

Chapter I

The Contest for the Guardianship of Nephew Karl—The Conversation Books—A Wedding Song—In Travail with the Mass—The Year 1819.

THE key-note for much that must occupy us in a survey of the year 1819 is sounded by A New Year's Greeting to Archduke Rudolph. Beethoven invokes all manner of blessings on the head of his pupil and patron and, begging a continuance of gracious benevolences for himself, sets forth a picture of his unhappy plight.

A terrible occurrence has recently taken place in my family affairs which for a time robbed me of all my reasoning powers; and to this must be charged the circumstance that I have not called upon Y. R. H. in person nor made mention of the masterly Variations of my highly honored and exalted pupil, the favorite of the Muses. I do not dare to express either by word of mouth or in writing my thanks for the surprise and favor with which I have been honored, inasmuch as I occupy *much too humble* a position, nor dare I, much as I would like and ardently as I long to do so, *requite like with like*.

A little boy of eleven years runs away from his uncle to his indulgent mother whom he, for months at a time, has not been allowed to see, although both live within the same city limits. What else could be expected than that this should now and then occur? What should be thought of the child's heart if it did not? And when it did, who but Beethoven would have felt more than a passing disturbance of his equanimity at an offense so natural under the circumstances? But to him it was a "terrible occurrence" which for a space robbed him of his reason. No one of ordinary sensibilities can read the story without strong feelings of compassion for him—not that the boy's freak was in any sense in itself a grievous misfortune, but because the uncle's sufferings occasioned by it were so real and intense.

There is no reason to doubt the mother's assertion that she sent the child back through the intervention of the police, for this was clearly her best policy, more especially because she and her

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advisers found in the incident a wished-for occasion to renew her petition to have her son admitted into the R. I. Convict. It was this petition, enforced by Hotschevar's long paper and its accompanying documents, which had led to the question of Beethoven's right to have his case tried by the tribunal of the nobility, and the negative decision which transferred the whole matter to the City Magistracy. At this point a few official data are wanting, and the suspension of Beethoven from the guardianship of his nephew can only be stated as having been determined by the magistrates immediately after the beginning of the new year, and that, in consequence of this, the boy was for a few weeks with his mother. On January 10, Fanny Giannatasio writes in her diary: "What Müller tells me about Beethoven pains me deeply. The wicked woman has finally succeeded in triumphing over him. He has been removed from the guardianship¹ and the wicked son returns to the source of his wickedness. I can imagine Beethoven's grief. It is said that since yesterday he has been entirely alone and eats apart from the others. He ought to know that Karl is glad to be with his mother; it would ease the pain of the separation."

On January 7 the magistrates summoned Beethoven (who still lived in the Gärtnergasse), the boy, the mother, Hotschevar and the curator, Dr. Schönauer, to appear before them on January 11. Of what action was taken that day there is no record, but Hotschevar's attack brought out a vigorous defense in the shape of a letter sent by Beethoven to the Magistracy,² in which he maintained the superiority of the educational plan which he was pursuing over that which had been proposed by the mother, proclaimed the magnanimity and virtuousness of all his acts and discharged a broadside of accusation and insinuation against Madame van Beethoven and the priest who had come to her help. We can make room for only a few passages:

His exceptional capacity, and partly also his peculiarities, call for exceptional measures; and I never did a more beneficial or magnanimous act than when I took my nephew to myself and personally assumed charge of his education. Seeing that (according to Plutarch) a Philip did not think it beneath his dignity to direct the education of his son Alexander and give him the great Aristotle for a teacher because he did not consider the ordinary teachers suitable, and a Laudon looked after the education of his son *himself*, why should not such beautiful and

¹He had not been removed, but only temporarily suspended; he retained the supervision of the boy's education and at a later period voluntarily resigned the guardianship for a time.

²See Kalischer-Shedlock, Vol. II, p. 124 *et seq.* The letter was dated erroneously February 1, 1818, instead of 1819.

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sublime examples be followed by others? Already during his lifetime his father entrusted my nephew to me and I confess that I feel myself better fitted than anybody else *to incite my nephew to virtue and industry by my own example.*

Had the mother been able to subdue her wicked disposition and permitted my plans to take their quiet development a very favorable result would have followed; but when a *mother of this sort* seeks to involve her child in the secrets of her own vulgar and evil surroundings, and in his tender years (a plague for children! ! !) leads him astray to deception, to bribery of my servants, to *untruthfulness*, by *laughing at him* when he tells the truth, yes, even *giving him money* to awaken in him lusts and desires which are harmful, tells him that things are trifles which *in me and others would be accounted grave faults*, the already difficult task becomes more difficult and dangerous.

