



*Papacy, Monarchy and Marriage,
860–1600*

David L. D’Avray

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Papacy, Monarchy and Marriage, 860–1600. By David L. D’Avray. Cambridge: Cambridge University Press, 2015. ISBN 978-1-107-06253-5. xiii + 355 pp. £65.

David d’Avray’s study of papal dispensations expands his continuing investigation of pre-modern marriages. This volume is a companion to his 2015 study, *Dissolving Royal Marriages, 860-1600*, which provided translated primary source texts with editorial commentaries, and many of these act as a source base for his analysis of royal marriages. To fully appreciate the meticulous analysis that d’Avray offers, the two books should be consulted together. Undoubtedly, the two volumes are a significant scholarly achievement, but one that necessitates careful reading. *Papacy, Monarchy and Marriage* balances several narrative paths encompassing chronological, legal, and institutional development from the ninth through the sixteenth centuries. The book first analyses how European royalty sought to end, or prevent the end, of marriages, and secondly traces the move from serial monogamy or polygyny to the enforcement of rules concerning consanguinity, affinity, and the indissolubility of marriage. Chief examples are drawn from the High and Late Middle Ages, and are contextualized by examples ranging from the Carolingian Lothar II, to Henri IV of France. D’Avray presents many fascinating examples of marital strife that would not be out of place in a modern tabloid. Although he relies on secondary sources for background detail, he places these cases in context based on the strategies that each couple used to argue for the defect or perfection of their unions, often, but not always, by examining the extant dispensation or trial documentation. D’Avray’s knowledge of canon law and due process is extensive, and this contextualization is what allows the reader to transcend the litany of unhappy spouses.

Running alongside this chronology of change, d’Avray shows how the Medieval papacy tightened marriage law at the same time that canon law developed. Similarly, the rise of a new class of university-trained clergy formed an educated public that advised monarchs and evaluated their chances of acquiring an annulment or dispensation. D’Avray invokes Quentin Skinner’s theory of political legitimation by arguing that this clerical public was the audience for papal efforts of legitimation, the de facto supporters of the papacy’s vision of marriage, and the enforcers of the degrees of consanguinity and affinity. Pope Innocent III’s reduction of the forbidden degrees of marriage at the Fourth Lateran Council (1215) was intended to obstruct annulments on grounds of consanguinity or affinity, protect the indissolubility of marriage, and establish a realistic incest taboo line. The Council’s decrees narrowed the circle of consanguinity from sixth cousin to third cousin, and

the circle of affinity was drawn at the fourth degree. The dissemination of these decrees made it harder to discover or fake a relationship and acquire an annulment, which had become a legal loophole that appeared to undermine the indissolubility of marriage. Instead, the papacy offered dispensations relatively freely to couples that wished to marry within the third or fourth degrees or discovered this relationship but desired to remain married. Although the study focuses on royal unions, this access to dispensations was not exclusive to them, but, as d'Avray explains, open to anyone who filed an appropriate supplication, fit the dispensation model, and paid the administrative fees.

D'Avray's framework for understanding papal dispensations (which is built on his 2010 books *Medieval Religious Rationalities* and *Rationalities in History*) grows out of a technical view that reveals the papacy's goals and praxis through the Middle Ages, and that articulates a theory of values and rationalities that emerged through canon law's development. The papacy's efforts to rationalize annulments and dispensations rested on the belief that narrowing the circle of consanguinity and affinity from which dispensations were granted was a rational tool that could be instrumentalized to promote social cohesion, rather than as an absolute value in itself. In contrast, the papacy's belief in marriage's indissolubility was a rational value that should be preserved. In the early Middle Ages there was no clear distinction between these two types of rationalities, which has muddled modern historians' understanding of why popes granted annulments less frequently and dispensations more frequently after 1215.

Through the thirteenth century, however, clarity on this issue increased with the publication of important collections of papal decretals, specifically the *Liber Extra* (1234) and *Sext* (1298). These collections established the pope at the apex of canon law, disseminated new decrees, and encouraged the development of formal legal rationality and *ordo juris*. The latter two developments appear clearly in d'Avray's discussion of how late Medieval marital contests proceeded. D'Avray's dissection of extant documents—both trial documents and dispensations—reveals the process by which one applied to the pope, and the legal mindset that governed papal decisions. The inclusion of annotated primary sources with diplomatics glossed—that is, highlighting their various parts: *arenga*, *narratio*, *dispositio*, *sanctio* and *datatio*—provides a vivid view of a fundamental, but challenging, source base.

Part of d'Avray's purpose in providing this annotated framework is to support a larger argument about the motivations behind papal dispensations and the intersection of canon law and politics. This argument rests upon a broader interpretation of the cases that he presents and a partial confrontation of the modern anti-papal mentality. The preceding chapters build a case for

the small, but purposeful, revision of marriage law in the Middle Ages, which coincided with the growth of canon law and the dissemination of an acknowledged legal process. Combined, these developments undermine the widespread and inaccurate view that the papacy granted or withheld annulments and dispensations for purely political gain or whim. Instead, d'Avray's study shows how the papacy's own rational framework organized and interpreted the sprawling arguments that appeared in royal supplications, identified the crucial legal arguments, and cultivated a new practical model that valued pragmatism while upholding the indissolubility of marriage. Although political need frames this study, it was not sufficient grounds to procure a papal dispensation or annulment in the High and Late Middle Ages.

In sum, d'Avray offers a large and complex discussion of how the papacy dealt with supplications to dissolve a marriage and the evolution of dispensations. His narration combines an explanation of several important developments within canon law and papal history. This volume will surely aid students in a variety of fields and hopefully will improve historians' understanding of how the pre-modern papacy influenced Christian society through legal and documentary prisms.

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