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**How to get legally rid of an unwanted wife or husband?  
The Penitentiary and the annulments of marriages  
through a papal declaration**

di Kirsi Salonen

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## **How to get legally rid of an unwanted wife or husband? The Penitentiary and the annulments of marriages through a papal declaration**

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As numerous studies from all over the Latin West have shown, medieval ecclesiastical tribunals have handled thousands of litigations regarding the validity of marital unions and declared marriages valid and void<sup>1</sup>. It is also well-known that some litigants have appealed in their cases to the highest papal tribunal, the Sacra Romana Rota<sup>2</sup>. However, it is less known that also the Papal Penitentiary has dealt with juridical issues related to the validity of a marriage – in addition to granting thousands of marriage dispensations<sup>3</sup>. This article examines this neglected side of the authority of the Penitentiary and – based on concrete cases from the Penitentiary archives – shows that the Christians have indeed turned to the Penitentiary also in such issues.

The article presents first briefly the Papal Penitentiary, the sources used in this study and the ecclesiastical norms regarding a valid marriage. After that the ar-

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<sup>1</sup> There is an ample research tradition of medieval marriages and marriage litigations. Good overviews at European level with many relevant aspects and references to historiography within the field is *Marriage in Europe*, and *Regional Variations in Matrimonial Law and Custom in Europe, 1150-1600*. See also BRUNDAGE, *Law, Sex, and Christian Society*; HELMHOLZ, *Marriage Litigation*; DONAHUE, *Law, Marriage, and Society*. For Italy in particular, see *I tribunali del matrimonio (secoli XV-XVIII)*.

<sup>2</sup> SALONEN, *Papal Justice*, pp. 99-110.

<sup>3</sup> The Penitentiary's important role in granting marriage dispensations and absolutions has been studied and confirmed by many Penitentiary scholars, most significantly by Ludwig Schmutge in SCHMUTGE, *Marriage on Trial*. For Italy, in particular OSTINELLI, *Le suppliche alla Sacra Penitenzieria Apostolica*, pp. 133-143. For international comparison, see SALONEN, *Impediments and illegal marriages*.

title proceeds to a closer analysis of the documents in the Penitentiary archives and gives examples of situations in which Christians have turned to the Penitentiary for getting their marriage annulled.

### 1. *The Penitentiary, its powers and its historical sources*

The Penitentiary<sup>4</sup> was one of the most important offices within the pre-Tridentine papal curia, and its origins have been dated to the twelfth century<sup>5</sup>. Within the structure of the papal curia, the Penitentiary was responsible for the care of souls of Christians. The Penitentiary had received from the popes the powers to grant four kinds of grace to Christians who turned to the papacy with a petition related to sins they had committed or with a wish to act against the regulations of canon law: 1) absolutions for those who had broken the regulations of canon law<sup>6</sup>, 2) dispensations that allowed Christians to act against the regulations of the Church<sup>7</sup>, 3) licenses that allowed Christians not to observe ecclesiastical norms<sup>8</sup>, and 4) official declarations<sup>9</sup>.

The best and most abundant medieval source material left of the activity of the Penitentiary are the copybooks of the office, the Penitentiary registers, into which the office recorded approved petitions so that the officials could keep track of granted favours. The petitions were not copied to the Penitentiary registers word-for-word but in an abbreviated form including all legally relevant details<sup>10</sup>. The Penitentiary registers, which are kept in the *Archivio Storico della Penitenzieria Apostolica*<sup>11</sup>, consist of 746 volumes covering, with certain lacunae, the period

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<sup>4</sup> About the history and functioning of the Penitentiary see GÖLLER, *Die päpstliche Pönitentiarie*; SCHMUGGE - HERSPERGER - WIGGENHAUSER, *Die Supplikenregister*; SALONEN, *The Penitentiary*; EAD. - SCHMUGGE, *The Sip*; OSTINELLI, *Le suppliche alla Sacra Penitenzieria Apostolica*, pp. 8-157.

<sup>5</sup> SALONEN - SCHMUGGE, *A Sip*, pp. 13-14; ZUTSHI, *Petitioners, Proctors, Popes*, pp. 275-277.

<sup>6</sup> The powers of the Penitentiary allowed it to absolve Christians even from sins reserved to papal authority.

<sup>7</sup> The dispensations granted by the Penitentiary allowed Christians, for example, to marry a close relative, to become a priest despite an impediment or to continue in an ecclesiastical career after having become irregular because of a severe sin or crime.

<sup>8</sup> This category includes issues such as confessing to a priest other than one's own parish priest, consuming meat and dairy products during Lent, carrying a portable altar or transferring from one monastery to another.

<sup>9</sup> In certain cases, petitioners had to be able to demonstrate that they were not guilty or that they had been forced to marry or take monastic vows. The Penitentiary could grant declarations testifying that a cleric was not guilty of murder or mutilation despite (unjust) accusations or that a forced marriage or monastic profession was void.

<sup>10</sup> SALONEN - SCHMUGGE, *A Sip*, pp. 94-95.

<sup>11</sup> APA, *Reg. Matrim. et Div., passim*. For an overview of the pre-Reformation Penitentiary registers, see SALONEN, *The Penitentiary*, pp. 425-426.

from 1409 to 1890. About 100 volumes date back to the pre-Reformation era. The registers have been accessible to scholars since 1983.

The Penitentiary had the powers to grant Christians absolutions, dispensations, licenses and declarations for multiple issues. The best source for understanding the great variety of issues entrusted to the office is the Penitentiary registers. The medieval registers are internally divided into different sections, each of which contains entries regarding a certain type of issue. Since 1458, the seven most common sections<sup>12</sup> in the registers are: *de matrimonialibus* (marriages)<sup>13</sup>, *de diversis formis* (different types of cases)<sup>14</sup>, *de declaratoriis* (declarations)<sup>15</sup>, *de defectu natalium* (illegitimacy), *de uberiori* (holding more than one benefice, here in connection with illegitimate birth)<sup>16</sup>, *de promotis et promovendis* (ecclesiastical ordinations)<sup>17</sup> and *de confessionalibus* (the right to choose one's confessor)<sup>18</sup>.

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<sup>12</sup> There is a certain variation of the number of sections in the Penitentiary registers. For example, in later volumes, the *de defectu natalium* and *de uberiori* sections are united in a single section called *de illegitimis*, and the *de diversis formis* and *de declaratoriis* sections are unified in a single section *de diversis materiis*.

