging by the revenue he had to receive from various persons or even official institutions of Arad and Pecica. The amounts of money collected could have been loans, but taking into account the profession practiced by Mathias Albrecht and that organs were among the borrowers we excluded this fact.

Probably after some performed works, he had to receive payments from 30 debtors. The values of these sums were very varied, ranging from 2–3 florins for some people to 279 florins that he had to receive from the pay office of Arad or 159 florins from Pecica authorities. Other sums were to be received from various people such as Mr. Nemiro – 100 florins, Mr. Warsteiner – 78 florins, Mr. Henter – 50 florins etc. In total, these revenues amounted to 1169 florins and 7 farthings and were to be part of the category of amounts that were to be divided. Their properties prove, once again, that we are facing a wealthy couple. They owned two houses – one of 3000 florins and other valued at 2600 florins – a vineyard of 1000 florins in Minis, a dwelling with house and garden of 200 florins, a small house in the old fortress of 80 florins etc. the total value amounting to 7373 of florins, also to be divided.

Other sums, entered in question, came from the sale of goods or properties that Ursula Tuskanitzin inherited after the death of her former husband and brought in her new family. These accounted for a total of 3240 florins and 14 farthings. At one simple addition the amount of wealth, which was to be divided, raised to 11.782 florins and 21 farthings. From this sum was subtracted 1900 florins, which was brought by the woman as dowry, remaining 9882 florins and 21 farthings as net value, i.e. 4941 florins and 10,5 farthings apiece. This document, dated as of January 1799, is drafted in the purpose to evaluate as accurately as possible the assets to be divided.

The price of immovable and various products in the epoch are not to be neglected. Hereby, we learn that 2 large bullocks worth together 77 florins, a cow – 19–22 florins, a measure\* of corn – 1 florin and 32 farthings, a measure of fruit – 2 florins and 32 farthings, a house of a well off family – 3000 florins, a vineyard in Minis with the afferent outbuildings – 1000 florins etc.

In addition to legal information, both inventories which led to the compilation of documents on which was to be divided the wealth reveal a different perspective on the history and daily life in Arad at the end of the XVIII<sup>th</sup> century. Beyond the matrimonial problems, the documents give us the complete picture of what meant a certain type of household and its structure back then. In the first case, we are facing an average household with obvious agricultural purposes judging by the number of animals, tools, implements, and products at home and in the second, we deal with an important artisan's family, a richer family, given the number and value of properties and income.

#### **SOURCES:**

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\* Measure used in this period is called *câbla* or *cubul* (lat. cubuls, germ. Kübel, magh. köböl). In Arad county this measure had a volume of 124.9 litres (Cf. Ciuhandu 1940: 111).

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Lecturer **Eugen Ghiță**, PhD, Faculty of Humanistic and Social Studies, “Aurel Vlaicu” University, Arad