

# Rechtsgeschichte Legal History

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<http://www.rg-rechtsgeschichte.de/rg27>  
Zitiervorschlag: Rechtsgeschichte – Legal History Rg 27 (2019)  
<http://dx.doi.org/10.12946/rg27/066-069>

Rg **27** 2019 66–69

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## Global Perspectives on Tridentine Marriage. An Introduction

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## Global Perspectives on Tridentine Marriage. An Introduction

This collection of essays does not claim to provide an exhaustive reconstruction of the complex panorama of studies on post-Tridentine marriage, a subject which, as is well known, has attracted the interest of many specialists over the years – although the studies have mainly focused on Europe and less on oversea territories.<sup>1</sup> Nor does it intend to propose an exhaustive synthesis or draw definitive conclusions on a theme that is clearly too broad and multifaceted. The collection, which takes into account the recent discussions on the Council of Trent and the modern world<sup>2</sup> and on the global scope of the Council,<sup>3</sup> aims rather to offer the reader a selection of studies on the institution of marriage post the Council of Trent through to the nineteenth century, focused on exploring the continuous tension between the local dimension – in its richness, variety and complexity – and the global dimension, already evident in the anthropological conception of marriage, but also in the universalistic claim of Christianity and, therefore, in the spread of the new forms of Tridentine marriage throughout the *orbis christianus*.

The essays analyse situations that are distant in time and space and, while maintaining the focus on the post-Tridentine period, range from medieval Europe to contemporary Pakistan, passing through reformed Europe, Spanish America, Japan and the Philippines of the early modern period. This choral dimension, certainly far from providing an exhaustive sample enabling a conclusive synthesis on the subject, nevertheless highlights certain aspects and problems that are difficult to perceive and focus on in monographic studies, often lacking in a comparative approach. These introductory reflections,

for the moment barely outlined, may in the future constitute the framework for a more in-depth and detailed analysis that investigates, among other topics, the profound mechanisms – anthropological, juridical, religious, economic – at the basis of the spread of the Tridentine forms of marriage put in place by central and local institutions; the experiences of resistance, adaptation, translation of the Tridentine dictates into the different and mutable local realities; the capacity of the actors involved to mobilise material and immaterial resources and to use, manipulate, evade, strengthen norms and practices in a functional way to their own needs and desires; the persistence over time of the consequences of the implementation of the Tridentine marriage forms in the Catholic world and beyond.

A first consideration concerns the way in which the institution of marriage has been and continues to be studied in the context of different disciplines and historiographical traditions. Although marriage is one of the main themes of legal historical studies, historical analysis, socio-ethno-anthropological research, and despite the fact that it can be considered an institution absolutely transversal to societies and historical periods, historiography on the subject is still conditioned by the difficulty of transcending disciplinary and national boundaries. This *Focus* intends, therefore, to contribute to increasing the circulation of scientific literature specialised in concrete disciplinary and geographical fields with the aim of enriching the work of other experts. All this with the ultimate objective of elaborating syntheses of articulated historical processes, such as those under examination here,

1 In the obvious impossibility of providing here an exhaustive historiographic reconstruction, some important works are mentioned, to which reference should be made for further bibliographical details: RÍPODAS ARDANAZ (1977), AZNAR GIL (1985), GAUDEMET (1987), JEMOLO (1993), ZARRI (1996), DE GIORGIO/ KLAPISCH-ZUBER (1996), SEIDEL MENCHI (2001), QUAGLIONI (2001),

LOMBARDI (2001), BROWNING/GREEN (2006), DONAHUE (2007), LOMBARDI (2008), SEIDEL MENCHI (2016).

2 PRODI/REINHARD (1996), O'MALLEY (2000), PRODI (2010).

3 CATTO/PROSPERI (2016), SOEN/FRAŃÇOIS (2018).

which can increasingly feed on original research, which restore the complexity of the historical realities analysed and can therefore enrich the general framework.

A second aspect that the collection of essays highlights concerns the recurrent reappearance, under diverse circumstances, of similar problems in different times, spaces and contexts. Examples of this are the reflections on the Christianisation of unions valid according to local indigenous norms and according to natural law, the dissuading mechanisms put into practice by ecclesiastical and secular institutions towards forms of coexistence other than canonical marriage, or the re-signification, in contexts and with criteria different from the classical ones, of canonical institutions such as marriage dispensations. The temporal discrepancy and the spatial distances that accompany these phenomena lead us to consider, first of all, the importance of recognising and distinguishing different scales and rhythms of time in order to place in the right perspective processes that are sometimes contemporary, sometimes parallel, sometimes not at all coincident or linear.<sup>4</sup> Secondly, it leads us to reflect on the need to look more closely at the construction and definition of spaces, both material and immaterial, often defined in an *a priori* and simplistic way by traditional historiography,<sup>5</sup> as shown, for example, by the frequent difficulty and inaccuracy in the attempt to define the »missionary Church« with respect to the »Tridentine Church«.<sup>6</sup> The necessity of communication between territories in order to solve problems, as well as the use and re-use over time of norms and solutions created originally for a specific context or problem are a recurrent topic of this dossier, which hopefully will be the starting point for a specific in-depth study on this issue.

