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Dissolving Royal Marriages: A Documentary History, 860-1600

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Arguably, no other institution in the Middle Ages and early modern era was as subject to as many legal disparities and disputes between royal and papal power as that of royal marriage. In fact, a royal marriage was far from a private affair. On the spiritual level, the marriage of a royal couple was to reflect the sanctity of the life union between woman and man at the highest strata. Kings and queens were models of marital behaviour who, theoretically, were expected to match the idealistic gendered expectations and roles associated with their positions as husbands and wives. On the secular level, royal marriages symbolised an alliance between kingdoms. Marrying into the 'wrong' dynasty and choosing to dissolve one union in favour of another that offered more potential — like power, wealth or the birth of legitimate offspring and, thus, successors — had political ramifications that often reverberated far beyond the boundaries of the individual kingdoms involved. The culture of medieval and early modern Europe before the Reformation was unique as nowhere else in the world were the sexual lives and personal relationships of kings and queens, men and women, so policed by an external entity like the Catholic church. Thus, at its heart, royal marriage was a fundamental issue that defined ongoing relations between Church and State for a number of centuries.

For the first time ever, a consolidation of the varied number of cases in which successive popes became involved in the dissolution of royal marriages across medieval and at the beginning of early modern Europe can now be found in one place. Stemming from the late-9th to the end-of-the-sixteenth centuries, and ranging from kingdoms like England, Scotland and France to Spain, Portugal and Cyprus, *Dissolving Royal Marriages* provides English translations of key primary sources underlining the papacy's immediate involvement and directives concerning royal annulments. The crux of David d'Avray's latest endeavour is to work as a primary source companion to his sister-volume *Papacy, Monarchy and Marriage, 860-1600* (April 2015), which will provide a comparative analysis of the power struggle between the Church and various European 'states'

across the large geographical and chronological time spans. The diachronic layout of the cases that make up *Dissolving Royal Marriages* — specifically, cases of dissolution that involved the pope — elucidates the increased authority of the papacy over that of kings, where matters of marriage were concerned. Until the Reformation, it was the papacy that controlled the rights of kings and queens to enter into marital unions or leave them when they wanted.

As this book shows, the history of the dissolution of royal marriages involving papal intervention is one of long-term structural continuities and evolutionary juridical advancements, especially in the context of the development of legal formalities. This understanding provides the foundation to d'Avray's *modus operandi* of assessing the papacy's increased involvement in royal divorce by establishing a better sense of what options for decision making were available to the pope during such times of crises and what rationalities lay behind the decisions to grant annulments. The underscoring theme of *Dissolving Royal Marriages* (and *Papacy, Monarchy and Marriage*) is drawn from the pioneering work of Quentin Skinner, who coined the concept that political thought and action is inhibited by the need to legitimate decisions.⁽¹⁾ Ultimately, the pope's authority to grant annulments was assuaged by the prerequisites of not only having to obtain consent from elite members of the educated clergy regarding verdicts, but, more importantly, by the need to justify, or legitimate, them. On the whole, while external political pressures may have had a hold on the outcome of some cases, it was the constraint on action through legitimation that informed final rulings. Moreover, as this book demonstrates through the case studies, and which will be analysed in *Papacy, Monarchy and Marriage*, the eventual professionalisation of canon law from the 12th century onwards led to rigorous legal formalities that tempered the political maneuverings and manipulations by monarchs.

Before the pontificate of Innocent III, royal marriages were commonly dissolved without papal intervention and it appears that no law existed requiring such an action. Certainly, in early medieval society polygamy was widely practiced (usually in the form of polygyny where a man is allowed to have more than one wife) and the Church's view of the conjugal marriage as a sacred, i.e. indissoluble, union had yet to be fully indoctrinated. The late-9th-century case of Lothar II of Burgundy (chapter one), who sought to end his marriage to his wife Theutberga to be with Waldrada, his former lover, marks a turning point in Church intervention in the technically 'private' marital affairs of kings and queens. Lothar appealed to an ecclesiastical tribunal after losing his initial case. Over the next six centuries there was a continually changing political context and yet canon law on marriage generally remained static. This does not mean that the authority of the papacy concerning royal divorce existed in a vacuum, far from it. In fact it grew almost exponentially. This, in large part, had to do with the development of a sophisticated form of 'due process' involving legal experts and lengthy negotiations. It was also associated with diktats arising from ecumenical councils, like the Fourth Lateran Council in 1215. This established the impediment of consanguinity to the fourth degree making annulments more difficult, while more stringent rules were made that required proof in annulment. Transformations such as these helped propel papal authority on matters of marriage.