<sup>13</sup> The *de matrimonialibus* section records petitions for obtaining marital dispensations/absolutions from a marital impediment, such as consanguinity, affinity or spiritual relationship, for example. A good general presentation about the Penitentiary and marriage graces is SCHMUGGE, *Marriage on Trial*.

<sup>14</sup> The *de diversis formis* section contains a number of different types of grace: absolutions and dispensations related to violent behavior, monastic issues, simony, sacrilege, sexual crimes or breaking their oath or solemn vow. It also includes petitions for a license by pious persons who for a legitimate reason wanted to eat meat and dairy products during Lent or to make a pilgrimage to territories under the control of Muslims. SALONEN - SCHMUGGE, *A Sip*, pp. 28-49.

<sup>15</sup> Most petitions in this section are from clerics in need of a declaration stating that they were not guilty of murder, and thus could continue in their ecclesiastical career, even though they had participated in events that resulted in someone's death. The section also includes petitions for an official testimony that the petitioners either were not monks or nuns even though they had entered a monastery or that their marriage was not valid although some people would have claimed so. *Ibidem*, pp. 49-56.

<sup>16</sup> The *de defectu natalium* section contains petitions made by children born out of wedlock who desired to become priests although the ecclesiastical norms stipulated that an illegitimate birth made a person irregular and thus unsuitable for an ecclesiastical career. In addition to these 'simple illegitimacy dispensations' the Penitentiary could dispense illegitimate children from the regulation that a priest could hold contemporaneously only one ecclesiastical office. These petitions can be found in the *de uberiori* section. SCHMUGGE, *Kirche, Kinder, Karrieren*.

<sup>17</sup> This section includes petitions for dispensations from the requirements of candidates for an ecclesiastical career, regulations of who could perform the act of ordination and when the clerical ordination could take place. SALONEN - HANSKA, *Entering a Clerical Career*, pp. 103-105, 114-148.

<sup>18</sup> The Fourth Lateran Council (1215) stipulated that all Christians had to confess their sins at least once a year to their local parish priest. If someone wanted to confess to another priest, he or she needed a so-called confessional letter, which allowed its holder to confess to whom he or she wanted. The section *de confessionalibus* includes petitions for receiving such letters. SALONEN - SCHMUGGE, *A Sip*, pp. 64-68.

## 2. Canon law and marriage

The Catholic Church considered a marriage to be an inseparable union. However, the ecclesiastical norms allowed, in a few specific cases, a married couple to separate from each other. This could take place in two different ways<sup>19</sup>.

Firstly, a couple could be separated from each other so that they did not have to endure each other's company. They, however, were not allowed to remarry after their separation. This practice is known in legal terminology as *divortium a mensa et thoro*, divorce from bed and board. According to canon law a separation from bed and board could take place because of domestic violence, adultery or spiritual fornication (apostasy or heresy) and it had to take place through a decision of the local ecclesiastical court – of which we have numerous medieval testimonies from throughout Christendom.

The other possibility to divorce was called in legal terminology *divortium a vinculo* and it meant in practice that a marriage between two persons was declared void. Since this implied in legal terms that the marriage had never been legally contracted, the spouses were free to marry someone else. For getting one's marriage annulled, there had to be a strong legal motivation which officially caused the union to be void.

And here we have to start from the question, when a marriage was valid? According to canon law, a legally valid marriage had to be contracted by the free will of both spouses and in a legally correct way. Additionally, no marital impediments such as consanguinity, affinity, spiritual or legal relationship, mental illness or minority could be involved, or the spouses should not be bigamists or have ecclesiastical or monastic vocation<sup>20</sup>.

If a marriage had been contracted and one of the previously mentioned problems had occurred, it was possible to get the marriage annulled. But this required the intervention of the ecclesiastical authorities, typically the local episcopal tribunal. But also the pope had the powers to deal with such cases, and the popes had delegated such authority to the Penitentiary, which had papal powers to annul void marriages. Such issues were, however, not part of the main activities of the office. On the contrary, the Penitentiary typically granted dispensations and absolutions for those who wanted to continue in their marriages despite the existence of one or more of the previously mentioned impediments. But, because the Penitentiary had the powers to declared marriages void, the Penitentiary registers include petitions with which Christians wished to get their unions annulled.

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<sup>19</sup> Concerning separation, HELMHOLZ, *Marriage Litigation*, p. 13.

<sup>20</sup> About the marital impediments, see for example SCHMUGGE, *Marriage on Trial*, pp. 64-87; DONAHUE, *Love, Marriage, and Society*, pp. 18-33.

### 3. Use of Penitentiary declarations

Before proceeding to the content of the official annulments of marriages by the Penitentiary, a few remarks about the use of them. Why did people ask for such documents? And what kinds of documents were they? The Penitentiary has usually been considered as a tribunal in matters of conscience which has often led to the idea that all those who turned to the Penitentiary did it because they wanted to cleanse their dirty consciences. Thus scholars have stressed that people turned to the Penitentiary because they wanted to be good Christians. This assumption is certainly correct in many cases, perhaps even in almost all cases. However, there have also been supplicants who turned to the Penitentiary with their requests because they needed a Penitentiary document for a second end – for example, as an official testimony for a court process or similar. And this has been especially the case with many declaratory letters<sup>21</sup>.

In principle, with the declarations concerning annulments of marriages, the Penitentiary issued an official document stating that the previously contracted marriage of the supplicant(s) was not valid due to an impediment which rendered it legally void. Hence the Penitentiary granted them a document stating that the couple was free to marry someone else. Such a letter must have been a powerful instrument for example in a marriage litigation process before the local ecclesiastical court.

In principle, the Penitentiary granted to the supplicants what they were asking for – as long as the formalities of the requests were correct and the phraseology in the supplication followed the curial style. The petitions presented to the Penitentiary typically fulfilled all these requirements since they were composed by Penitentiary proctors, who knew how to formulate a legally valid request. Thus, the answer of the Penitentiary to a supplication was, in principle, always positive. Without any control, this would have been very tempting for dishonest petitioners: Write to the Penitentiary, tell your version of the story, ask what you want, get a positive answer and use the letter of grace before the local court against your spouse. However, petitioning to the Penitentiary was not this easy, since a rigid mechanism of control existed. Although the Penitentiary typically granted what the supplicant asked for – for example a declaration of annulment of a marriage – the office made its decisions conditionally. The letters of grace issued by the Penitentiary stated that it was the task of the local ecclesiastical authorities – typically the local bishop or his vicar *in spiritualibus* – to carefully investigate each case and to check that all details told by the petitioner were correct. If the local auth-

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<sup>21</sup> More about the use of the Penitentiary documents before the courts, see SALONEN, *Vom Nutzen*. See also SCHMUGGE, *Marriage on Trial, passim*.



orities established that all details were correct, they could execute the grace granted by the Penitentiary. If they instead found out that the details were dubious or wrong, it was their obligation to declare the grace void. Hence, it can be supposed that the petitioners probably tried to keep within the limits of truth, even though they certainly presented the facts in a light that was favourable for them<sup>22</sup>.

