

considers the seventeenth- and eighteenth-century reputation of Cardinal Cisneros through a consideration of two plays about him.

LORENZO DE' MEDICI,
FIRENZE

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Ehen vor Gericht. Paare der Renaissance vor dem Papst. By Ludwig Schmutge. Pp. 291 incl. 3 tables, 15 graphs and 17 ills. Berlin: Berlin University Press, 2008. €44.90. 978 3 940432 23 0
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An unmarried couple from Augsburg had already met several times and had slept together. When they had another rendezvous, friends and relatives of the girl entered the room with weapons and threatened her lover in order to force him into marrying the girl. He had no option but to swear, under oath, to do so. When he was a free man again and had consulted a legally trained friend, he turned to the papal Penitentiary and requested to be released from the coerced oath. He argued that the marriage should be annulled because violence and force were involved. His petition was approved as were the majority of such requests. This case is only one of about 6,300 mercy petitions originating in the Holy Roman Empire, which Ludwig Schmutge documented for the period 1455–92 during his research work on the index volumes of the Penitentiary, and which he has analysed for the present study. His book is divided into two parts: the first introduces the institution and the functioning of the papal Penitentiary as well as the basic principles of the canon law of marriage. The second discusses, with the help of numerous examples, different reasons for annulments. At the same time, Schmutge focuses upon diocesan jurisdiction for which the sources are generally rather poor. In doing so, the behaviour of the secular jurisdiction is analysed as well. Thus, Schmutge succeeds in linking the depictions of the normative basic principles with their practical use. Through the clear and always reflective illustrations of the cases, one is given an excellent insight into the social behaviour of late medieval people, into their feelings and their economic and private hardships as well as simultaneously into their daily lives i.e. their marriages and sexual behaviour. Even though, in general – for such petitions were not free – one is concerned with members of economically more well-off population groups, one is again and again surprised by the legal knowledge of the people involved. These people certainly knew how to reach their goals or where to find the necessary information. This study therefore invites further consideration of, for example, the spread of legal knowledge among the population. Although details may be criticised (for example a missing index), this book by a proven expert is a fundamental, very well written and continuing study of the marital jurisdiction of clerical as well as secular courts. It thereby addresses academics but also interested laypeople. Moreover, the book invites further exploration of the papal index series, which – as here – complements the local material in outstanding fashion.

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