Although the primary purpose of this book is concerned with canon law and the role of the papacy, as well as the obvious intent of assembling evidence of Church-State relations so that is easily accessible, it also functions as a very useful sourcebook for many other facets of historical investigation well and beyond ecclesiastical and political scholarship. As d'Avray himself points out, the collated material is invaluable to royal biographers. The witness depositions that heavily rely on genealogies as part of individual testimonies, as found, for instance, in the case of England's Henry III and Jeanne of Ponthieu (chapter ten) will augment historical investigations concerning memory. Gender historians and those interested in the histories of sex and emotions will also find the material useful for assessing the individual or even collective relationships between kings and queens,

husbands and wives. This is especially pertinent as many cases are coupled with accusations of adultery, incest and impotence. Attitudes towards uxorial sexuality, in particular, are readily evident in the case of Louis XII and Jeanne of France (chapter 17). Louis claimed that his wife was physically incapable of sexual intercourse because she was bewitched and the documents reveal a fascinating and embarrassing level of detail about their supposed sex life.

As this last example demonstrates, it was not just the personal lives of kings under public scrutiny. It is important to remember that queens were also centre stage in these affairs. In fact, for those interested in medieval and early modern queenship, this volume is unparalleled in bringing together a number of examples of Western European queenly and uxorial agency in context of Church-State relations. Against this background, not only do the rivalries between king and pope become apparent, but so do the rivalries and relations between queen and king. Further, the amount of primary source evidence supplied in *Dissolving Royal Marriages* makes it clear that there was interplay between the institutions of kingship, the papacy and queenship, which is integral to take in to consideration when assessing the interactions between Church and State. Lest one believe that women were caught in the middle of a one-sided, gendered power struggle between men who wielded the 'real' power, there are numerous illustrations in this volume that prove otherwise. Some examples include, but are hardly limited to: Maria of Montpellier (chapter seven) in the early-13th century who appealed Pope Innocent III's decision to annul her marriage to Pere II of Aragon and won; Margaret of Scotland (chapter 18) who, in the 1520s, started annulment proceedings against her husband Archibald Douglas, the Earl of Angus (the verdict resulted in her favour); and Catherine of Aragon (chapter 19), who proposed to prove her own position according to the ecclesiastical establishment's 'due process' as a means of stopping Henry VIII from getting what he wanted.

The collection of texts is taken from pre-existing editions already available and from various archive material that has hitherto remained unedited or translated. Unless noted otherwise, the translations from published material throughout are the author's own, which invite new or more up-to-date perspectives on the texts and events themselves. d'Avray is known for his Latin skills and this volume again widely demonstrates his ability to translate sources so they remain as closely related to the originals as possible, helping to ensure that 'the character of the source' prevails (p. 10). Although sometimes cumbersome to read, which is certainly no slight on the author, d'Avray's penchant for remaining as close as possible to the Latin syntax is much appreciated and any ambiguities are highlighted by citation of the original text in the footnotes. The mirroring of the English and Latin provides the reader, especially one who may not be well-versed in medieval and ecclesiastical Latin, with a more nuanced understanding of legal technicalities and practices employed by the papacy and various royal courts to persuasively back their own arguments and agendas. He helps the reader traverse complicated terrain by explaining technicalities and professional legal language when they arise in individual cases. Most helpfully, he provides a glossary of technical terms. Similarly the historiographies that accompany each case, equip the reader with reference to the most salient secondary sources pertaining to the individual cases.

There are some general criticisms that may, in fact, lose much of their significance once *Papacy, Monarchy and Marriage* is finally published and both volumes can be used in tandem. Nevertheless, whether this present volume is used on its own or as a companion, there are a couple of methodological inconsistencies that ought to be addressed. In his preface, d'Avray says that one way for this book to be used can 'be to skip most of the translations and concentrate on the general introduction and the introductions to individual cases' (p. ix), the latter being supposed to offer 'a rapid overview of the marriage case' (p. 10) in question. In the majority of the chapter introductions, he often presents a succinct, but generally innovative synopsis of each case, providing sound contextualisation for the documents translated. However, this method is not entirely uniform and sometimes there is, perhaps, too much assumption on the part of the author about the general

reader's knowledge the individual cases presented in this volume.