#### 4. *Penitentiary evidence for annulments of marriages*

Let us now start with the analysis of the petitions related to annulments of marriages in the Penitentiary records. Due to the huge number of petitions recorded in the Penitentiary registers, I have not searched through all such documents in the premodern archives of the Penitentiary, but concentrated on one pontificate – that of Piccolomini-Pope Pius II (1458-1464). During his six-year-pontificate, the Penitentiary approved (and registered) as many as 15,500 petitions. Of them only 334 (about 2%) are registered in the *de declaratoriis* category and twenty-three (~7%) of them concern annulment of marriages. Thus we are not dealing with a widely spread phenomenon but with individual cases<sup>23</sup>. But these cases can in any case tell us something about the authorities of the Penitentiary in cases regarding marital annulments.

The first detail studied here is the provenance of such documentation. Where did such petitions originate from? Are they more typical for some regions than for others? The answer to this question is relatively simple: the cases originate from most parts of the Western Christendom: three cases come from Eastern Europe, France and Germany each, and seven petitions originate from both Italy and Iberian Peninsula. No cases instead result from the more remote Christian territories such as the British Isles or Scandinavia. Due to the small number of cases, it is not wise to draw further conclusions about Italians or Spaniards who were much more eager to annul their marriages. Instead, it is more important to point out that these numbers indicate that annulling marriages was not a particular problem in any certain European region, but that cases came in from all over Latin Christendom<sup>24</sup>.

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<sup>22</sup> About the process of checking the correctness of the details stated by the petitioner, see SALONEN - SCHMUGGE, *A Sip*, p. 73.

<sup>23</sup> Concerning the statistics of the Penitentiary documents during the pontificate of Pius II, see SALONEN, *The Penitentiary under Pope Pius II*, regarding marriage graces, EAD., *Impediments and illegal marriages*.

<sup>24</sup> The larger amount of such cases from Italy and Iberian Peninsula corresponds well to the overall number of cases from regions located close to the papal curia. In general, the Penitentiary handled numerous Italian petitions for marriage dispensations, which shows that Italians were used to turn to the office with their marital problems. About the Penitentiary statistics in general, see EAD., *The Penitentiary under Pope Pius II*.

Regarding the chronological distribution of the petitions for marriage annulments, such requests have regularly come in every year, but not in great quantities: one case in 1459, three cases in 1460, five cases in 1461, four cases in 1462 and 1463 and six cases in 1464. This means that although annulling marriages was not clearly part of the daily business of the office, such issues were regularly brought before the officials of the Penitentiary.

In principle, the Cardinal Penitentiary as well as his vice, the regent, could both make decisions in these matters. They often divided the decision-making so that the regent took care of the everyday business, while the cardinal signed at least the most atypical cases. Regarding the marriage annulment petitions, it has mainly been the cardinal – during the pontificate of Pius II, Filippo Calandrini – who signed the petitions. Cardinal Calandrini signed nineteen such petitions out of the total of twenty-three. In one document the name of the decision-maker is missing and in three cases the decision has been taken by the regent of the office. Once he was *Iohannes de Glanderionibus*, bishop of Città di Castello and twice *Galeottus de Oddis*, papal prothonotary, who both acted as regents of the Penitentiary for some time, *Iohannes* between May 1462 and February 1464 and *Galeottus* a bit longer, from November 1459 until November 1463<sup>25</sup>. The activity of the cardinal in deciding in these cases indicates that such issues were considered as all but standard mass-products of the Penitentiary.

Before going to the content of the supplications, let us take a look at the gender aspect: who were the petitioners? Although a Christian marriage was always a union between a man and a woman, it was not always the husband and wife turning together to the Penitentiary – on the contrary. In my opinion the absence of one of the parties is an indication that the couple might not have agreed upon the making of the petition and therefore only one of them has approached the Penitentiary and asked for the annulment of their marriage. Indeed, the material from the pontificate of Pius II contains only two cases in which both husband and wife have turned together to the Penitentiary. In these cases we can probably talk about a marriage that was unwanted from both sides and therefore both the parties wished to obtain the annulment of their union.

In the rest of the petitions, we find as supplicants fourteen men and seven women, who have wanted to contest the legitimacy of their union<sup>26</sup>. There is no reason to draw too strict conclusions based on such a small sample, but men

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<sup>25</sup> Concerning the Cardinal Penitentiaries and other officials of the Penitentiary, see GÖLLER, *Die päpstliche Pönitentiarie*, pp. 9-11 and SCHMUGGE - HERSPERGER - WIGGENHAUSER, *Die Supplikenregister*, pp. 33-36. Regarding the cardinals as decision-makers, see SALONEN, *Cardinals and the Apostolic Penitentiary*, pp. 151-153.

<sup>26</sup> SCHMUGGE, *Female Petitioners*.

seem to have been slightly more eager to get rid of their unwanted wives than vice versa. If we consider this against the idea of medieval practice of appealing to courts and especially to pope, the dominance of male petitioners is natural since it was not very common for women to apply to the papal curia<sup>27</sup>.

##### 5. *Legal motivations behind the requests for an annulment*

Why did these supplicants want to annul their marriages and how did they present the facts in their petitions? Since marriages could be annulled only if there was one or more impediments that made the marriage void, we can classify the legal motivations of the Penitentiary supplicants according to different marital impediments: consanguinity, affinity, *impedimentum publicae honestatis iustitiae*, spiritual relationship, existing marriage, coercion to marry, mental illness, and others<sup>28</sup>.

In the table 1 are presented how many times the supplicants used different kinds of legal motivations for convincing the Penitentiary to agree with their requests. As the numbers in the table show, the most common legal motivation for requesting an annulment was that the persons had not contracted their marriage by their free will but that someone had forced them to do so. In fact eleven supplicants claimed that they had contracted a forced marriage, *vi et metu*. The rest of the supplicants motivated their requests with some other kind of impediment, which had rendered the union void. Two supplicants claimed affinity, one claimed the *impedimentum publicae honestatis iustitiae*, one consanguinity and one spiritual relationship. In one case mental illness was involved, in one case simply an error of the person. In three cases there was question of a second marriage while the first spouse still was alive and in one case the supplicant's newly wedded wife resulted a nun. In one case there was a problem with the form of the marriage. The spectrum of different legal motivations in these petitions is thus quite broad.

