This analysis of royal marriage cases across seven centuries explains how and how far popes controlled royal entry into and exits from their marriages. In the period between c. 860 and 1600, the personal lives of kings became the business of the papacy. D’Avray explores the rationale for papal involvement in royal marriages and uses them to analyse the structure of Church–State relations. The marital problems of the Carolingian Lothar II, of English kings – John, Henry III and Henry VIII – and other monarchs, especially Spanish and French, up to Henri IV of France and ‘la reine Margot’, have their place in this exploration of how canon law came to constrain pragmatic political manoeuvring within a system increasingly rationalised from the mid thirteenth century on. Using documents presented in the author’s *Dissolving Royal Marriages*, the argument brings out hidden connections between legal formality, annulments and dispensations at the highest social level.

D. L. D’AVRAY is Professor of History at University College London. A Fellow of the British Academy since 2005, he has published widely on religious and social history.
Papacy, Monarchy and Marriage, 860–1600

D. L. d’Avray

University College London
To Julia Walworth
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Preface

Papacy, Monarchy and Marriage, 860–1600 is the analytical counterpart of its sister volume Dissolving Royal Marriages, 860–1600. The latter was organised chronologically and consisted primarily of editions and/or translations of the sources, though a fair amount of fresh interpretation went into the introductions to the documents and the book as a whole. It cleared much of the ground (quite difficult terrain technically) for the present study, which constantly refers to it and quotes freely from the translated sources. I use the hash+date reference system employed in the earlier book: e.g. # 1254. Anyone with access to Dissolving Royal Marriages will find it easy to refer to the relevant source in context. On these foundations, Papacy, Monarchy and Marriage has tried to build up an interpretation of the relationship between those three institutions in the medieval and early modern periods.

The interpretation is not monochrome. The final chapter lists ‘ten theses’ as well as an argument. This unifying argument draws heavily on the concept of formal legal rationality, stressing its applicability not only to the formal rules laid down by canon law but also to later medieval dispensations, which were by definition exceptions to the rules.

Dispensations constitute a class of sources that complements the dissolution documents at the centre of the predecessor volume. (Readers of this volume will need to get the distinction between annulments and dispensations straight from the start!) Editions and/or translations of dispensation documents are a major component of the book. Just as in the previous volume references to annulment documents take the form of # followed by a date, references to the dispensation documents at the end of this volume take the form of an asterisk followed by a date: e.g. *1361. Among other things, this book and especially the 'Documents' section can perform a subsidiary function as an introduction to the Diplomatic of marriage dispensations, in the Middle Ages and after the Council of Trent. The cover picture shows the proxy marriage in 1600 of Henri IV of France to Marie de Medici, a marriage that followed the dissolution of his previous marriage to ‘la reine Margot’ on the grounds
of a faulty dispensation. Pure politics? Politics, but also good law – read Chapter 15.

The heavy empirical lifting involved in work on dispensation and dissolution documents has been facilitated by conceptual tools prepared in my books on *Rationalities in History* and *Medieval Religious Rationalities*, also published by Cambridge University Press, but also and especially by the idea of legitimation as a constraint on action, pioneered by Quentin Skinner in one of his least famous papers. As an undergraduate I was lucky enough to hear a first form of this simple and brilliant argument in a paper given to the St John’s College Cambridge History Society. This book shows how much help ‘theoretical’ thinking can give to objective source analysis.
Acknowledgements

I would like to thank John Baldwin, Joe Bergin, Barbara Bombi, Elizabeth A. R. Brown, Ghislain Brunel, Jean-Pierre Brunerc’h, David Carpenter, Emily Corran, Michael Crawford, Stephen Davies, Jane Dawson, Camille Dechelotte, Charles Donahue, Roswitha Dotterweich, Thomas Frenz, Liz Friend-Smith, Murielle Gaude-Ferragu, Daniel Hadas, Mike Hatch, Eric Johnson, Shiru Lim, Peter Linehan (indispensable for the Spanish cases), Rhea Mann, Zubin Mistry, Alexander Murray, Janet Nelson, John Sabapathy (who supervised his supervisor), Alexandra Sanmark, Marc Smith, Rachel Stone, Carla van Dort, Nicholas Vincent, Julia Walworth (for crucial strategic advice on the book’s scope), Benedict Wiedemann, Lucy Wooding, Patrick Zutshi, and many students, in addition to some listed above, who took the ‘Marriage and Monarchy’ course.
Abbreviations and conventions

\(\text{DRM} = \text{D. L. d’Avray}, \text{Dissolving Royal Marriages: A Documentary History, 860–1600} \) (Cambridge, 2014).

A hash sign (\#) followed by a date and often a section number, e.g. \(#\ 863 \text{ (early) (b)}\) or \(#\ 1254\) refer to documents translated in \text{Dissolving Royal Marriages}, which are arranged in chronological order, so that, for instance, \# 1254 is a document produced in AD 1254).

An asterisk (*) followed by a date, e.g. *1361, refers to the dispensations transcribed and/or (when an edition already exists) translated at the end of the present volume. When there are several documents from the same year, they are further distinguished by the month and day in bold type, and if there are more than one from the same date they are distinguished by (a), (b) etc.: for instance, *1318, May 5 (c).

Several other conventions are used in these documents. In the translations, some of the key sections – recognisable given training in the discipline devoted to medieval documents, Diplomatic or Diplomatics – are marked off by terms in capital letters within angle brackets, such as \(<\text{DISPOSITIO}>\), the part of the document in which a legal decision is stated; \(<\text{NARRATIO}>\), the account preceding the actual decision; and the \(<\text{ARENGA}>\) or preamble. Elements irrelevant to this analysis (the \text{intitulatio, inscriptio} and \text{salutatio}) are not marked, so the first heading will be the \(<\text{ARENGA}>\). However, the clause requiring obedience and warning of the consequences if it should be withheld, the \(<\text{SANCTIO}>\), is included to mark the end of the \text{dispositio}. I sometimes add RA\text{TIO} to NARRATIO or DISPOSITIO to draw attention to rational explanation in the document.

Further typographical conventions are used to distinguish – in the translations (but again not in the transcriptions that correspond to them) – between two types of discourse in the document governed by different hidden codes, a distinction cutting across the division between narratio and dispositio. The passages specifying the legal scope of the dispensation are underlined. These underlined passages represent formal legal rationality (on which see Chapter 3, on ‘Concepts’). Passages in
**bold type** are the reasons given by the pope to justify the dispensation, and represent a ‘soft rationality’ in that no dispensation was ever to my knowledge invalidated on the grounds that those reasons did not stand up. These reasons differ from those of the *arengae* in that the latter transcend the individual case. Their generality as well as their position near the start of the document makes it easy to recognise *arengae*. The *arengae* and the passages in bold type have this in common: they are examples of instrumental rationality within a loose framework of principle (again, see Chapter 3).

Further guidance on how to read the dispensation documents in the documents section may be found in Chapter 18, ‘Dispensations and their Diplomatic’, and the note at the start of the ‘Documents’ section.