Gifts of fortune may be acquired; morality must be *implanted* early, particularly when a child has had the misfortune to suck in such *mother's milk*, was in her care for several years, was put to thoroughly bad uses, even had to help *deceive* his father. Furthermore he will *inherit from me* and even now I could leave him enough to *keep him from want* while continuing his studies until he should receive an appointment. We need only *quiet and no more interference* from the mother, and the beautiful goal which I have set will be attained.

Ought I now to reply to the intrigues of a Mr. Courtscrivener Hotschowa [Hotschevar] against me, or to the *priest of Mödling*, who is despised by his congregation, who is suspected of being guilty of *illicit intercourse*, who lays his pupils military fashion on a form to be thrashed and could not forgive me because I kept watch on him and would not permit my nephew to be caned like a *brute*—ought I? No; the association of these men with Madame van Beethoven *bears witness* against them both, and *only such* could make *common cause* with Madame van Beethoven *against me.*

Beethoven accompanied this address with a private letter presumably to Dr. Tschiska (or Tschischka), an official of the Magistracy, in which he said:

I am not a guardian from self-interest, but I want to rear a new monument to myself in my nephew. I do not need my nephew, but he needs me. Gossip, calumny, are beneath the dignity of a man who is raising himself up! What is to be done when they even touch the laundry!?!? I might be very sensitive, but the just man must be able to endure injustice without departing an iota from the right. In this sense I shall endure every trial, nothing shall shake my resolution. A great responsibility would be incurred were my nephew to be wholly withdrawn from me; moral and even political consequences would follow to him. I commend him to you and appeal to your heart for his welfare. My actions must commend me for his sake, not mine.

We do not know the particulars, but for the present Beethoven retained the right to look after the further education of the boy; the right, at least, was not judicially taken away from him or given

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to another. He did not send him again to a public school, but engaged a private tutor under whose care he continued his studies in an institute conducted by Joseph Kudlich, of whom he spoke in great praise. Besides the ordinary subjects, he received instruction in French, drawing and music; his religious training was entrusted to a priest. This state of affairs lasted till the end of March, when he announced a desire to resign the guardianship—persuaded to take this step, it is fair to presume, by the magistrates who, in the end, would have been obliged to remove him. Karl was living with his mother at the time. According to the court records, Beethoven left the matter of education “entirely to Kudlich,” with whom (if a passage in one of the Conversation Books is read correctly) he seems also to have lived temporarily, and it was given to him to propose the name of a guardian, either in place of himself or as an associate. He consulted earnestly with his friends as to what was to be done with the boy and who should be his guardian, and those friends were sorely tried by his constitutional indecision. In these consultations, the project of sending the boy away from Vienna, and the name of Sailer, were mooted.¹ “What must be done,” Bernard says, “is to select as guardian a man who has your entire confidence both as respects morality and pedagogical skill, and with whom you may always remain on friendly terms concerning the affair. Since Kudlich has more influence on Karl than Giannatasio, it is my opinion that you seek no further for someone who would meet every requirement.—It would merely be very troublesome for you.” Beethoven seems to be in doubt; he had a preference for his friend the magisterial Councillor Tuscher, and the project of sending him to Sailer in Landshut appealed to him. Bernard says again: “If you want peace of mind I think it wise that you name a guardian as you were willing to do yesterday. But if it is possible to send the boy to Sailer at Landshut,² it would, of course, be better still, since then you could feel assured that he was in the best of hands. Even if you have Tuscher as co-guardian, your case will not be bettered, inasmuch as all cares will still rest on you. Perhaps Tuscher and Kudlich might jointly assume the guardianship—this might be very advantageous. All the same, everything will remain as heretofore, even if you send him away he will remain with Kudlich until a change has been made. So long as you are guardian and Karl remains here, you will not only have all the cares as heretofore, but also be compelled to fight

¹These citations are from the Conversation Books.

²Landshut University. It was afterward removed to Munich.