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<sup>27</sup> *Ibidem*, pp. 685-686.

<sup>28</sup> About the various impediments, see SCHMUGGE, *Marriage on Trial*, pp. 64-87; DONAHUE, *Love, Marriage, and Society*, pp. 18-33.

Table 1. The motivations for requesting for a marriage annulment. Source: APA, *Reg. Matrim. et Div.*, 7-11, 13, *passim*.

Motivation	Cases
<i>Vi et metu</i>	11
<i>Affinitas</i> (incest)	2
<i>Consanguinitas</i>	1
<i>Cognatio spiritualis</i>	1
<i>Publicae honestatis iustitiae</i>	1
Mental illness	1
<i>Error personae</i>	1
Bigamy	3
Technical problem in marriage	1
Spouse a nun	1
Total	23

### 5.1 *Vi et metu*

One of the most important requirements for a legally valid marriage was that both parties would enter the union of their free will. Forced marriages were not considered valid and could be contested in ecclesiastical courts<sup>29</sup>. Most of the petitions presented to the Penitentiary for receiving an annulment of a marriage fall into the group of forced marriages, eleven altogether. We can observe here a slight inequality in gender: in seven cases the supplicant was a man and in four cases a woman. Analysing the details of the Penitentiary documents shows, that there was a clear difference in who had forced the men to an unwanted marriage and who had forced the women.

<sup>29</sup> *Ibidem*, pp. 21-22.

In the cases of the four women who turned to the Penitentiary to get rid of their forced marriages it was always someone close to them who had forced the women to marry a man they did not want to marry. Hence here we clearly see traces of arranged marriages, which were relatively common in the fifteenth century<sup>30</sup>. In the case of *Maiora Gundissalvi* from the diocese of Evora it was her father who had forced her to marry<sup>31</sup>, and so was it also in the cases of *Mathia*, daughter of *Blasius Unioda* from the diocese of Parenzo<sup>32</sup> and *Lecta*, daughter of *Nuncius Vencii de Cavis* from the diocese of Palestrina, who at that time was only seven years old<sup>33</sup>. *Teresia*, daughter of *Garcias de Arze* from the diocese of Palencia instead must have been orphan, when she at the age of twelve or thirteen had been forced to a marriage by her relatives and friends<sup>34</sup>. These women, who were all asking for a letter of declaration stating that their forced marriage would not be considered valid, described the situation in which they had been forced to marry by using the words *vi et metu*. In the three first cases they actually refer directly to the wording *metu/timore qui potest cadere in constantem mulierem*, which is a quotation from Roman law repeated in canon law<sup>35</sup>.

The seven cases presented by male petitioners who claimed forced marriage are a bit more heterogeneous. *Iohannes Sancti de Castromanordi* from the diocese of Rieti had a similar story as the female petitioners. His father had forced him to marry at the age of fourteen. In principle, he was married for eleven years but he and his wife never cohabited nor consummated the marriage. And since he wished to contract a real marriage, he petitioned for a declaration that this union would be considered void and that he could marry someone else<sup>36</sup>. Two other supplicants had been forced to marry while they still were minors. *Ladislaus Ladislai de Zenze*, an orphan nobleman from the diocese of Zagreb had, at the age of eight years, been forced by a certain *Clemens Tuplan* to marry *Clemens'* seven-year-old daughter *Lucia*. *Ladislaus* had contested the marriage and never lived with her. At the moment of the petitioning, twenty years had passed from the event and he wanted to marry and asked therefore for the declaration of nullity<sup>37</sup>. *Petrus de Canedo* from the diocese of Santiago de Compostella had been forced to a marriage at the age of twelve. He explained that a certain layman had forced

<sup>30</sup> There is an ample literature about forced marriages, see for example LOMBARDI, *Storia del matrimonio*, pp. 21-23 or SEIDEL MENCHI, *La sposa bambina*.

<sup>31</sup> APA, *Reg. Matrim. et Div.*, 9, ff. 267v-268r (dated in Rome, 1461 October 19).

<sup>32</sup> *Ibidem*, 10, f. 213r (dated in Rome, 1462 April 14).

<sup>33</sup> *Ibidem*, 13, f. 359r (dated in Rome, 1464 January 7).

<sup>34</sup> *Ibidem*, 9, ff. 268r-v (dated in Rome, 1461 October 20).

<sup>35</sup> Dig. 4.2.6 (Gaius) which talks about a *vir constans*. SALONEN - SCHMUGGE, *A Sip*, p. 54.

<sup>36</sup> APA, *Reg. Matrim. et Div.*, 10, f. 217r (dated in Rome, 1462 March 8).

<sup>37</sup> *Ibidem*, ff. 204r-205r (dated in Rome, 1462 January 3).

him to marry a woman who already was married, and he added that they never consummated their union. When he had been liberated from the layman, he immediately brought the case before the local ecclesiastical tribunal and won the case. From the Penitentiary he asked for a declaration that would demonstrate to everyone that he was free to marry someone else<sup>38</sup>.

These petitions do not give any explanations to what kind of reasons there were behind the forced marriages but in three cases the reason for forced marriage was that the petitioner was guilty of deflowering the woman he was forced to marry. *Martinus Pii* from the diocese of Bayoux had deflowered a certain *Iohanna*, whose parents forced him to marry her despite his intentions of proceeding in his ecclesiastical career. In fact, he was in minor orders in the moment when the deflowering took place and at the moment of presenting the petition already a *presbyter*. But since he had had a child with her after taking the priestly vows, he needed an official declaration that he was not married – probably in order to keep his office<sup>39</sup>. The relatives of his wife had forced also *Iohannes Herdegen de Ultfert* from the diocese of Würzburg to an unwanted marriage. *Iohannes* told to the Penitentiary that a certain *Margarita* had sued him before the local ecclesiastical court for forcing him to marry her, but the court had absolved him from her accusations. After the liberating sentence of the court her parents had, however, captured him and put him to jail with the accusation of deflowering her, and he could be liberated from the prison only against the promise to marry her. He, indeed, married her but their life was not satisfactory and she left him, after which he asked the Penitentiary to annul their marriage and free him from the oath he had taken, so that he could marry someone else<sup>40</sup>. There is also a third man, *Octavianus Iannelli* whose story is similar to the two before mentioned, but we will come to his case later, because it is related to another case as well.