The most obvious example resides in the case concerning the dissolution of the 13th-century marriage between Sancho of Portugal and Mécia Lopes de Haro ('Mentia Lupi') (chapter nine) where background information is very limited. This is a perplexing oversight given that the chapter begins by stressing that 'Sancho II belongs to the select club of kings deposed by popes in the Middle Ages' p. 79). Such a statement is bound to pique the natural curiosity of any reader unfamiliar with this aspect of history and even an additional sentence or two offering more explanation would have been welcome. This is especially pertinent in light of the fact that this particular case is not discussed in the book's general introduction. A similar example is found for Alfonso III of Portugal and Mathilda of Boulogne (chapter 12), a case again not discussed in the general introduction.

Occasional 'off the cuff' remarks are made that are rather jarring because there are no reference points. For instance, when discussing the case of Philip II Augustus of France and Ingeborg of Denmark (chapter six), the author comments that Ingeborg, who had been cast aside by Philip soon after their marriage in 1193 so that he could marry Agnes of Meran, was briefly taken back by him 'though she was soon in prison again' (p. 58). There is no mention of her earlier arrest. The imprisonment of a queen, and one who an extremely powerful king was seeking to divorce, is simply too vital a detail to circumvent because of the political implications involved and this kind of slip has the potential to skew interpretative analysis. This is in marked contrast to his discussion on the imprisonment Blanche of Burgundy in chapter 15 (by far the longest chapter, and one that offers a wealth of documentary material and insight) who may have continued to have sexual intercourse with her husband, Charles IV of France, whilst she was incarcerated for adultery, subsequently giving birth to a son. Obviously the aim of this book is not to provide an historical narrative, but in some instances the gap in details given is palpable.

Another relatively innocuous but annoying inconsistency relates to how monarchs and their consorts are identified in the chapter titles. Sometimes a nomenclature is given and sometimes it is not, e.g. 'Lothar, Theutberga and Waldrada' (chapter one) versus 'Eleanor of Aquitaine and Louise VII of France' (chapter four) or 'King John of England and Isabella of Gloucester' (chapter five) versus 'Henry VIII and Catherine of Aragon' (chapter 19). For queens, especially, the discrepancy is more explicit as they are larger in number, e.g. 'Charles IV of France and Blanche' (chapters 14 and 15) versus 'Henri IV of France and Marguerite of Valois' (chapter 20). In fact, a number of queens are identified by their first names only and details of their identities are, on occasion, deeply embedded in the accompanying overviews. The case of 'Jaume I and Teresa' (chapter 13) is a good example. Also as concerns chapter titles, it would have been useful to have dates given. Even though the book is laid out chronologically, and the documents themselves dated, the absence of date ranges, which often afford useful reference points, was unwieldy at times when flipping back and forth looking for comparisons.

Taken as a whole, it is clear that the evolution of this volume was a long time in coming, given the scope of the subject matter itself, the synthesis of unwieldy material that d'Avray masterfully brings together and the original translation work that was undertaken. This invaluable and truly impressive collection of documentary source material excels in meeting the both the author's objectives and the reader's expectations. It is a very welcome addition to medieval and early modern ecclesiastical and political discourse. Scholars will look forward to imminent arrival of the companion book to *Dissolving Royal Marriages* and what promises to be an enlightening investigative analysis of the marriages cases found here.

Notes

1. Q. Skinner, 'Some problems in the analysis of political thought and action', *Political Theory*, 2 (1974), 227-303; 'The principles and practice of opposition: the case of Bolingbroke versus Walpole', in *Historical Perspectives: Studies in English Political Thought and Society*, ed. N. McKendrick (London, 1974), pp. 93-128; *Visions of Politics, vol I: Regarding Method* (Cambridge, 2002), p. 156. [Back to \(1\)](#)

David d'Avray thanks Danna Messer for her kind review, and also on the whole accepts her criticisms. Overcompression is indeed a problem in the couple of places she indicates, and probably elsewhere.

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