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the mother and all her intrigues. Have Karl sent for the present again to Kudlich, meanwhile the matter may be straightened out.”¹

Beethoven seems to have expressed a doubt as to Tuscher’s willingness to serve as guardian. Bernard continues: “Perhaps he might be more easily persuaded if a co-guardian like Kudlich were appointed.—It is not necessary to settle everything by to-morrow. If we go to Omeyer to-morrow morning, then to Tuscher and Kudlich, we can come to an understanding as to what will be the best thing to do.” Tuscher, if we are correct in recognizing his handwriting, permitted himself to be persuaded, though a bit under protest; he foresaw difficulties. The Magistracy at the suggestion of Beethoven thereupon appointed the Magisterial Councillor Matthias von Tuscher guardian of the boy on March 26. He was commanded to place his ward, then “living with his mother, Johanna van Beethoven,” in another place for bringing up and education under proper care, and submit his opinion touching the proposition of the mother and Hotschevar that he be entered in a public institute of learning before the expiration of the second school semester, that Beethoven contribute to the cost and that the share of the mother’s pension and the interest on the money deposited for the boy be applied to this end. Tuscher was decidedly of the opinion that the boy must be sent away for a time and was agreed with the plan of placing him with Prof. Sailer in Landshut after it had been broached to him. For this the consent of the Magistracy and the police authorities and a passport were necessary. In the opinion of one of Beethoven’s advisers (Bach) Tuscher was to be informed of the plan only after the passport had been obtained, but before the mother, who had already found “a channel,” could take steps to communicate with Tuscher. Beethoven applied to the city authorities for a passport for two years for his ward. On April 23, the authorities asked of the Magistracy if there were any objections to the proposed step. The Magistracy objected to the boy’s being sent into a foreign country, but asked Tuscher if he were not willing to withdraw his application and name an institute in Austria. Tuscher declined and set forth the great hopes which he placed in the training to be had of a man like Sailer, who, “because of his reverence for the talents of the composer, Beethoven, was especially bound to him,” and hence would bestow upon his charge

¹As a matter of fact the boy was with Kudlich after this and remained there until Beethoven went to Mödling. At the time of this consultation he was with his mother. Kudlich was instructed not to permit any communication between him and his mother.

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the strictest oversight and care, which was of great importance in the case of a boy who was “extremely cunning and an adept in every sort of craftiness.” In replying to the municipal authorities the Magistracy (on May 7) conceded the necessity of withdrawing the boy from his mother’s influence, but thought it unnecessary to send him out of the country on this account, against which the mother had protested and the curator of the ward, Dr. Schönauer, had declared himself. The passport was therefore refused. Beethoven had taken a step which seems to have been made to prevent the widow from securing help for her plans from a source higher than any that had yet been invoked and to enlist that higher power in his own behalf. He appealed to Archduke Rudolph to use his influence with Archduke Ludwig, the youngest brother of Emperor Franz I, to aid him in his project of sending his nephew far away from the mother’s influence. In the letter written to the Archduke¹ he states that it had been his intention to petition Archduke Ludwig in the premises, but there had thitherto appeared to be no occasion for so doing for the reason that all the authorities who had jurisdiction in the matter were convinced of the advisability of the step, viz.: the Police, the Supervisory Guardianship Court and the guardian. He had heard, however, that the mother intended to seek an audience of Archduke Ludwig to prevent the execution of his plan. Convinced that she would stop at nothing in the way of calumination, he expressed the hope that his reputation for morality would suffice as a refutation of her slanders, and that Archduke Rudolph would bear testimony in his behalf.

The plan to send the nephew out of the country had been frustrated and had to be abandoned. His mind being filled with artistic projects of the greatest magnitude, Beethoven was desirous to pass the summer months again in Mödling, and after the experiences of the preceding year nothing could be hoped for his nephew in that quarter. He came to a realization of the advantages which Giannatasio’s institute had offered and in a letter to Giannatasio asked him again to take the lad till other arrangements had been made. The Giannatasio family were fearful lest such a proceeding might work harm to their institution, and on June 17 visited Beethoven at Mödling to tell him that his wishes could not be complied with. “Grievously as it pained us,” Fanny writes in her diary, “to refuse Beethoven anything, I am yet so convinced of the necessity of the step and that it could do

¹It is undated, but to judge by its contents and the sequence of events was written in May. See Kalischer-Shedlock, Vol. II, p. 134.