The last *vi et metu* case is very different from the previous ones and already known through an article by Lucie Doležalová<sup>41</sup>. The supplicant, *Nicolaus Gehtutner* from Prague had married a certain Bohemian woman, *Elsa de Peniscaro*, known as a heretic Hussite. He claimed to the Penitentiary a forced marriage: she had told him that if he would marry her, she would save him from decapitation – a punishment for those who had been found guilty of following the Hussites – by hiding him in her house, which she did after he had made the asked

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<sup>38</sup> *Ibidem*, 11, f. 271r-v (dated in Rome, 1463 May 18).

<sup>39</sup> *Ibidem*, 8, f. 218r (dated in Siena, 1460 June 2).

<sup>40</sup> *Ibidem*, 9, f. 251r-v (dated in Rome, 1461 April 22). A summary of this case is published in *Repertorium Poenitentiarie Germanicum*, no. 1794.

<sup>41</sup> I will not go more in details here, since the case is carefully discussed in DOLEŽALOVÁ, 'But if you marry me'.

promise. Thus he stayed alive but had to marry her – of which he wished to be liberated through a letter of declaration by the Penitentiary<sup>42</sup>.

As the cases demonstrated, the petitioners who turned to the Penitentiary for getting their marriages annulled because of the lack of free will told to the papal office their stories that differed slightly from the stories of the others' but in principle followed the typical pattern of a forced marriage we know already from other medieval documentation. The existence of these cases in the Penitentiary archives shows that the Penitentiary could help Christians also in these cases.

Despite the varying personal stories, it was, however, possible to notice one common feature in all the *vi et metu* cases handled by the Penitentiary: none of the couples who wanted to get their marriage annulled admitted that they had consummated their marriage. This was an important detail because consummation was regarded as a kind of consent and the petitioners very clearly (and wisely) denied this<sup>43</sup>. Among the eleven *vi et metu* cases, there was only one exception, namely priest *Martinus Pii*, who admitted that he had had sexual relationship with his partner. The reason why he could admit the sexual relationship arises probably from the fact that admitting the consummation did not have any effect for his case, since he was already in priestly orders at that time and could not marry in any case. In fact, the Penitentiary made its favourable decision in his case with the phrase: *non obstante copula et prole subsecuta* (despite consummation and procreation of offspring).

## 5.2 *Affinitas* (incest)

In two cases the Penitentiary petitioners wanted to annul their marriages because of an existing impediment of affinity<sup>44</sup>. However, these are not traditional affinity cases in which an earlier marriage of one of the spouses had created the bond of affinity. In both cases the supplicant was a man who wanted to get rid of his wife who had had an illicit sexual relationship with a man who was his relative. Thus these men referred in their supplications to the regulation about incest making an already contracted marriage void.

In the first case *Blasius Iacobi de Sancto Andrea*, a layman from the diocese of Nagy-Varad explained that he had contracted – but not yet consummated – a

<sup>42</sup> APA, *Reg. Matrim. et Div.*, 7, f. 291v (dated in Mantua, 1459 November 6). A summary of this case is published in *Repertorium Poenitentiarie Germanicum*, no. 1758.

<sup>43</sup> Regarding the importance and meaning of the consummation of a marriage, see for example the discussion in KORPIOLA, *Between Bethrotal and Bedding*, pp. 135-145.

<sup>44</sup> X 4.13.1-11, edited in *Corpus Iuris Canonici*, cols 696-700. See also, SCHMUGGE, *Marriage on Trial*, pp. 80-83; DONAHUE, *Love, Marriage, and Society*, pp. 29-30.

marriage with a woman called *Helena*. When he was ready to proceed with the marriage, he had heard that a certain *Benedictus*, his own son, had had a sexual relationship with *Helena*. Therefore, he decided that it was not a case to continue with her and petitioned to the Penitentiary that his union with *Helena* would be declared void<sup>45</sup>. The second supplicant *Petrus Rico*, inhabitant of Bilbao in the diocese of Calahorra, had contracted and consummated a marriage with a certain *Maria Other* and had children with her. At some point, he had then heard that his own brother had had a sexual relationship with his wife and obviously he did not want to continue common life with her. He petitioned that their marriage would be declared void so that he could marry another woman<sup>46</sup>.

In both cases there was question of unfaithfulness on the part of the woman. In the first case she had had a sexual relationship with the son and in the second case with the brother of her husband. Thus it is very clear that in both cases the reason why the supplicants wished to annul their marriages was the unfaithfulness of his spouse. Since according to canon law one cannot annul a marriage because of adultery but only to grant the spouses a separation without the possibility to remarry<sup>47</sup>, it is obvious that in these two cases it was easier to get the case through the legal system of justice by claiming affinity which caused the invalidity of the marriage since this could result with the annulment – and the possibility of marrying someone else.

### 5.3 *Consanguinitas*

The material contains one case, in which the supplicant asked for an annulment because of the impediment of consanguinity<sup>48</sup>. The case originates from the diocese of Zagreb, and the layman *Iohannes de Crisia* explained that he had – in ignorance – married a woman to whom he was related by the tie of third degree of consanguinity. He explained that he and his wife had already consummated their marriage when he had heard about the existence of the impediment. He did not want to remain in the forbidden marriage but asked for annulment of the union so that he could marry another woman<sup>49</sup>.

Also this case is well founded with canonical excuses. The regulations of canon law state clearly that consanguinity was an impediment that made a marriage

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<sup>45</sup> APA, *Reg. Matrim. et Div.*, 8, ff. 212v-213r (dated in Siena, 1460 April 18).

<sup>46</sup> *Ibidem*, 11, ff. 276v-277r (dated in Tivoli, 1463 July 22).

<sup>47</sup> HELMHOLZ, *Marriage Litigation*, p. 13.

<sup>48</sup> About consanguinity, SCHMUGGE, *Marriage on Trial*, pp. 75-77; DONAHUE, *Love, Marriage, and Society*, pp. 27-28.

<sup>49</sup> APA, *Reg. Matrim. et Div.*, 9, f. 230r (dated in Rome, 1461 January 22).



void<sup>50</sup>. And this was *Iohannes'* argument. Since the marriage was contracted in ignorance and the couple had thus not broken the norms of canon law intentionally, *Iohannes* could also have chosen the other – and easier – way and ask for a marriage dispensation that would have allowed them to continue legally in their marriage. For an unknown reason, however, he chose to ask for annulment. One can obviously speculate whether there was something else than the consanguinity behind his urge to have his marriage annulled through the Penitentiary instead of turning to the local ecclesiastical court, in particular because he petitioned for the annulment alone and not with his wife.

