

Book Reviews

D. L. d'Avray, *Papacy, Monarchy and Marriage, 860–1600*, Cambridge University Press: Cambridge, 2015, pp. xiv + 356, £65.00, ISBN: 9781107062535

This monograph grows out of two research projects pursued by David d'Avray over the past decade or so. Firstly, since the 1990s he has been increasingly interested in medieval marriage, in particular how the Western Church's marriage rules based on religious symbolism came to have an impact on social practice notably through the preaching of the friars; the current book shows how the rules specifically affected royal marriages. This long-term project has resulted in the editing and translation of sources, ranging from papal dispensations to mendicant sermons, as well as analytical studies building on these. The current book forms, as its preface states (p. ix), 'the analytical counterpart of its sister volume *Dissolving Royal Marriages, 860–1600*', primarily a source collection, also published by CUP in 2014, and includes further sources translated and transcribed in an appendix (pp. 243–334) to which d'Avray's argument cross-refers throughout. Secondly, the other project on which this argument relies is d'Avray's exploration in two recent monographs of Max Weber's concepts of rationality, and how these help explain religious beliefs and practices in the medieval West (*Medieval Religious Rationalities: A Weberian Analysis* and *Rationalities in History: A Weberian Essay in Comparison*, both published by CUP in 2010). The present book uses these Weberian concepts outlined in chapter 3 in order to understand how popes became increasingly involved in deciding whether kings might enter or leave marriages in the period between c. 860 and 1600.

D'Avray attributes this largely to the development of canon law into the epitome of Weberian formal legal rationality, a system of rules that increasingly governed marriage by the early thirteenth century. Before then, he argues, the Church's rules were unclear and inconsistent on marriage enabling kings to exploit these for their own ends to divorce and remarry. Twelfth-century French kings, for example, could use the canonical ban on marriage within seven degrees of kinship to get easy annulments despite the Church's emphasis on the indissolubility of marriage. D'Avray perceives Pope Innocent III's reduction of these seven degrees to four and his tightening of rules for proving kinship impediments to marriage in 1215 as making the Church's marital law more coherent and rational since these reforms helped reinforce indissolubility. He also sees the

growth of due process in the church courts by the thirteenth century as another sign of this increasing formal legal rationality. The result, in his view, was that this emerging formal system increasingly constrained royal room for manoeuvre in marriage. First, kings had to seek annulments through this system and often from the papacy, which, according to d'Avray, was increasingly reluctant to grant them. Admittedly the system allowed certain exceptions where marriage rules might be relaxed but popes increasingly held a monopoly on granting such exceptions in the form of dispensations, which removed legal obstacles to particular marriages, notably the third or fourth degrees of kinship, and without which these marriages were technically invalid. D'Avray observes that, in contrast to annulments, such dispensations were increasingly easy for kings to obtain from the papacy, but once they removed marital impediments, kings might no longer cite these as grounds for annulment, thus dispensations further reinforced indissolubility. These diverging but evidently related trends of decreasing availability of annulments and rising availability of dispensations, what d'Avray calls a 'scissors pattern', are explained in terms of Weberian rationality. Indissolubility, the rationale for restricting annulments, was an example of value-rationality and as an absolute value was non-negotiable. Whereas the rationale for the kinship rules, that marrying outside the kin group extended social bonds and therefore charity, was an example of instrumental-rationality, in others words not an absolute value but merely a means to an end, hence these rules could be relaxed by Innocent III's legislation or dispensations as expediency required, especially where this or other desirable ends were better served thereby; thus popes often justified their dispensations for royal marriage alliances as facilitating peace. D'Avray finds further theoretical support in Quentin Skinner's argument on legitimation: the justifications which political powers give for their actions, even if these do not describe their true motives, can constrain those actions if they wish these to appear legitimate to those their justifications are meant to convince. D'Avray applies this argument to popes, who needed to legitimate their actions before the clerical elite in terms of canon law. This need therefore limited their capacity to annul or dispense marriages to cases where this was legally justified, and this was particularly constricting regarding annulments. D'Avray's royal marriage case-studies suggest that need for legitimation also constrained kings to seek annulments only on strong legal grounds, and dispensations which covered their marriages as far as possible. The validity of their marriages (and remarriages) was of course crucial to ensuring the legitimacy and succession of their heirs. Political calculations did not primarily motivate papal decisions on royal marriages, d'Avray nevertheless argues; even where they were a secondary factor as in Alexander VI's

remarkable annulment of Wladislaw of Bohemia's bigamous marriages the pope still had to justify his decision in formal legal terms.

The broad thrust of d'Avray's thesis is compelling and opens up various lines of inquiry. For example, his intriguing claim that popes might dispense for marriage below the age of consent (chapter 11) could be further investigated. He also deems the Trent ruling that local bishops had to put into effect papal dispensations a 'new requirement' (chapter 15) but was it merely formalising the long-standing practice of bishops or other commissaries executing such papal graces? D'Avray's claim that popes often refused marital dispensations to political opponents is persuasive, especially when one considers Ludwig of Bavaria's struggle to marry his son to Margaret of Maltausch (albeit not a case considered by d'Avray), but it would be interesting to know how popes justified this legally, particularly given Skinner's legitimisation idea. More generally it is worth exploring how far the thesis advanced here applies lower down the social scale. D'Avray suggests that annulments were more easily obtained from local church courts, which those below royal status normally used. Such litigants also probably had less restricted grounds for annulment, the most common in English church courts being pre-contract, which d'Avray says was rarely pleaded in royal marriage cases. He adds that clandestine marriages were rare amongst royalty, but they were common in later medieval English society, allowing opportunities for 'self-divorce' not since such marriages were invalid but their existence was hard to prove; English medieval church court records contain many cases of plaintiffs trying to enforce such marriages against errant spouses, usually men. Nevertheless, d'Avray's view of rising availability of dispensations from kinship and correspondingly declining availability of annulments on kinship grounds is well documented lower down the medieval social scale. Specialists will undoubtedly have other queries about points of detail, but there is no denying that this is a highly significant contribution to a growing body of historiography on medieval marriage, and one with which all historians of politics, religion and law in the medieval and early modern periods will need to engage.

University of Southampton

Peter D. Clarke

Tadhg Ó hAnnracháin and Robert Armstrong eds., *Christianities in the Early Modern Celtic World*, Basingstoke: Palgrave MacMillan, 2014, pp. xiii + 254, £63.00, ISBN: 9781137306340

This collection of eleven essays, framed by an introduction and conclusion, each by one editor, takes us from Cornwall to the Western