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us no good, but on the contrary harm, that I prefer to have it so." Thereupon the lad was sent to the institute of Joseph Blöchlinger. Claudius Artaria, who was one of the teachers there (1821–1824), recalled in later years that Karl was one of the older scholars, "naturally talented, but somewhat conceited because he was the nephew of Beethoven." He also saw the mother there a few times, but remembered nothing in particular in connection with her visits. The lad appears to have prospered during the early part of his stay at this school. In December, 1819, an unknown hand writes in a Conversation Book:

A great deal has been gained in that the boy has again become orderly in his public studies. Plöchlinger [*sic*] moreover, though not exactly brilliant, seems to be good—the public school system acts as a restraint on him.—Your nephew looks well; handsome eyes—charm, a speaking physiognomy, and excellent bearing. I would continue his education for only two years more.—He is always present, and thus she can do him no harm. But he is agreed that she spoils the boy.—When you have acquired the sole guardianship, then do you decide and he will obey.—Your views are admirable but not always reconcilable with this wretched world.—Would that everybody might understand and appreciate your love for your nephew.

Tuscher, a member of the Magistracy, was compelled to recognize that his colleagues were wholly under the influence of Madame van Beethoven and Hotschevar, and that he could do no service to his friend or his friend's ward; on July 5, he applied to be relieved of the guardianship which, he said, had become "in every respect burdensome and vexatious," on the ground that "the multiplicity of official duties as well as various other considerations would not permit him longer to administer the office." Beethoven took this action in very bad part, and Tuscher shared the fate of many others of being for a space an object of the composer's critical ill will. Beethoven now served notice on the Magistracy that he would resume the guardianship under the testamentary appointment and that he had placed his ward in Blöchlinger's institution. On July 15 he writes to Archduke Rudolph, lamenting that confusion still reigns in his domestic affairs, no hope or comfort is in sight, all his structures are blown away, as if by the wind. "The present proprietor of the institute in which I have placed my nephew, a pupil of Pestalozzi, is of the opinion that it will be difficult to achieve a desirable outcome in the boy's training—and also that there could be nothing more profitable to my nephew than absence from the country." In a letter of September 14 to Blöchlinger he writes: "*Only the following individuals*

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have free access to my nephew, Mr. v. Bernard, Mr. v. Oliva, Mr. v. Piuk, Recording Secretary. . . . My nephew is not to go out of the house without my written permission—from which it is plain what course is to be followed toward the mother—I insist that in this respect *strict obedience* be given to what the authorities and I have ordained.”

It is not known whether the Magistracy was immediately informed of the new steps which Beethoven had taken, or whether Madame van Beethoven made a presentment of some sort on the subject. Be that as it may, as chief guardian it determined if possible to put an end to the continual friction and undertook an investigation of all the educational experiments which had been made, arriving at the conclusion that the boy had been “subject to the whims of Beethoven and had been tossed back and forth like a ball from one educational institution to another.” For this reason it decreed, on September 17, that Tuscher’s request be granted, but that the guardianship should not again be entrusted to Beethoven but to the mother, the natural guardian under the law, with a capable and honest man as co-guardian. To this office Leopold Nussböck, municipal Sequestrator, was appointed. Beethoven protested against the action in a letter which the Magistracy received on October 31.¹ Having been absent from the city at the time, “on a matter of business,” he had made no objection to the appointment of Herr Nussböck as guardian of his nephew, but returning with the intention of remaining in Vienna he wished to resume the guardianship, as this was essential to the welfare of the boy, the mother having neither the will nor the strength to look after his training. He was the more insistent on a resumption of this duty since he had learned that owing to lack of money the boy was to be removed from the institution which he had selected for him, and he charged that the mother wished to take her son to her home so that she might be able to expend his income, including the half of her pension which she was obliged to devote to his education, upon herself. He asked that the intermediary guardianship be taken from Nussböck and be restored to him without delay. About the same time (October 23) he wrote at great length to Dr. Bach, who had now become his lawyer.² From this it appears that Madame van Beethoven had addressed another communication to the Magistrates’ Court, in which she apparently said or intimated that Beethoven would, in consequence of the elevation of the Archduke

¹Kalischer-Shedlock, Vol. II, p. 149.

²Kalischer-Shedlock, Vol. II, p. 145.