#### 5.4 *Cognatio spiritualis*

In the material there is only one case in which the petitioners use the impediment of spiritual relationship as a motivation for the desired annulment<sup>51</sup>. This is one of the few cases in which the couple petitioned together. The petitioners, *Petrus Segnyn* and *Iohanna Raolet* from the French diocese of Le Mans, explained to the Penitentiary that they had married knowing that they were related to each other by the tie of spiritual relationship, which resulted from the fact that *Iohanna's* late husband had baptized the daughter of *Petrus* from his previous marriage. *Iohanna* and *Petrus* had not only broken the ecclesiastical norms by doing this knowingly but they confessed too that they had married clandestinely and thus committed another violation of ecclesiastical norms. They hence petitioned from the Penitentiary for absolution from the excommunication and the crime of incest as well as for a declaration that would state that their marriage was not valid and that both of them could marry someone else<sup>52</sup>.

In this case there is probably question of a couple who for some reason had wanted to get married no matter what happened and they did it knowing that they broke the ecclesiastical regulations. Then something has happened – one could guess that the people around them has started to talk and the case might have been brought before the local episcopal court which did not want to tolerate that the couple was living together and forced them to turn to the papal see and ask for absolution and annulment. And since spiritual relationship between the

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<sup>50</sup> Concerning consanguinity (and affinity), see X 4.14.1-9, edited in *Corpus Iuris Canonici*, cols 700-704.

<sup>51</sup> About spiritual relationship SCHMUGGE, *Marriage on Trial*, pp. 64-73; DONAHUE, *Love, Marriage, and Society*, pp. 30-31.

<sup>52</sup> APA, *Reg. Matrim. et Div.*, 13, f. 364r-v (dated in Petrioli in the diocese of Siena, 1464 April 21).

spouses was an impediment, it was an easy way to obtain the annulment stressing the impediment<sup>53</sup>.

### 5.5 *Publicae honestatis iustitiae*

The only petition related to the impediment of *publicae honestatis iustitiae*<sup>54</sup> was presented to the Penitentiary by the husband, *Rodericus de Torres* from the diocese of Osma, alone. His father and the father of a certain *linesie de Barchio* had once agreed without the presence of the children that they should be married to each other and a sort of engagement or legally valid pact for a future marriage was signed. Then it happened that *linesie* died and *Rodericus* was married to her sister instead. After the marriage had taken place, he had realized that there was the impediment of *publicae honestatis iustitiae* between him and his wife, which rendered their marriage void. Therefore, *Rodericus* asked from the Penitentiary for a declaration of nullity of the union<sup>55</sup>.

Since there is clearly question of an arranged marriage, we should pose the question whether the reason why *Rodericus* wanted the marriage to be annulled was really that he did not feel to live with the sister of his deceased spouse or whether he realized that his previous engagement to the sister was a lucky way out of the unpleasant arranged marriage.

### 5.6 *Mental illness*

Mental illness was considered as marital impediment because insane persons were not considered capable of consent, and therefore it was possible to get a marriage annulled if the spouse had mental illness<sup>56</sup>. Marina, daughter of *Fernandus Garcia de Roderio* from the village of Paredes in the diocese of Palencia, turned to the Penitentiary because she wanted her marriage with *Iohannes Pico* to be annulled because of his mental illness. She told to the Penitentiary that she had not known of his illness when they were married<sup>57</sup>.

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<sup>53</sup> Concerning spiritual relationships, see X 4.11.1-8, edited in *Corpus Iuris Canonici*, cols 693-696.

<sup>54</sup> X 4.1.4, edited in *Corpus Iuris Canonici*, col. 662. See also, SCHMUGGE, *Marriage on Trial*, pp. 73-74; DONAHUE, *Love, Marriage, and Society*, pp. 31.

<sup>55</sup> APA, *Reg. Matrim. et Div.*, 13, f. 369r (dated in Rome, 1464 May 21).

<sup>56</sup> X 4.1.24, edited in *Corpus Iuris Canonici*, col. 670. See also, DONAHUE, *Love, Marriage, and Society*, p. 19.

<sup>57</sup> APA, *Reg. Matrim. et Div.*, 11, f. 261r-v (dated in Rome, 1463 February 8).

Also in this case there is most probably question of an arranged marriage of a couple who did not know each other beforehand. This was revealed by the phrase where Marina told that if she had known him earlier, she would not have married him (... *si dicta exponens eundem Johannem prius cognovisset, matrimonium cum eodem non contraxisset* ...). Thus she clearly presented her story to the Penitentiary in the light that she was a poor woman who had suddenly found herself married to a madman. Referring to the mental illness of her husband was a legally correct way to get the unwanted marriage annulled.

### 5.7 Wrong spouse

Error in person was considered as marital impediment<sup>58</sup>, and in a few cases the Penitentiary petitioners have applied to this. From the human point of view the most peculiar story was that of *Iohannes Antonii Sciarre* from Pontecorvo in the diocese of Aquino. He explained that he and *Anthonius Iohannes de Constancio* from the same diocese had negotiated a marriage between *Iohannes* and *Anthonius'* daughter *Rita* who according to the wording of *Iohannes* was beautiful and curvy (*pulchra et formosa*) – and whom *Iohannes* knew personally. The father promised *Iohannes* that he can marry his daughter and they proceeded to the public wedding. During the wedding ceremony the face of the spouse was covered with a white linen cloth and *Iohannes* realized only after the ceremony that it was not the beautiful *Rita* he had married but her sister *Maria*, who was not such a beauty as her sister but instead had long facial hair (*habentem barbam longam pilosam*). The father was obviously happy to have married off the less attractive daughter and tried to explain away the situation by claiming that he had agreed that *Iohannes* can marry one of his daughters, not specifying which one. *Iohannes*, who had married the wrong person, wanted to get the marriage annulled and asked for a declaration to that direction from the Penitentiary so that he could remarry<sup>59</sup>.

This is a classic case of *error personae*, which made a contracted marriage void. *Iohannes* tried to defend his claim that he wanted to marry *Rita* against the father's claim that he had promised to *Iohannes* one of his daughters. The office made its positive decision for *Iohannes* and referred the examination of the details of the case to the local bishop who was supposed to find out whether there was question about marrying the wrong person. The bishop was instructed to enquire whether *Iohannes* had clearly stated in the marriage negotiations that he wanted to marry *Rita*. If he had done so, then the marriage could be declared void.

<sup>58</sup> About error in the person of one's spouse, see for example PLÖCHL, *Geschichte des Kirchenrechts*, pp. 314-315; DONAHUE, *Love, Marriage, and Society*, pp. 22-23.

