

Magdalena Biniś-Szkopek: Marriage in Medieval Poland. A Study of Evidence from the Poznań Consistory Court, 1404–1428. (East Central and Eastern Europe in the Middle Ages, 450–1450, Bd. 44.) Brill. Leiden – Boston 2024. 293 S. ISBN 978-90-04-70715-3. (€ 131,44.)

Magdalena Biniś-Szkopek's monograph constitutes a significant contribution to the study of ecclesiastical judicial practice and family life in late medieval Central Europe. Based on archival records from the Consistory Court of the Diocese of Poznań, this work is a revised and translated version of the author's habilitation thesis, originally published in Poland in 2019.¹ It seeks to analyze matrimonial disputes within the diocese through the lens of canon law and ecclesiastical procedures.

The analysis is based on eleven of the oldest surviving registers from the *Acta Causarum* series, covering the years 1404–1428, though in practice only the years 1404–1411 and 1417–1428 are represented due to archival gaps. These books contain records of individual court sessions and procedural actions, but omit witness testimonies and verdicts, which were documented separately in the *Depositiones Testium* and *Prolatoria Sententiarum*. All three series have survived together only during the final quarter of the fifteenth century,² meaning that a complete reconstruction of judicial proceedings is possible only for that later period. Had the analysis been based on those more comprehensive records, it would have allowed for a fuller reconstruction of case trajectories and judicial reasoning, especially with regard to how canon law was implemented in practice. The reliance on the earlier and incomplete *Acta Causarum* series is thus the most significant limitation of the study and prevents full realization of the author's stated objective "to draw conclusions regarding the operation of the Poznań Consistory Court, uncover its practices, delineate the scope of its authority, and illustrate the chancery system related to matrimonial cases" (p. 5).

Nonetheless, this source material is of considerable value. B.-Sz. identifies and discusses 708 cases related to marriage, including some cases only loosely connected, such as instances of sexual dishonor or loss of virginity. These were included because women were frequently persuaded to engage in sexual relations by promises of marriage that were later broken. The author organizes her findings into a typology of matrimonial litigation, developed across chapters 3 through 9. While the summaries of representative cases are informative, the narrative presentation and minimal use of direct quotations from the archival material reduce transparency and analytical depth.

The first two chapters ("Marriage in the Middle Ages in Selected Church Documents" and "Consistory Courts in Poland: Their Emergence and Practice") serve as context for the rest of the book, drawing heavily on secondary literature to outline the canon law framework governing marriage and the development of Consistory Courts in Poland. The third chapter, "The Scope of Litigation," intended to describe the nature of cases and the litigants themselves, is quite brief and limited to general observations about social status, listing the professions and names of litigants without deeper analysis.

Subsequent chapters focus on specific types of cases. The fourth, more substantial in length, explores the concept of marriage promises and is divided into three subsections—cases involving promises of marriage, when a promise itself established the marriage, and the imposition of a perpetual silence (*perpetuum silentium*). The author identifies two main types of cases: those where one party (often a woman) demanded that the other uphold a marriage promise,

1 MAGDALENA BINIAŚ-SZKOPEK: *Małżonkowie przed sądem biskupiego oficjała poznańskiego w pierwszej ćwierci XV wieku* [Spouses before the Bishop's Court of the Poznań Official in the First Quarter of the 15th Century], Poznań 2019.

2 ADAM KOZAK: *W poszukiwaniu metody edycji późnośredniowiecznych kościelnych źródeł sądowych* [In Search of a Method for Editing Late Medieval Ecclesiastical Court Sources], in: KRZYSZTOF KOPÍŃSKI, WOJCIECH MROZOWICZ et al. (eds.): *Editiones sine fine*, t. I, Toruń 2017, pp. 163–175, here p. 174.

and those where, following a church bans announcement, a former partner (usually a man) claimed the person had previously promised marriage.

The fifth chapter covers cases involving defilement and loss of virginity. In the cases analyzed by the author, women typically sought either the recognition of a marriage with the man who had persuaded them to engage in sexual relations by promising marriage—only to later renege on that promise—or financial compensation for the harm they had suffered. Within this context, the author challenges the traditional narrative of women’s social marginalization in the medieval period, emphasizing instead their legal agency and independence as evidenced by their active participation in court proceedings and their willingness to assert their rights through formal legal channels.

Chapter 6 analyzes impediments to valid marriage as identified in the source material, including bigamy, impotence, kinship, and coercion. Notably, the records contain no references to cases concerning the minority of one or both spouses—an absence the author explains as a result of the discrepancy between legal theory and practice in late medieval Poland (p. 130). Also absent are cases involving prior monastic vows or interfaith unions. Interestingly, a diagram (p. 131) includes cases of domestic violence and adultery among canonical impediments, though these were not considered grounds for annulment under canon law. This inconsistency likely results from a translation oversight, as in the Polish version, such cases are discussed together along with impediments in a single chapter, whereas the English edition separates them into different chapters.

In Chapter 7, devoted to domestic violence, the author highlights the distinction between medieval and modern understandings of violence within marriage, emphasizing that a certain degree of physical coercion was considered natural or socially acceptable in the medieval context. Nevertheless, in particularly severe or egregious cases, women could appeal to an external authority and seek some form of protection. B.-Sz. demonstrates that judges most commonly imposed financial penalties or ecclesiastical sanctions on abusive husbands, while formal separation was granted only in exceptional circumstances.

The final two chapters—devoted to adultery and fornication, and to issues concerning children—are very concise and, arguably, underdeveloped. They consist largely of general observations drawn primarily from secondary literature rather than grounded in systematic analysis of source material. Nonetheless, the author offers some compelling remarks regarding the treatment of children born out of wedlock. She argues that the social position of such children in late medieval Poland—particularly within the lower strata of society—was not as marginal as is often assumed. This may be attributable to their relatively high prevalence in these social groups, which likely normalized their presence and reduced stigma within local communities.

The monograph includes a bibliography, a geographical and personal index. At the end of the introduction there is also a brief pronunciation guide for Polish terms and names—an especially thoughtful addition for non-Polish readers, particularly as names and some legal terminology are retained in the original language.

In summary, *Marriage in Medieval Poland* is a methodologically limited study. Its dependence on a single, incomplete series of court records narrows the scope of conclusions, particularly with regard to legal procedures and the functioning of the Consistory Court. As a result, one of the work’s central aims—an in-depth study of the Consistory Court’s operations—remains only partially realized. Nonetheless, the study makes accessible a corpus of underutilized source material and provides a framework for further comparative research. It will serve as a useful point of reference for scholars of canon law, gender history, and ecclesiastical institutions in the medieval period.

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