

EARLY MODERN WORKSHOP: Jewish History Resources

Volume 3: Gender, Family, and Social Structures, 2006, Wesleyan University, Middletown, CT

Introduction to a Letter from Relle Luzzatto Morschene to Chief Rabbi Raffael Natan Tedesco of Trieste

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Notes: A letter from Relle Luzzatto Morschene to Chief Rabbi Raffael Natan Tedesco of Trieste, Jan. 24, 1794.

This letter from Relle [Rachele] Morschene (1770-1844) of Trieste to Chief Rabbi Raffael Natan Tedesco was written in the throes of her three-year long effort to extricate herself from her marriage to husband Lucio Luzzatto (1755-1801). From 1793 to 1796, Morschene pursued separation and civil divorce through the Habsburg courts at the same time as a Jewish religious divorce. Indeed, she was one of the first European Jewish women to seek and obtain a civil divorce.

Her legal situation was novel because Jews in the Habsburg Monarchy were among the first to be subjected to civil marriage regulation by a modern state. In medieval and early modern Europe, Jews had generally followed their own religious law (*Halakhah*) for matters of marriage and divorce. With the Marriage Patent of 1783, the Habsburg Monarchy was the first European Catholic state to define marriage as civil and to apply civil law and state jurisdiction to the marriages of all its subjects. However, it did not thereby create purely civil marriage procedures: marriage ceremonies were still only religious, and civil divorce was permitted only to those who were allowed to divorce by their own religion. Thus, Morschene could not get divorced civilly until Rabbi Tedesco assured the civil court that she was permitted a Jewish religious divorce.

Though this letter was written in Morschene's name, it is not known who composed it, whether she herself or her allies (e.g. father, lawyer, or family doctor) or all of them together. But it can be read as a presentation of self with which she was comfortable and as a legal brief whose rhetoric and content were intended to persuade. Even as she asserted her claims, her deferential tone framed the letter and allowed her to appear appropriately as an obedient and humble woman. The arguments about abandonment

by her husband, his failure to support her economically, and the grave danger of his venereal disease ("the French disease," also called "the great pox") all implicitly addressed both Habsburg civil law and Jewish religious law. Especially striking is the use of Enlightenment values of natural law, science and medicine to appeal to the rabbi and ultimately the civil court.

Relle [Rachele] Morschene's story is a valuable source for Jewish women's history. It is also useful for the history of Jewish marriage and divorce as well as for Jewish Emancipation, the process by which Jews became equal citizens in modern states. The regulation of marriage and divorce by civil law was an important way in which Emancipation affected public Jewish authority and private Jewish lives.

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A Letter to Chief Rabbi Raffael Natan Tedesco of Trieste

Relle Luzzatto Morschene, January 24, 1794

Translated by Lois Dubin, Smith College, USA

Notes: A letter from Relle Luzzatto Morschene to Chief Rabbi Raffael Natan Tedesco of Trieste, Jan. 24, 1794.

Most Distinguished Sir,

The undersigned, your most humble servant, is a wretched woman of twenty-three years of age. I was married for five and a half years to this Mr. Lucio Luzzatto, [but] I was unexpectedly abandoned by him by means of a vile stratagem about three months ago. He believed that with threats he could thus force me to live as his wife in actuality and continue under the mantle of husband to be the instrument of my death. I shall say nothing about his squandering the greater part of his family fortune, not to mention reducing himself to a most dreadful misery such that he lacks the most basic needs. I myself am constantly surrounded by creditors, and knaves, and even by creditors for bread and also lesser things. I shall refrain from describing them in order to spare him embarrassment, since all these are a result of his actions rather than misfortunes sent from Heaven that I would have had the grace to accept in silence. I shall say nothing about my worries of supporting myself, and the poor suffering daughter who is the unfortunate fruit of a marriage so ill-conceived, since the case concerning economic support belongs to another forum, whose decision I must await patiently in hope.

But I cannot refrain from humbly submitting myself to your judgment in order to restate in writing what I have already told you verbally about my failing health. For more than twenty months I have not enjoyed good health for [even] a moment, besides suffering from other ailments that developed at the time I nursed my daughter. An almost fatal illness, nervous [literally, hysterical] fevers, horrible pains in my head similar to those experienced in the region of the uterus and stomach, and a thousand other discomforts, all continue to oppress me even now. For more than two years my husband [has