<sup>59</sup> APA, *Reg. Matrim. et Div.*, 9, f. 261r-v (dated in Rome, 1461 October 20).

## 5.8 Bigamy

In the corpus there are three cases related to bigamy, which was one of the marital impediments because the sacrament of marriage could be performed only once<sup>60</sup>. *Rainaldus Laurencii alias Cistarii* from the diocese of Utrecht had contracted publicly and legally a marriage with a certain *Margareta* from the diocese of Cambrai and only afterwards found out that she had been earlier married and that her first husband was still alive. Since he did not want to continue in the bigamous relationship, *Rainaldus* needed an official declaration stating that his marriage with *Margareta* was void and he could marry another woman<sup>61</sup>.

The other supplicant turning to the Penitentiary because of bigamy was a woman, *Bartholomea Petri Angeli Grassi* from *Castro-Sancte Flore* in the diocese of Chiusi, who had married a certain *Guillelmus Sutor* from *partibus Pedenniorum* who was living in her town. Afterwards she had found out that *Guillelmus* had another wife back home. The other wife was no more alive at the moment when she presented her request to the Penitentiary but she had been alive when *Bartholomeus* had married *Bartholomea*. Thus she claimed that their marriage was void because of his bigamy and wanted a declaration that she was free to marry another man<sup>62</sup>.

The third supplicant related to a bigamy case was a woman too. *Guillemeta Tandona* from the diocese of Poitiers requested for a declaration stating that her marriage with a certain *Iohannes le Charon* would be void and that she could marry another man. She told in her supplication that she had married him legally and they had lived together for some years, after which she had heard that he had been married with another woman when they had contracted their marriage<sup>63</sup>.

In all cases the story follows the same pattern: a person contracts a legally valid marriage with someone and finds afterwards out that the spouse was already married. Since the norms of the Church considered only the first marriage valid, the supplicants had a case<sup>64</sup>. Therefore the Penitentiary granted the requested declarations of nullity of the marriages without doubting. The decision stressed, however, that the local bishop – to whose authority the case was referred – should enquire about the verity of the stories. This means in the first case whether the husband of *Margareta* was still alive, in the second case if the story was generally

<sup>60</sup> X 4.4.5 and X 4.21.2, edited in *Corpus Iuris Canonici*, cols 681-682, 730; ROCK, *Bigamy (in Canon Law)*.

<sup>61</sup> APA, *Reg. Matrim. et Div.*, 8, f. 213r (dated in Siena, 1460 April 14). A summary of this case is published in *Repertorium Poenitentiarie Germanicum*, no. 1772.

<sup>62</sup> APA, *Reg. Matrim. et Div.*, 13, f. 360r (dated in Siena, 1464 March 11).

<sup>63</sup> *Ibidem*, ff. 373r-v (dated in Rome, 1464 June 8).

<sup>64</sup> X 4.4.5, edited in *Corpus Iuris Canonici*, cols 681-682; ROCK, *Bigamy (in Canon Law)*.

true and in the third case if it was true that the first wife of *Iohannes* had really been alive when he married *Guillemeta*. If the first spouses had been dead at the moment of contracting the marriage, the unions would have been considered valid<sup>65</sup>.

### 5.9 *Technical problem in marriage*

In one of the cases there was not question of a marital impediment but of a 'technical problem', which according to the couple who turned together to the Penitentiary should render their marriage void. Nobleman *Raymundus Malare* and *Gabriela Iohanna*, daughter of *Nicolaus Puades* from Vich, told to the Penitentiary that *Raymundus* had asked his friends to negotiate a marriage with the relatives of *Gabriela* because she was rich – however with a negative result. Afterwards he had appointed a person as his proctor for contracting a marriage with another woman, *Eulalia*. This proctor then had come to a place where *Gabriela* had been and proposed to her in the name of *Raymundus* (instead of *Eulalia* to whom he was supposed to propose). *Gabriela*, this time without the presence of her relatives, had answered positively and a marriage was contracted through the proctor. When both *Raymundus* and the relatives of *Gabriela* heard about this, they opposed to the marriage and the couple made their joint petition to the Penitentiary for an annulment by claiming that the marriage should not be valid because the proposal was made against the mandate given to the proctor to propose *Eulalia*<sup>66</sup>.

### 5.10 *Spouse a nun*

Then I come to my last case, which actually is a combination of two supplications from one and the same person. In this case the petitioner wanted to annul his marriage based on the fact that his spouse was a nun<sup>67</sup>. The supplicant, *Octavianus Iannelli* from the diocese of Volterra, presented to the Penitentiary two petitions with the same purpose: getting rid of his wife or concubine. In his first petition, dated on 27 February 1463, he explained to the Penitentiary that he had kept a certain *Iacoba Blasii* – who had taken her monastic vows at the Benedictine monastery of St John the Evangelist – as a concubine or a sort of wife for some time not knowing that she was a nun. When he had found out about her monastic vocation, he wanted to send her away from him. He thus petitioned to the Peni-

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<sup>65</sup> X 4.21.2, edited in *Corpus Iuris Canonici*, col. 730; ROCK, *Bigamy (in Canon Law)*.

<sup>66</sup> APA, *Reg. Matrim. et Div.*, 10, f. 213v (dated in Rome, 1462 February 10).

<sup>67</sup> About the impediment caused by priestly orders and religious vows, DONAHUE, *Love, Marriage, and Society*, pp. 24-26.

tentiary and asked for absolution from the excommunication he had incurred while having a relationship with a nun as well as for declaration that he was not bound to her but could marry another woman<sup>68</sup>. In his second petition, dated a bit more than a year later, on 31 March 1464, instead, *Octavianus* explained to the Penitentiary that he had once entered a Benedictine nunnery and had had a sexual relationship with one of the nuns (this must be *Iacoba* and her nunnery). When this was found out, the bishop of Volterra had condemned him to huge financial pains, unless he would marry her, which he did. Obviously he was not happy with the forced marriage and he asked from the Penitentiary a declaration so that he was not bound to the marriage contracted because of pressure<sup>69</sup>.

These two petitions form an excellent example of how people did not really lie in their letters to the Penitentiary but told a twisted truth, nevertheless. The first petition of *Octavianus* was presented in a legally correct way – his claim that he could not stay with his wife or concubine because she was a professed nun and therefore bigamist, which made their union void. But his twisting the truth was apparently found out when he had presented the letter of grace from the Penitentiary to the local bishop for executing the grace. As said, it was the task of the local bishops to check the details in the letters of grace before they were declared valid. In this case the local bishop to whom the declaration was directed has obviously found the details told by *Octavianus* not totally true and he has apparently declared the first grace void. This is a good demonstration of the fact that lying to the officials of the Penitentiary did not help one's case.