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to the Archbishopric, be obliged to spend the greater part of his time in Olmütz, and had renewed her attacks upon his moral character. "His Imperial Highness, Eminence and Cardinal" would unhesitatingly bear witness to his morality, and, as to the twaddle about Olmütz, the Archduke would probably spend not more than six weeks of the year there.

The chief points are that I be recognized at once as sole guardian, I will accept no co-guardian, that the mother be excluded from intercourse with her son in the *Institute* because in view of her *immorality* there cannot be enough watchmen there and she confuses the teacher by her false statements and lies. She also has led her son to tell shameful lies and make charges *against me*, and accuses me herself of having given him too much or too little; but that the claims of humanity may not be overlooked, she may see her son occasionally at my home in the presence of his teachers and other excellent men. . . . It is my opinion that you should insist stoutly and irrevocably that I be *sole* guardian and that this unnatural mother shall see her son only at *my house*; my well known humanity and culture are a guarantee that my treatment of her will be no less generous than that given to her son. Moreover, I think that all this should be done quickly and that if possible we ought to get the Appellate Court to assume the superior guardianship, as I want my nephew to be placed in a higher category; neither he nor I belong to the Magistracy under whose guardianship are only innkeepers, shoemakers and tailors. As regards his present maintenance, it shall be cared for as long as I live. For the future he has 7,000 florins *W.W.* of which his mother has the usufruct during life; also 2,000 fl. (or a little more since I have reinvested it), the interest on which belongs to *him*, and 4,000 florins in silver of *mine* are lying in the bank; as he is to inherit all my property this belongs to his capital. You will observe that while because of his *great talent* (to which the Honorable Magistracy is indifferent) he will not be able at once to support himself, there is already a superfluity in case of my death.

In a postscript he accuses the mother of wishing to gain possession of her son in order to enjoy all of her pension. In view of this he had taken counsel as to whether or not he should let her keep the money and make it good from his own pocket. He had been advised not to do so, however, because she would make bad use of the money. "I have decided, therefore, to set aside the sum in time. You see again how foolishly the Magistracy is acting in trying to tear my son wholly from me, since when she dies the boy will lose this share of the pension and would get along *very poorly* without my aid." A few days later Beethoven wrote to Dr. Bach again, this time to suggest that legal steps be taken to attach the widow's pension, he having a suspicion that she was trying to evade payment of her son's share because she had permitted

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nine months to pass without drawing the pension from the exchequer.

The Magistracy disposed of Beethoven's protest and application on November 4, by curtly referring him to the disposition made of his petition of September 17. Beethoven asked for a reconsideration of the matter, but without avail, and the only recourse remaining to him was the appeal to the higher court which had already been suggested to Dr. Bach. The story of that appeal belongs to the year 1820. Meanwhile the association of Councillor Peters with him in the guardianship had been broached and was the subject of discussion with his friends. In December Bernard writes in a *Conversation Book*:

The Magistracy has till now only made a minute of the proceedings and will now hold a session to arrive at a decision. It is already decided that you shall have the chief guardianship, but a 2d is to be associated with you. As no objection can be made to Peters, there will be no difficulty. The matter will be ordered according to your wishes and I will take care of Mr. Blöchlinger. The mother will not be admitted to the institute unless you are present, 4 times a year is enough—nor the guardian either?—The Magistracy has compromised itself nicely.

Bach seems to have advised that the mother be accepted as co-guardian. He writes: "As co-guardian she will have no authority, only the honor of being associated in the guardianship. She will be a mere figurehead." Whether the conversations noted at the time referred to the case on appeal or to the application still pending before the Magistracy, or some to the one, some to the other, it is impossible to determine. The record of the refusal of the Magistracy has not been procured, but the decree of the Appellate Court gives December 20 as its date.

Frequent citations from the so-called "*Conversation Books*" made in the course of the narrative touching the later phases of the controversy over the guardianship call for some remarks upon this new source of information opened in this year. In the "*Nieder-rheinische Musikzeitung*," No. 28 of 1854, Schindler wrote:

Beethoven's hearing had already become too weak for oral conversation, even with the help of an ear-trumpet, in 1818, and recourse had now to be had to writing. Only in the case of intercourse with Archduke Rudolph, and here because of his gentle voice, the smallest of the ear-trumpets remained of service for several years more.

That he was able, partly by the ear and partly by the eye, to judge of the correctness of the performance of his music, Schindler states in the same article—a fact also known from many other sources; this was the case even to his last year. When, after the