suffered] from a virulent [case of the] French contagion, which causes the uncontrolled flow of urine and feces, thus reducing our conjugal bed to a latrine from which at times I was forced to remove myself. The complete breakdown of my husband's humors unfortunately altered mine, which were initially without exception of the highest order; he was certainly the principal cause of my ailments. My life would be in danger if I continued to live any longer as the wife of such a man. That is the opinion of the most respected doctors, copies of whose reports I attach. I too know, though I am a woman, that a marriage is a serious matter, as is its dissolution, but I know even more that the first duty of nature is to preserve life. My husband's excesses and his case of the French disease are widely known, and you can certainly find out about them. Moreover, you yourself with your own eyes indubitably saw the stockings, the underwear, and the bed linen of my miserable husband covered with filth and foul matter, besides which my former domestic servants themselves will be able to attest to it. The uncertainty of a cure, even if possible in the future for either the symptoms or the underlying disease, and still more then the impossibility of ensuring no relapse are of the greatest certainty. I therefore most respectfully appeal to your wisdom along with your humanity to rule on the matter in question [divorce], so that you then, with your authority as Chief Judge, will prescribe [a solution] that will accord with reason, and with religion to which you will always find me obedient.

Trieste, 24 January 1794
Relle Luzzatto Morschene

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Una Lettera al Rabbino Raffael Natan Tedesco Relle Luzzatto Morschene, January 24, 1794

Prepared by Lois Dubin, Smith College, USA

Notes: A letter from Relle Luzzatto Morschene to Chief Rabbi Raffael Natan Tedesco of Trieste, Jan. 24, 1794.

Ecc.mo Signore!

Una sciagurata donna d'anni 23, è la sottoscritta V.ra Umilissima Serva. Da cinque anni e mezzo maritata con questo Sig.r Lucio Luzzatto, fui da lui abbandonata all'improvviso per un vil stratagemo già da trè mesi circa, credendo così di poter colle minacce obbligarmi ad esser sua moglie in Attualità, e continuar egli col mantelo di Marito ad esser lo stromento di mia Morte. Taccio la Consunzione data alla maggior parte del suo patrimonio non solo, ma la riduzione sua ad una miseria relativa la più orrenda, mancando il giornaliero bisogno, ed essendo io sempre attorniata da Creditori, e da fanti, e per sino da Creditrici del pane, e di altre più minute cose, che tratengomi di descrivere per non arrossirlo, essendo prodotti tutti questi di sue azioni anzicchè da disgrazie mandate dal Cielo, che avrei saputo di buon grado venerare col silenzio. Taccio il pensiero che o' era di mantener me e la miseranda figlia frutto disgraziato di un così mal inteso Matrimonio, giachè la Causa in ordine agli alimenti appartiene ad altro Foro, da Cui ne devo intanto sospirar la decisione.

Ma non posso trattenermi di umigliarmi al vostro Giudizio per e ridirvi in iscritto quanto già verbalmente circa la mia cadente Salute. Sono venti mesi e più che non la ho più un momento, oltre ad altri acciachi svoltisi sin dall'epoca dell'Alattamento di mia figlia. Una quasi mortal malattia, febri isteriche, dolori orribili di testa pari sintomi ai lombi alla regione uterina, e allo stomaco, e mille altri incomodi, sono quelli che mi tengono oppressa tuttora. Il Marito che da un virulento celtico contagio, già da due anni e più, è soggetto ad un rilascio di urina, e di Sterco riducendomi nel letto conjugale come in una latrina da dove fui qualche volte forzata ad allontanarmene; Il Marito che col guasto invincibile de' suoi umori alterò purtroppo i miei che eran di prima superiori ad ogni

eccezione, fu' al certo la causa principale de' miei malori, e pericolo di vita per mè sarebbe continuar di più qual moglie di un tal Uomo. Così attestano Sensatissimi Medici colle Consulte che in copia rassegnò. So' anch'io benche femina quanto importa un Matrimonio, e un suo scioglimento ma so' ancora, che il primo dover di natura è di conservare la vita. I stravizi del Marito, e la sua celtica Causa sono troppo notorie, e potete ben informarvene. Voi stesso poi vedeste coi propri occhi i calzoli, i panolini, e la lenzuola del miserabile marito, di sucidume [sic, for sudiciume] ripieni, e d'imondezze per non dubitarne oltrechè i domestici miei una volta stessi potranno ben assicurarlo. L'Incertezza della cura seppur è in avvenire possibile, si per quanto spetta ai Sintomi, come per quanto riguarda la Causa, e tantoppiù poi l'impossibilità di garantirne la recidiva, è tanto sicura che nulla più. La V.ra saviezza dunque colla vostra umanità insieme, e da mè ossequiosamente implorata di decidere sul punto in questione, per poi colla V.ra autorità qual Capo Giudice in questo punto prescrivere quanto sarà di ragione, e di religione a cui me avrete sempre ubbidente.

Trieste li 24. Gennaro 1794

Relle Luzzatto Morschene

Archive: Archivio di Stato, Trieste, Italy. Archivio notarile, Notaio Francesco Saverio Lovisoni, Atti processuali 1793 no. 38, fasc. Relle Luzzatto Morschene contro Lucio Luzzatto, ff. 91r-92r.

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