Thirdly, the *Focus* presents the actions of a large and diverse group of actors involved in the process of implementing the Tridentine marriage. These are individuals, couples, slaves, captives, parish priests, witnesses, members of religious orders, bishops, confessors, judges, inquisitors, theologians, popes, but also collective actors such as families, social and ethnic groups, assemblies. In

some cases, the protagonists are part of a Catholic minority in a pagan or reformed context; in other cases members of subordinate social groups, sometimes members of the nobility or elite groups. There are also many institutions analysed: secular and ecclesiastical, ancient or more recent, responsible for administering justice, interpreting the law, educating, punishing. Particular attention is given to the complex relations between ecclesiastical and secular institutions, as well as between Churches and States, both in situations of royal patronage,<sup>7</sup> as in the case of the Spanish and Portuguese Empires, and in contexts of multinormativity,<sup>8</sup> as in the experiences of coexistence of Catholics and Protestants in Europe. The polyphony that resonates in the pages of the dossier contributes to enriching the panorama of the post-Tridentine period with a clear particular and individual dimension, evident, indeed, in an act such as marriage, that involves the individual in the first place, then extending its influence to the whole of society.

The range of sources used by the authors of the essays is extremely rich and varied and includes, first of all, different, competing and complementary *corpora* of norms of local or central production: obviously the text of the Council of Trent, the provincial councils and the diocesan synods, but also bishop's edicts, papal bulls, papal briefs and rescripts, collection of laws, among others. Another nucleus of sources often analysed in the dossier is constituted by *dubia* sent to the Roman congregations as well as consultations addressed to theologians and other authorities by local actors to receive guidance and advise on the complex Tridentine normativity and the radical innovations brought to the legal system. These sources, together with the different forms of response from the authorities involved (letters, decrees, etc.), testify to the continuous and fruitful communication between the local dimension (dioceses, parishes, cities, indigenous communities) and the centres of ecclesiastical and secular government, and clearly show that these relations cannot be reduced to simplistic schemes of hierarchical and vertical government, but that it is necessary to deepen all the

4 LORENZ (2017).

5 ALBANI/BARBOSA (2015).

6 PIZZORUSSO (2012).

7 ALBANI/PIZZORUSSO (2017).

8 DUVE (2017).

nuances of these relations and appreciate their sometimes collaborative, often functionalistic character, as well as abuses, coercions, adaptations, accommodations.<sup>9</sup> Furthermore, all the essays, despite their diversity and specificity, have the merit of being based on primary sources, often unpublished, linked to the territory – or territories – analysed. In addition, the authors feel the constant need to intersect local sources with documents that have arisen from the governance activities of the central authorities, especially the Papacy, which makes it possible to appreciate the phenomenon of marriage in its organic way. A third typology of sources is constituted by texts conceived and drafted for pastoral, educational and informative purposes, such as manuals for confessors and penitents, handbooks on forensic practices, missionary literature, a specific pragmatic literature that played a fundamental role precisely in weaving relations between the particular and universal dimensions, at a juridical, theological and political level.<sup>10</sup> Finally, process-related sources occupy a particular space, whose analysis, quite

recent compared to the use of other types of sources, has radically modified and enriched our knowledge of this phenomenon.<sup>11</sup>

In sum, the dossier shows a fascinating and multifaceted panorama of matrimonial themes, looking at both the pre-marriage phase, its contraction and, finally, marital life itself and the social consequences of the act. There is no lack of analysis on different forms of cohabitation, various rites and ceremonies, different methods of interruption or conclusion of the union, particular exceptions, anomalies or irregularities. These themes constitute an extremely rich and representative sample of the main historical and legal issues related to the institution of marriage and how they are dealt with and deepened today by international historiography. This dossier, for which we warmly thank the authors, is therefore a first step in the direction of an increasingly accurate study of a phenomenon, as marriage, whose deep local roots are constantly stretching towards global scope. ■

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9 For an overview: BRENDENCKE (2009), CARDIM/HERZOG (2012), TUSOR/SANFILIPPO (2014).

10 On this point, see the project »Das Wissen der Pragmatici. Präsenz und Bedeutung pragmatischer normativer Literatur in Iberoamerika im späten 16. und frühen 17. Jahrhun-

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