The Penitentiary documentation does not allow us to know whether the bishop forced *Octavianus* to marry *Iacoba* after he had presented his first letter of declaration or whether this had taken place already earlier. In any case, we can see that when *Octavianus* turned again to the Penitentiary, he had clearly changed strategy. He no more based his claim on *Iacoba's* bigamy or on the fact that she was a nun but presented himself now as a penitent regretting sexual relationship with a nun and as a victim of the bishop who had forced him to marry against all ecclesiastical regulations. There is no third petition from *Octavianus* in the Penitentiary material so we cannot know whether the second letter of declaration was accepted by the local authorities. At least the second letter was not referred to the authority of the bishop of Volterra (probably because he was personally involved in the case) but to the authority of his superior, the archbishop of Florence. In any case the wording in the decision of the Penitentiary shows that the office was not just a rubber stamp agreeing upon everything Christians were asking for. The clause at the end of the decision *interdicto tamen sibi quod cum nulla*

<sup>68</sup> APA, *Reg. Matrim. et Div.*, 11, ff. 263v-264r (dated in Rome, 1462 February 27).

<sup>69</sup> *Ibidem*, 13, ff. 364v-365r (dated in Siena, 1464 March 31).

*contrahere possit* forbids clearly *Octavianus* from marrying anyone else which means that the Penitentiary did not grant him all he was asking for.

## 6. *Conclusions*

The analysis of the petitions recorded in the fifteenth-century copybooks of the Penitentiary function as a fine testimony of the fact that Christians from different parts of the Western Christendom have turned to the authority of the Penitentiary, also in cases when they needed to get their marriages annulled. As the relatively small number of such cases (23) showed, these issues were brought to the attention of this papal office at regular intervals, but it is evident that such cases did not belong to the everyday business of the Penitentiary officials.

The closer analysis of the twenty-three petitions showed that in most of the cases there was clearly question of an unwanted marriage. First indication towards this is that the petitions were mainly not made by the couples together but only by one of them, most often by the unwilling groom. Furthermore, the documentation showed that in most cases there was clearly question of a situation in which the spouses would hardly have wanted to end up. I do not refer only to cases involving arranged or forced marriages, but also to those cases in which the supplicants realized that they were married to a bigamist or to a wrong person. As could be seen, the reasons for requesting for a declaration of annulment from the Penitentiary were multiple and involved all different kinds of marital impediments. In this respect, the cases brought before the authority of the Penitentiary did not differ from the cases handled before the local ecclesiastical courts resolving marital issues.

This brings us to the most interesting question: why were these cases then not resolved at home? The Penitentiary documentation cannot – unfortunately – answer to his question but it is possible to make an educated guess about the reasons for why the petitioners asked for such documents from the Penitentiary. An obvious reason for turning to the Penitentiary in these cases is that petitioners might have needed these documents before a local ecclesiastical court in order to make sure that they could get rid of their unwanted marriage. As other studies with the Penitentiary documentation before the local courts have shown, an official declaration of nullity of a marriage from the Penitentiary was a neat way to get away from an unwanted marriage. Firstly because a letter from the papal administration was a heavy evidence before the local court and secondly because a declaration of nullity of a marriage allowed the supplicant to marry someone else. An official separation declared by the local ecclesiastical courts instead would have separated the couples but forbidden them from contracting another marriage. Instead, an annulment granted because the supplicants had been able

to show that their marriages had been contracted against the principles of canon law rendered the marriage void. Thus the petitioners needed these documents for continuing their lives with a better-suited partner.

The Penitentiary records offer us relevant information about marital practices and litigations in the late fifteenth century in two ways. Firstly, through these, sometimes also sad stories they tell us numerous small details about how Christians were married, either by free will or by force. They give glimpses of how they chose their partners and what kinds of issues could become in between the couples. Secondly, the Penitentiary documentation shows that it was not only the local ecclesiastical tribunals dealing with such issues but that the Christians brought their cases up to the papal offices, if necessary, and used the documentation in their own benefit in front of the local ecclesiastical authorities. These documents show also that the medieval Christians were well able of using the papal administration when they had a case in which they needed a pontifical document to testify in their favour.

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## TITLE

How to get legally rid of an unwanted wife or husband? The Papal Penitentiary and the annulments of marriages through a papal declaration.

Come liberarsi legalmente di una moglie o di un marito indesiderati? La Penitenzieria Apostolica e l'annullamento dei matrimoni attraverso una dichiarazione papale.

## ABSTRACT

Questo articolo indaga le suppliche inviate alla Penitenzieria Apostolica per ricevere una dichiarazione di nullità del matrimonio del petente. È noto che i tribunali ecclesiastici locali trattavano numerosi processi matrimoniali, mentre il fatto che tali casi furono trattati anche presso la Penitenzieria Apostolica ha ricevuto meno attenzione da parte degli studiosi. Lo studio si basa sul materiale archivistico inedito, tratto dai registri della Penitenzieria dal periodo del pontificato di papa Piccolomini, Pio II (1458-1464). L'articolo presenta tutti i casi esistenti nei registri e mostra in quali tipi di casi i cristiani di varie parti della cristianità occidentale si sono rivolti alla Penitenzieria per chiedere l'annullamento della loro unione matrimoniale. L'articolo sostiene inoltre che i supplicanti potrebbero aver avuto bisogno delle lettere di grazia della Penitenzieria per un processo davanti a un tribunale ecclesiastico.

This article investigates the petitions sent to the Papal Penitentiary for receiving a declaration that states that the petitioner's marriage was void. It is well-known that the local ecclesiastical tribunals handled numerous litigations regarding marriages, while such cases brought before the Papal Penitentiary have received less scholarly attention. The study is based on mainly unedited source material gathered from the copybooks of the Penitentiary from the pontificate of the Piccolomini Pope Pius II (1458-1464). The article presents all the existing cases and shows in which kinds of cases Christians from most parts of the Western Christendom have turned to the Penitentiary and asked for the annulment of their marital union. The article argues further that the petitioners might have needed the letters of grace from Penitentiary for a litigation process before an ecclesiastical tribunal.

## KEYWORDS

Penitenzieria Apostolica, Pio II, processi matrimoniali, annullamento

Papal Penitentiary, Pius II, Marriage Litigation, Annulment